

The United Nations, West Papua and the Act of Free Choice: de-colonisation in action?

by

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Outline

In my paper today I would like to outline some of my own research into the events that took place during the 1960's in West Papua. A lot of this was based upon documents from the UN, British and Australian National Archives and I guess that it fits in nicely with Pieter Drooglevers work on the subject.

I will start with a brief look at the events leading to the Dutch departure in 1962 and the signing of the UN-brokered New York Agreement between Indonesia and the Netherlands. Following this I will look at the agreement itself and its implementation. Specifically this will concern the preparations and events surrounding the 1969 act of self-determination in West Papua and the UN's role in this "Act of Free Choice" as it was known. I will then spend some time looking at the UN's official position on self-determination in non-self governing and trust territories and examine how West Papua's experience compared with other examples from the period.

By the end of the paper I would hope that an answer to the question in the title can be clearly given. That is to say, was the Act of Free Choice, as Jakarta would argue, the final episode in West Papua's de-colonisation? Or did it mark the beginning of a new and particularly tragic period of foreign occupation?

So to begin I will turn to the subject itself and provide a summary of the events leading up to the transfer of West Papua from Dutch to Indonesian rule.

Background

From 1950 until October 1962, West Papua was on the UN General Assembly's list of non self-governing territories. It had in fact been inscribed on that list by the Dutch, who, as the administering power, had also submitted annual progress reports to the UN on conditions and developments within the territory. Beginning in 1959, elected regional councils were set up with the aim of introducing democratization at both local and regional levels. Internal documents from the period indicate that the Dutch planned to establish an independent West Papuan state by 1970. Beginning in 1959, elected regional councils were set up with the aim

of introducing democratization at both local and regional levels. At the same time efforts were made also to 'Papuanise' the administration so that a sufficient number of local people would be trained to take over once the Dutch had finally left. In short, one could argue that from the late 1950's at least the Dutch were attempting to pursue a, rather belated, policy of genuine de-colonisation.

However, West Papua's journey towards independence faced a major stumbling block in the form of Indonesia and its leader President Sukarno. Sukarno's argument was that Indonesia had sovereignty over all territories of the Dutch East Indies Empire – and that included West Papua. The Dutch response was that they had only administered West Papua as part of the East Indies because their minimal presence there did not warrant a separate colonial administration. More importantly, the Dutch argued that the vast majority of West Papuans were Melanesian and ethnically and culturally completely different to the Asian Indonesians. Their natural links lay instead with Australian New Guinea and the rest of Melanesia.

In September 1961, as Indonesian pressure grew, the Dutch presented the "Luns Plan", to the UN General Assembly to resolve the dispute. They proposed to hand the territory over to a UN administration that would remain until the population was considered ready to exercise their right to self-determination. In the end, although most member states voted for the plan, it did not get the required two-thirds majority by the General Assembly to be passed.

Bolstered by political support and massive arms shipments from the Soviet Union, the United States and some European countries, Indonesia threatened war. Alarmed at this growing Soviet influence in a SE Asian country, the United States concluded that the best solution was for Sukarno to get his way. President Kennedy therefore put increasing pressure on the Netherlands to negotiate with Indonesia. When it became clear that neither the US, Australia nor Britain intended to offer military support to the Netherlands in the event of a war over West Papua, the Dutch reluctantly agreed to sign the August 1962 New York Agreement with Jakarta.

New York Agreement

I'd now like to spend a little time examining this New York Agreement - an agreement which at first glance resolved a troublesome colonial conflict and at the same time set the West Papuans on the path to self-determination. Looking at the pros and cons of this agreement from a West Papuan perspective I'll start with the cons:

Cons

First of all, although it was supposed to be an agreement on the future of West Papua, the West Papuans themselves were effectively excluded

from the negotiation process, meaning that they had no ownership of this crucial document outlining their future.

Secondly, as with the previous Dutch "Luns Plan", under the New York Agreement, West Papua was to be handed over to a UN administration. But the key difference was that the UN could then transfer authority to Jakarta before any act of West Papuan self-determination had taken place.

The agreement was also deliberately vague on the method to be adopted for self-determination. As a result of a Dutch concession in the last days of the negotiations there was no mention of the words 'plebiscite' or 'referendum'. Without these one can argue that the intention of the wording in the final Agreement was not to give the Papuans a say in their future, but simply to allow the Dutch to surrender the territory to Indonesia with the minimum of humiliation. As one American official commented even before the talks began:

I can't blame the Dutch for doubting that the Indonesians have any intention of allowing a genuine plebiscite 5 years or so from now. But the important thing is that some such Indonesian promise is the essential face-saving device the Dutch have been seeking - we must get them to take it as the best they can expect.

By 1963, this was also a view accepted by the Dutch. With the dispute over, they were keen to put West Papua behind them and re-build their relationship with Jakarta. In March of that year, a Dutch official told the Australians that:

The Hague had little interest in arrangements for the act of self-determination and were only concerned that a facade of respectability be maintained.

Pros

For all its failings however, the New York Agreement did give the Papuans certain rights that Indonesia, as a signatory, was obligated to enforce:

Under Article 22, The UN and Indonesia had to guarantee fully the rights, including the rights of free speech, freedom of movement and of assembly of the West Papuans.

Furthermore, despite the omission of any reference to a plebiscite, Article 18 guaranteed the rights of all adult West Papuans to participate in an act of self-determination to be carried out in accordance with international practice.

Under Article 16, a number of UN experts were to remain in the territory following the transfer of administrative control to Indonesia. Their primary task was to assist the Indonesians in ensuring that proper preparations were carried out for the planned act of self-determination. Of course

this would also mean that there would have been a UN presence in the territory after 1963 to monitor Jakarta's rule and, at the very least, bear witness to any Indonesian breaches of the agreement, particularly those relating to the political and human rights guaranteed under Article 22.

This then was the New York Agreement, but how was it put into practice?

Implementation: UNTEA (1 Oct 1962 - 1 May 1963)

As planned the UN Temporary Executive Authority, known as UNTEA, took over from the Dutch on October 1 1962. They then administered the territory for seven months (the minimum period specified in the Agreement) before handing control over to Indonesia on May 1 1963. Throughout this brief period of UN rule, Indonesian military and civilian personnel were present in growing numbers. Although officially under the authority of the UN, it was clear from the start that the UNTEA administration was totally reliant upon the cooperation of the Indonesians. Because of this, they tolerated systematic Indonesian interference and intimidation of the population throughout.

One particular example of this was the banning of a proposed West Papuan nationalist march on 1 December 1962. (the first anniversary of the territory's official flag raising and re-naming as West Papua). At the time, the UN claimed that the organisers had agreed to cancel the march. In fact UN documents show that it was banned following an Indonesian threat to the UN Secretary-General that pro-Indonesian militias, supported by the Indonesian army, could react violently if the march went ahead. As a consequence, the West Papuans right to free speech and assembly, guaranteed by the Agreement, was denied by UNTEA.

Senior UNTEA officials were of course well aware of the reality of the situation. In fact Rawlings, the UN Commissioner for Biak reported in December 1962:

I have yet to meet any thinking, sober, generally responsible Papuan who sees any good with the coming link with Indonesia - - - Unwelcome as the anxiety and resistance of thinking Papuans maybe, it is of course hardly surprising if one is not under pressure to close one's eyes to what is in fact happening to this people at the hands of the three parties to the Agreement.

Despite his obvious sympathy for the West Papuans, he made clear to his UN superiors that their priority should be to get out as soon as they were able to, regardless of their supposed obligations to the local people. And his December 1962 communication ended with the advice:

That there will ultimately be quite serious resistance to the Indonesians is, I think certain - - - Therefore - - - from the point of

view of expediency it behoves the UN to depart as soon as the Indonesians are in fact thick enough on the ground to make acceptable UN administration impossible. At present pace that is likely to be well before May 1st.

Harold Luckham, Rawlings' counterpart in the area of Fak Fak, found much the same in his area. In a series of letters written to the British Foreign Office shortly after his mission ended, Luckham mentioned systematic Indonesian intimidation of the local people, including crude attempts to organise pro-Indonesian demonstrations. These actions were actually carried out by Luckham's own Indonesian staff who were supposed to be acting under his authority. In one example, Luckham described how a demonstration was staged for him in which he could clearly see armed Indonesian soldiers at the rear forcing reluctant West Papuans to join in.

Implementation: Article 16

Following the May 1 1963 transfer of administrative power to Indonesia, Jakarta made clear that no UN officials would be allowed to remain in the territory to fulfil the requirements of Article 16. With no international observers present, Indonesia was then free to act as it pleased and ignore Article 22's provisions on human rights and political freedoms. Despite this there are at least some unofficial foreign accounts of conditions in West Papua during these first years of their supposed "liberation" from colonialism.

One witness to life in this period was a German agricultural officer who lived in the region of Manokwari (on the far west of the island). In 1967 he was interviewed by staff at the British Embassy in Jakarta. As well as describing an on-going West Papuan rebellion in the area he also spoke about the Indonesian officials who administered the territory:

Many officials go there solely to enrich themselves through embezzlement or, in the case of many of the soldiers, by simply stealing. Most Javanese in any case have an almost Afrikaner attitude towards "those black men" and social mixing between the two races is rare.

Another insight into life under Jakarta's rule was given by an American diplomat who visited the territory in 1968 and reported privately to the British:

The Indonesians have tried everything from bombing them with B.26's, to shelling and mortaring them, but a continuous state of semi-rebellion persists. Brutalities are undoubtedly perpetrated from time to time in a fruitless attempt at repression.

Implementation: The Act of Free Choice

This was the situation facing the Bolivian diplomat Fernando Ortiz Sanz when he arrived with a small UN team in August 1968. His mission, as outlined in the Agreement, was to act as the UN Secretary General's representative and 'advise, assist and participate' in the act of self-determination planned for the following year.

While accepting Jakarta's argument that the Papuans were too "primitive" to have a referendum, Ortiz Sanz initially urged the Indonesians to adopt a "mixed method" for the Act of Free Choice. This meant allowing direct voting in the towns, while other areas would rely upon some form of 'collective consultation.' This, he privately advised the authorities, "represents the minimum requirement to satisfy world public opinion". But the suggestion was quickly rejected by Jakarta and instead a series of Indonesian-organised committees selected a number of officially approved individuals from each region to vote on behalf of the people.

The Australian journalist Hugh Lunn has described witnessing one such selection process in Biak in which plain clothed Indonesian soldiers simply selected the representatives themselves from the small assembled crowd. They then arrested three peaceful demonstrators who had sat down at the front displaying placards calling for a direct free vote. Disturbingly, this was done even while UN officials, including Ortiz Sanz himself, looked on. A colleague of Lunn's allegedly pleaded with Ortiz Sanz to intervene but he refused saying simply that the UN was just there to observe.

The result of this selection process was that just over one thousand supposed representatives were chosen to take part in the eventual Act of Free Choice. For this final Act, Jakarta organised a series of eight assembly meetings around the territory where the representatives would be required to publicly make their choice. Several of them have since claimed that the authorities isolated them from their friends and families for several weeks before the vote and subjected them to a series of threats, insults and bribes. Some were then selected to speak at the assemblies and given instructions on what to say before being made to rehearse their lines in front of Indonesian officials. The man in charge of this was General Ali Murtopo who reportedly warned anyone thinking of voting for independence that they would have their "accursed tongues" torn out. At least one "representative" is alleged to have been taken away and killed for refusing to comply.

At the time, the UN Secretary-General claimed that he had not given his approval for this indirect method of determining the population's wishes. But in fact, as early as 1963, the UN and the Dutch had privately advised Indonesia that they would accept an act of self-determination involving as little as 800 representatives and no direct voting by the general population. Both Ortiz Sanz and the Secretary-General also confidentially urged Indonesia to lobby other states to remain silent on the issue at the UN General Assembly. Specifically, Ortiz Sanz wrote to his superiors in the

UN Secretariat informing them that he had urged Jakarta to privately seek assurances from The Hague that they “would not cast any doubt on, or challenge, the Act of Free Choice. This would prevent a heated debate in the General Assembly”.

Meanwhile, behind the scenes countries like Australia and Britain lobbied other states on behalf of Jakarta. As part of its own collaboration with Indonesia, the UN also played down evidence of dissent. In particular, the Secretary General’s report to the General Assembly states that a majority of the petitions which Ortiz Sanz received from West Papuans were pro-Indonesian. De-classified UN documents show that the opposite was the case.

The reality then was that Ortiz Sanz and his team effectively stood by while Indonesia organised an Act of Free Choice that involved no genuine participation by the people whatsoever. In the end, apart from a protest from some African countries led by Ghana, the international community was simply uninterested in the fate of the West Papuans. Indonesia was an important pro-western country. Many states had their own separatist problems and there was little sympathy in encouraging what was seen as a threat to Indonesia’s territorial integrity. Besides, to put it bluntly, the West Papuans were simply not important enough for other powers to incur Indonesia’s displeasure. As one British diplomat remarked at the time, UN member states wanted the issue:

“cleared out of the way with the minimum of fuss.” The UN Secretariat, he added; “is only too anxious to get shot of the problem as quickly as possible”.

It was no surprise that when the actual Act of Free Choice took place, all 1022 representatives voted unanimously in favour of West Papua becoming a part of Indonesia. One can only wonder whether the UN officials or the foreign ambassadors present felt at all embarrassed to be associated with such a crudely orchestrated performance. In the UN General Assembly three months later, the member states voted simply to take note of the result, while thanking the Secretary General for his good work in fulfilling his responsibilities as laid out in the original agreement.

Self-Determination in accordance with International Practice

To re-cap, under the New York Agreement, The Netherlands, Indonesia and the UN had an obligation to protect the political rights and freedoms of the West Papuans. But as Indonesian officials themselves have since admitted, this did not happen. In fact it is clear that that the rights and freedoms of the West Papuan people have been systematically abused throughout Indonesia’s forty two year occupation of their country.

The New York Agreement also specified that the West Papuan act of self-determination should take place, in accordance with international

practice. In the Secretary General's official 1969 report to the UN General Assembly, the phrase "international practice" was replaced, without explanation, by the words "Indonesian practice."

Resolution 1541

Of course even if the phrase had not been omitted from the Secretary General's report one could argue that "International Practice" is such a vague term that it is very difficult to form any conclusions about whether or not the Act of Free Choice met the required criteria. However to understand what was accepted international practice at the time one need only look at UN General Assembly Resolution 1541 from December 1960. This specified clearly the circumstances under which a non-self governing territory (as West Papua officially was then) could integrate with an independent state.

The resolution states that this should be on the basis of complete equality between peoples of the non-self governing territory and the independent state with which it is being integrated with. Furthermore Principle IX of the resolution states:

"the integrating territory should have attained an advanced stage of self-government with free political institutions so that the peoples would have the capacity to make a responsible choice through informed and democratic processes - - - The integration should be the result of the freely expressed wishes of the territory's peoples acting with full knowledge of the change in their status, their wishes having been expressed through informed and democratic processes, impartially conducted and based upon universal adult suffrage."

Whatever Jakarta may continue to claim about the legitimacy of its occupation of West Papua, the implementation of Act of Free Choice does not even begin to fulfil any of the conditions set out in resolution 1541.

The argument that the West Papuans were somehow not developed enough to vote directly is a point still made by Indonesian officials today when trying to justify the method adopted for the Act of Free Choice. But if this was the case then, under Resolution 1541, no act of self-determination should have taken place until the territory and its people were ready for such an important exercise. In fact West Papuans had already taken part in direct elections under the Dutch and would do so again in the 1971 Indonesian general elections. So whichever way one considers the argument on the "primitiveness", or otherwise, of West Papua and its people it cannot be used to justify the events of 1969.

Some cases of self-determination elsewhere

British Cameroon

In order not to look at the West Papuan case in isolation it is useful to compare it with UN involvement in other acts of self-determination, particularly in the 1950's and 1960's. Africa provides a number of examples. In British Cameroon in 1961, the UN was involved in organising plebiscites to determine whether the territory should join Nigeria or Cameroon following independence. In the Northern part of the territory nearly 250,000 people voted with 60% favouring union with Nigeria and 40% opting for Cameroon. In the Southern part 330,000 voted with 30% favouring Nigeria and 70% preferring Cameroon.

French Togoland

In French Togoland in 1956 a plebiscite was held, without UN involvement, to determine whether the territory should become an autonomous region within the French Union or remain a UN Trust Territory. 339,000 people voted with over 90% favouring a link with France. But such was the importance attached by the UN General Assembly to genuine self-determination that it refused to recognise the result on the grounds that the option of independence had not been included in the referendum. Four years later in 1960 French Togoland, under its new name Togo, did achieve independence, along with 17 other African countries in what became known as "the Year of Africa".

Eritrea

However, there are other historical incidences where the UN's behaviour on an issue of self-determination was at the least questionable. In 1949 the UN General Assembly voted to set up a Commission to "assess the political wishes of the parties and people of Eritrea". This was to be done, not by holding a referendum but by, "collecting the views of the principal political parties and associations" and "holding hearings of the local population." The Commission's conclusion was that the majority of Eritreans favoured political association with Ethiopia. Not surprisingly many Eritreans felt that a genuine and free expression of the will of the people had not taken place. Forty years and much bloodshed later, the Eritreans finally had their UN observed referendum in April 1993. An overwhelming majority voted for independence in a process described by the Secretary General's Special Representative for Eritrea as, on the whole, "free and fair at every stage."

Sarawak and Sabah

Another controversial episode with perhaps more relevance to the West Papuan experience concerned the findings of a "United Nations Assessment Team" which visited the British territories of Sarawak and Sabah in 1963 to determine whether or not the populations wished to become a part of the new Malaysian Federation. The UN Team's mission followed on from an earlier assessment by the British-appointed Cobbold Commission which had arrived in the territories in 1962 and held hearings to determine public opinion. They had also sifted through 1600 letters and

memoranda submitted by individuals, organisations and political parties. Cobbold concluded that around two thirds of the population favoured joining Malaysia while the remaining third wanted either independence or continuing control by the UK. The UN team largely confirmed these findings, which were later accepted by the General Assembly, and both territories subsequently joined the Malaysian Federation. The conclusions of both the Cobbold Commission and the UN Team were arrived at without any referendums being held.

East Timor

Perhaps the best known example in recent times of UN involvement in an act of self-determination is the case of East Timor in 1999. There is no time here to detail the brutalities and widespread killings inflicted upon the East Timorese during their twenty four years under Indonesian occupation. But when they were finally allowed to exercise their right to genuine self-determination the method agreed upon was a UN organised referendum. This took place on 30 August 1999 with nearly 400,000 people taking part of which 78.5 percent voted for East Timorese independence. In the end, despite further savage violence and destruction by Indonesian forces and their militias, East Timor became an independent state on 20 May 2002 following several years of UN rule.

Further evidence and conclusions

From these examples one can conclude that West Papua's experience of self-determination and "de-colonisation" bore little or no resemblance to internationally recognised practice either in the 1960s or since. The nearest comparison was that of Sabah and Sarawak where genuine self-determination did not take place. But even here it can be argued that the evidence upon which the views of the populations were determined could at least be said to have had some basis in reality. This was not the case in West Papua, and privately at least, other states including the US and the UK acknowledged this.

To give just one example from the US Archives, an American diplomat in 1968 reported back on a conversation held with Ortiz Sanz in Jakarta shortly before the UN mission had even begun. In it he wrote:

"Ortiz recognises that the problem facing both him and Indonesia is the risk that the [Papuan] representatives, however they might be constituted, would vote against remaining with Indonesia. He concedes that it would be inconceivable from the point of view of the interests of the UN as well as Indonesia, that a result other than the continuance of West [Irian] within Indonesian sovereignty should emerge."

UK documents say much the same. For example in the briefing for the UK's mission to the UN General Assembly in September 1969 the advice given is for British diplomats to steer clear of the issue, but the brief adds:

“Privately, however, we recognise that the people of West Irian have no desire to be ruled by the Indonesians who are of an alien (Javanese) race, and that the process of consultation did not allow a genuinely free choice to be made.”

Significantly the UK Government, alone among Western states, recently conceded this publicly when British Foreign Office Minister Baroness Symons admitted in Parliament in December 2004 that the Papuans were “largely coerced into declaring for inclusion in Indonesia.” It might have taken thirty five years, but this candidness by a permanent member of the UN Security Council is to be welcomed.

UN staff themselves, at the time and subsequently, were also under no illusion as to what was happening to the West Papuans. A US Embassy report from 1969 notes; “UN staff on the ground [in West Papua] believe that given the chance 95 percent of Papuans would support independence.”

One of these UN staff, now retired, spoke recently about his experiences. He admitted that the Act of Free Choice had been a farce and also described how, when he had tried to attend a pro-independence rally in April 1969, an Indonesian officer had pressed a gun to his stomach and threatened to shoot him unless he left immediately. As a result he never got to see the rally which was broken up soon afterwards by armed troops.

It wasn't just the UN staff on the ground who knew what was going on. In 2001, retired UN Under-Secretary General Chakravarthi Narasimahan, the man with overall responsibility for the UN's involvement in West Papua throughout the 1960's, gave an interview about the Act of Free Choice. In it he declared that it was “just a whitewash” and he added:

the mood at the United Nations was to get rid of this problem as quickly as possible - - - Nobody gave a thought to the fact that there were a million people there who had their fundamental rights trampled - - - How could anyone have seriously believed that all voters unanimously decided to join his [Suharto's] regime? ”

To conclude, this is the unpleasant reality of what happened to the West Papuans and their country at the hands of Indonesia, the UN and some of its key member states. Indonesian officials today must privately regret that Suharto's soldiers did not permit at least some dissenting voices to be heard to allow a more realistic outcome. Instead they are left to try and make us believe, in the face of overwhelming evidence, that the Act of Free Choice and its 100 percent result was anything more than a ridiculous and overtly manipulated denial of West Papuan rights. The message that often comes from talking to Indonesian diplomats is that there is no need to re-visit this issue, it is best to move on and address the future. But I would argue that a proper acknowledgement of the truth

by Jakarta, its allies and importantly the UN, is necessary if there is to be a genuine effort to begin the process of finding a just and lasting solution to the tragedy of West Papua. It is surely in the best interests of all sides, including Indonesia, that the full facts surrounding the Act of Free Choice are officially acknowledged. There is nothing to be gained from clinging on to a distorted version of history that can only further distort current efforts to solve the West Papuan issue peacefully.