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AGREEMENT BETWEEN THE REPUBLIC OF INDONESIA AND THE KINGDOM OF
THE NETHERLANDS CONCERNING WEST NEW GUINEA (WEST IRIAN)

Report of the Secretary-General regarding the act of
self-determination in West Irian

1. After having ascertained that the Government of Indonesia was prepared to comply with the remaining responsibilities deriving from the Agreement of 15 August 1962 between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian), I appointed Mr. Fernando Ortiz-Sanz as my representative to participate in the arrangements for the act of self-determination prescribed by articles XVII and XXI of the Agreement. As Mr. Ortiz-Sanz recounts fully in his report to me (annex I), he arrived in Indonesia on 12 August 1968 with part of his staff and, after discussions with the highest ranking members of the Indonesian Government, left Djakarta on 22 August 1968 and arrived at Djajapura, the principal administrative centre of West New Guinea (West Irian) on 23 August. Between October 1968 and April 1969, additional staff members joined Mr. Ortiz-Sanz's mission. The deployment and activities of the staff assigned to the mission are described in detail by Mr. Ortiz-Sanz in his report.
2. Pursuant to article XXI of the Agreement of 15 August 1962, both the Government of Indonesia and my representative submitted final reports to me, which I decided to annex to my own report to the General Assembly. This makes it unnecessary for me to describe the arrangements for the conduct of the act of self-determination, since they are comprehensively described in the reports

of the Government of Indonesia and of my representative. The Government of Indonesia also submitted to me records concerning the act of free choice which, owing to their volume, I felt there was no need to incorporate in this report. However, they are on file with the Secretariat, where they may be consulted by any delegation which wishes to do so.

3. My representative describes the manner in which he discharged his responsibilities "to advise, assist and participate in arrangements which are the responsibility of Indonesia for the act of free choice". He rendered advice to the Government of Indonesia at all stages of the operation. His advice was sometimes accepted, but on other occasions the Government of Indonesia did not find it possible to follow his counsel. He has expressed, in the closing remarks of his report, his reservation regarding the implementation of article XXII of the Agreement, relating to "the rights, including the rights of free speech, freedom of movement and assembly, of the inhabitants of the area". Nevertheless, he concludes with the observation that, on the basis of the facts presented in his report and the documents referred to, "it could be stated 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 in West Irian, in accordance with Indonesian practice, in which the representatives of the population have expressed their wish to remain with Indonesia".

4. For its part, the Indonesian Government, in the report which it submitted to me, recalls the special circumstances prevailing in West New Guinea (West Irian), deriving mainly from the ruggedness of the territory, the prevailing difficulties in communication and the low level of development of the population, with the exception of a relatively small group of West Irianese living in some of the coastal towns. The Indonesian Government recorded the act of free choice as a success which would strengthen the unity of Indonesia and its people, for it considered the result of that act as the culmination of the independence of Indonesia. I am encouraged to note from the report of the Government of Indonesia its determination to concentrate the efforts of the Government and the people of Indonesia on the development and progress of West New Guinea (West Irian).

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5. In accordance with article XVIII of the Agreement, the representative councils of West New Guinea (West Irian) were consulted on the procedures and appropriate methods to be followed for ascertaining the freely expressed will of the population. The representative councils accepted the procedures and methods suggested by the Indonesian Government, namely, that such councils would be enlarged by an appropriate number of representatives elected by the people of West New Guinea (West Irian). These enlarged councils would decide whether the territory wished to remain with Indonesia or sever its ties with that country.

6. Between 14 July and 2 August 1969, the enlarged councils, which included a total of 1,026 members, were asked to pronounce themselves, on behalf of the people of West New Guinea (West Irian), as to whether they wished to remain with Indonesia or sever their ties with it. Without dissent, all the enlarged councils pronounced themselves in favour of the territory remaining with Indonesia. This was the result of the act of free choice.

7. Incidentally, in connexion with the observation made by my representative in paragraph 11 of his report, I deem it necessary to recall certain facts. On 14 May and 2 July 1963, communications were addressed on my behalf to the Government of Indonesia informing it of the names of the persons whom I had designated as the "United Nations experts" called for by article XVI of the Agreement. On several occasions, I approached the Government which was in power in Indonesia at that time for the purpose of implementing the provisions of article XVI, but failed to obtain a favourable reply. On 7 January 1965, as is well known, Indonesia withdrew its co-operation with the United Nations and it therefore became impossible to send the United Nations experts to West New Guinea (West Irian).

8. I should like to state my appreciation to the Governments of Indonesia and the Netherlands for their assistance in the implementation of the remaining responsibilities deriving from the Agreement of 15 August 1962 and, in particular, for sharing, on an equal basis, the costs incurred by the United Nations under that Agreement. I wish also to commend Mr. Ortiz-Sanz and the staff assigned to his mission for the able manner in which they discharged the responsibilities which I entrusted to them.

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ANNEX I

REPORT BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL IN
WEST IRIAN, SUBMITTED UNDER ARTICLE XXI, PARAGRAPH 1, OF
THE AGREEMENT BETWEEN THE REPUBLIC OF INDONESIA AND THE
KINGDOM OF THE NETHERLANDS CONCERNING WEST NEW GUINEA
(WEST IRIAN)

CONTENTS

	<u>Paragraphs</u>	<u>Annex I</u> <u>Page</u>
Introduction	1-7	4
<u>Chapter</u>		
I. Measures taken for the implementation of the second part of the Agreement	8-48	7
A. The juridical situation	8-25	7
B. Initial steps	26-48	13
II. Suggestions by the United Nations Representative concerning the conditions prior to the act of free choice	49-75	19
A. The need for information	49-56	19
B. Basic rights and freedoms	57-60	21
C. Release of political detainees	61-70	23
D. The return of exiles	71-75	25
III. Initial discussions concerning the consultations with the representative councils and the method for the act of free choice	76-83	27
A. Consultations with the representative councils...	76-80	27
B. Suggestions by the United Nations Representative concerning the method for the act of free choice	81-83	28
IV. Arrangements for the act of free choice made by the Indonesian Government and position of the United Nations Representative	84-119	30
A. The proposal by the Government concerning the method: <u>musjawarah</u> with consultative assemblies	84-85	30
B. The reaction of the United Nations Representative	86-87	30
C. Exchange of communications	88-91	31
D. The arrangements made by Indonesia	92-114	33
E. The final decision of the Government concerning the method	115-118	38
F. Report to the Secretary-General pursuant to article XIX of the Agreement	119	39

	<u>Paragraphs</u>	<u>Page</u>
V. Further advice, assistance and participation of the United Nations Representative	120-184	40
A.. Suggestions regarding the elections to the consultative assemblies	120-127	40
B. United Nations participation in the formation of the consultative assemblies	128-137	42
C. The state of public opinion in the territory.	138-172	45
D. Other suggestions made to the Indonesian Government by the United Nations Representative	173-184	54
VI. The act of free choice	185-247	58
A. The consultative assemblies	185-244	58
B. The final decision	245-247	67
VII. Closing remarks	248-253	69

INTRODUCTION

1. The General Assembly considered the dispute between Indonesia and the Netherlands regarding the question of West Irian (West New Guinea) at its ninth, tenth, eleventh, twelfth, sixteenth and seventeenth sessions. For the purpose of resolving that dispute, an agreement was signed in New York on 15 August 1962 by representatives of Indonesia and the Netherlands. Following its ratification by the two Contracting Parties, the Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian)^{a/} (hereinafter referred to as the Agreement) came into force upon the adoption by the General Assembly, on 21 September 1962, of resolution 1752 (XVII). In that resolution the General Assembly took note of the Agreement, acknowledged the role conferred upon the Secretary-General and authorized him to carry out the tasks entrusted to him in the Agreement.

2. The purpose of the Agreement was twofold, as indicated in the explanatory memorandum submitted by the Secretary-General with his request for the inclusion of the item in the agenda of the seventeenth session of the General Assembly.^{b/} First, the Agreement provided that, shortly after it came into force, the administration of West New Guinea (West Irian) would be transferred by the Netherlands to a United Nations Temporary Executive Authority (UNTEA), established by and under the jurisdiction of the Secretary-General. The UNTEA, which was to be headed by a United Nations Administrator, would in due course, after 1 May 1963, transfer the administration to Indonesia. Secondly, the Agreement contained certain guarantees for the population of the territory, including detailed provisions regarding the exercise of the right of self-determination under arrangements made by Indonesia with the advice, assistance and participation of the Secretary-General, who would appoint a United Nations Representative for that purpose. The act of self-determination was to take place before the end of 1969.

a/ See Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 89, document A/5170, annex. The text of the Agreement also appears in United Nations, Treaty Series, vol. 437, 1962, No. 6311.

b/ See Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 89, document A/5170, explanatory memorandum, paras. 4 and 5.

3. In accordance with article II of the Agreement, the Netherlands transferred the administration of the territory to UNTEA, which was directly responsible for the administration of West Irian between 1 October 1962 and 1 May 1963. In conformity with article XII of the Agreement, UNTEA transferred full administrative control of the territory to the Republic of Indonesia on 1 May 1963. With these transfers of administration the first thirteen articles of the Agreement were implemented.

4. The second part of the Agreement, dealing with Indonesian administration, self-determination of the people of West Irian, the rights of the inhabitants, financial matters and privileges and immunities, remained in force. Articles XIV and XV, concerning the applicability of Indonesian laws and regulations in the territory and the advancement of its people, have been since 1963 the responsibility of the Indonesian administration. With the exception of article XVI, referred to in paragraph 11 below, most of the other provisions have been implemented during 1968 and 1969.

5. On 1 April 1968, you, Mr. Secretary-General, appointed me as your representative in West Irian to carry out, in accordance with the Agreement, your specific responsibilities to advise, assist and participate in arrangements which were the responsibility of Indonesia for the act of free choice. The act of free choice itself was carried out between 14 July and 2 August 1969.

6. I am now submitting to you, in pursuance of article XXI of the Agreement, the present final report, which deals with measures taken for the implementation of the second part of the Agreement; suggestions by the United Nations Representative concerning the conditions prior to the act of free choice; initial discussions concerning the consultations with the representative councils and the method for the act of free choice; arrangements for the act of free choice made by the Indonesian Government and the position of the United Nations Representative in this regard; further advice, assistance and participation of the United Nations

Representative; and United Nations participation in the act of free choice.^{e/} A financial report on the operation will be submitted to you by the Controller of the United Nations.

7. For the purpose of this report, reference to the first part of the Agreement signifies that covering the period until the transfer of administration to Indonesia (articles I to XIII, inclusive), and reference to the second part signifies that covering the period subsequent to the transfer.

^{e/} The texts of the communications and documents referred to in the present report have been deposited in the archives of the United Nations Secretariat, where they are available for consultation.

I. MEASURES TAKEN FOR THE IMPLEMENTATION OF THE SECOND
PART OF THE AGREEMENT

A. The juridical situation

1. Nature of the Agreement

8. The Agreement is a bilateral treaty between Indonesia and the Netherlands. However, it was negotiated with the assistance of the Secretary-General of the United Nations, signed at the United Nations Headquarters and submitted jointly by both contracting parties to the General Assembly of the United Nations. Moreover, the Agreement did not enter into force upon the exchange of instruments of ratification (20 September 1962) but upon the date of the adoption by the General Assembly of resolution 1752 (XVII), on 21 September 1962 (articles I, XXVII, XXVIII). The General Assembly in that resolution took note of the Agreement, acknowledged the role conferred upon the Secretary-General and authorized the Secretary-General to carry out the tasks entrusted to him in the Agreement. Finally, the Indonesian Government undertook to submit a final report to the Secretary-General after the exercise of the right to self-determination (article XXI).

2. The role of the United Nations

9. The involvement of the United Nations referred to in the foregoing paragraphs resulted, however, in two distinctly different roles being conferred upon the United Nations and the Secretary-General in the implementation of the first and the second parts of the Agreement respectively. Though for the implementation of the first part of the Agreement, the United Nations Administrator had full authority, under the direction of the Secretary-General, to administer the territory for the UNTEA period, including authority over all armed forces in the territory and the power to promulgate new laws and regulations, for the implementation of its second part the United Nations Representative in

West Irian was not given any political or administrative authority, not even a supervisory function. The role of the United Nations Representative in the second period was, according to the Agreement, "to advise, assist and participate in arrangements which are the responsibility of Indonesia for the act of free choice ..." (article XVII), "having in mind the interests and welfare of the people of the territory" (preamble).

10. The threefold function to "advise, assist and participate" in the arrangements made by Indonesia was, according to the Agreement, to be carried out in three stages:

(a) A number of United Nations experts were to be designated to remain in the territory after the transfer of full administrative responsibility to Indonesia, "wherever their duties require their presence" for "advising on, and assisting in, preparations for carrying out the provisions for self-determination ..." being "responsible to the Secretary-General for the carrying out of their duties" (article XVI).

(b) Prior to the date of self-determination, the United Nations Representative and his staff were to carry out the Secretary-General's responsibilities to advise, assist and participate in the preparation of arrangements which were the responsibility of Indonesia for the act of free choice, including consultations (musjawarah) with the representative councils; the determination of the actual date of the exercise of free choice; formulation of the questions to the inhabitants; and the eligibility of all adults to participate in the act of self-determination (article XVIII).

(c) The United Nations Representative and his staff were to assist and participate in carrying out these arrangements and the act of free choice (articles XVII and XVIII).

11. I must state at the outset of this report that, when I arrived in the territory in August 1968, I was faced with the problem of non-compliance with the provisions of article XVI of the Agreement. Though the United Nations experts who were to have remained in the territory at the time of the transfer of full administrative responsibility to Indonesia had been designated, they had never, owing to well known circumstances, taken up their duties. Consequently, their essential functions of advising on and assisting in preparations for carrying out the provisions for

self-determination had not been performed during the period 1 May 1963 to 23 August 1968. Upon my arrival in the territory, and for the purposes of my mission, I therefore had to begin with the collection of basic information about the territory and its population, trying to fulfil in a few months, with a limited staff not well acquainted with the territory, the important and complex functions which under article XVI of the Agreement should have been carried out during the preceding five years by a number of experts.

12. In carrying out the functions of the Secretary-General to give advice regarding the arrangements to be made by Indonesia for the act of self-determination, I was expected to express views, offer counsel, make recommendations, and suggest appropriate measures to the Government, having in mind the guiding principles of the Agreement. This I did at all times in connexion with the consultations with the representative councils, the determination of the actual date of the exercise of free choice, the formulation of the questions and the fulfilment of the provision regarding the eligibility of all adults to participate in the act of free choice. As the arrangements were the responsibility of Indonesia, the views, counsel, recommendations and suggestions offered in fulfilment of the Secretary-General's responsibilities were not of a binding character for the Government.

13. The arrangements set out in article XVIII of the Agreement were to be made by Indonesia "with the assistance and participation of the United Nations Representative and his staff".

14. Our "assistance" was given whenever required. Since the precise meaning and extent of the concept of "participation" in the arrangements were not defined in the Agreement, I assumed bona fide that it should consist of two elements: first, the United Nations presence in the territory, and, secondly, a permanent effort to improve the democratic conditions of the exercise. With this in mind I established our office in Djajapura on 23 August 1968, the day of my arrival, and kept it open until 4 August 1969, when the act of free choice came to an end.

In the exercise of my functions I spent more than six months in the territory and the majority of my staff remained there for the entire year. We made frequent journeys all over the territory, opening channels of communication with the people in order to assess the political situation and the state of public opinion. We were present at the consultations with the representative councils and, at a later stage, at some of the elections of members of the consultative assemblies; we were also present when the act of self-determination took place.

15. In a constant effort to improve the democratic conditions of the exercise, I had frequent exchanges of views with the Indonesian authorities, made independent inquiries regarding the situation in the territory and disseminated information about our duties. I also invited the attention of the Government to all matters relevant to democratic freedoms in accordance with the Agreement and international practice.

16. I was expected to submit two reports to the Secretary-General: a report on the arrangements arrived at for freedom of choice, in accordance with article XIX, and a final report on the conduct of the act of self-determination, in accordance with article XXI.

3. Obligations of Indonesia

17. "Having in mind the interests and welfare of the people of the territory", as stated in the preamble, Indonesia assumed in the second part of the Agreement the following obligations: to make arrangements for the act of free choice in order to give the people of the territory "the opportunity to exercise freedom of choice" (article XVIII). The arrangements were to include: (a) consultations (musjawarah) with the representative councils on procedures and appropriate methods to be followed for ascertaining the freely expressed will of the population; (b) the determination of the actual date of the exercise of free choice within the period established by the Agreement; (c) formulation of the questions in such a way as to permit the inhabitants to decide whether they wished to remain with Indonesia or whether they wished to sever their ties with Indonesia; (d) the eligibility of all adults, male and

female, not foreign nationals, to participate in the act of self-determination to be carried out in accordance with international practice, who were resident at the time of the signing of the Agreement and at the time of the act of self-determination, including those residents who had departed after 1945 and who had returned to the territory to resume residence after the termination of Netherlands administration.

18. It followed from the Agreement that, in deciding on the procedures and appropriate methods to be followed to ascertain the freely expressed will of the population, Indonesia was expected to take into consideration:

- (a) the advice of the United Nations Representative; (b) the position taken by the representative councils during the consultations;
- (c) certain principles expressed in the Agreement, notably: the interests and welfare of the people of the territory (preamble), the rights and freedoms guaranteed to the inhabitants under the terms of the Agreement (articles XIV, XXII), and the requirement that the will of the population should be "freely expressed" (article XVIII).

19. The act of self-determination was to be completed, according to article XX, before the end of 1969, and Indonesia undertook in article XXI, paragraph 2, as did the Netherlands, to recognize and abide by the results of that act. Pursuant to article XXI, paragraph 1, Indonesia was required to submit to the Secretary-General a final report after the exercise of the right of self-determination.

20. Indonesia undertook, under article XXII, to guarantee fully the rights, including the rights of free speech, freedom of movement and of assembly, of the inhabitants of the territory. The article stated that these rights were to include the existing rights of the inhabitants of the territory at the time of the transfer of administration to UNTEA.

21. Also relevant to the implementation of the second part of the Agreement was the provision of article XXIV, paragraph 3, in which Indonesia and the Netherlands assumed the obligation to reimburse the Secretary-General for all costs incurred by the United Nations under the Agreement and to make available suitable funds in advance for the discharge of the Secretary-General's responsibilities. The parties agreed that they would share on an equal basis the costs of such

reimbursements and advances.

22. Finally, under article XXVI Indonesia undertook to apply to United Nations property, funds, assets and officials the provisions of the Convention on the Privileges and Immunities of the United Nations. Under this article, I was to enjoy the privileges and immunities specified in section 19 of that Convention.

4. Attitude of the Indonesian Government towards the implementation of the act of free choice

23. The implementation of the second part of the Agreement was jeopardized during a certain period of time not only by the temporary withdrawal of Indonesia from the United Nations but also by the absence, as already mentioned in paragraph 14 above, of the United Nations experts who were to have remained in the territory in accordance with article XVI of the Agreement.

24. Although at that time it appeared that Indonesia was not taking steps towards the implementation of the act of self-determination, the Government later expressed its readiness to implement the second part of the Agreement. On 16 August 1968, President Suharto declared in his address of state to the House of Representatives that "the conduct of the act of free choice will constitute a final solution of the Indonesia-Dutch Agreement on Irian Barat (West Irian) which has been signed in New York on the 15th of August 1962 in the presence of the United Nations Secretary-General". "This means", the President said, "that we show our good intention to implement an international agreement which we have accepted". The President also said: "the United Nations Representative will co-operate and help the Government of Indonesia to decide on the most proper technique, which is democratic, which is in line with the special conditions and situation in West Irian, for the implementation of the final phase of the New York Agreement". This statement was welcomed by the international community.

25. Generally speaking, I observed the same positive attitude on the part of the Government when I assumed my functions of advising, assisting and participating in the act of free choice. In my contacts with senior officials of the Central Government and local authorities I met with understanding and a willingness to give serious consideration to my

suggestions and recommendations - though not all of my suggestions were accepted. The Indonesian authorities did their best, in spite of the physical difficulties prevailing in West Irian, to facilitate the performance of my mission, by providing adequate housing and assistance in securing transportation and other facilities.

B. Initial steps

1. Appointment of the Representative

26. I assumed my duties as the United Nations Representative on 1 April 1968, upon relinquishing my post as Permanent Representative of Bolivia to the United Nations, in which I had served since 1964.

27. I commenced my work at United Nations Headquarters in New York, where the Secretariat placed offices and personnel at my disposal. Despite my willingness and readiness to travel to the territory immediately after my appointment, my departure was postponed until 7 August 1968 at the official request of the Indonesian Government.

2. Preliminary conversations in New York

28. During the time I was in New York, I familiarized myself with the background information and the basic documents relating to the question and also held preliminary and informal conversations with high-level officials of the Indonesian and the Netherlands Governments.

29. On 3 and 5 June 1968 discussions took place at United Nations Headquarters between Ambassador Sudjarwo Tjondronegoro, Special Assistant to the Minister for Foreign Affairs of Indonesia for West Irian Affairs, Mr. J. Rolz-Bennett, Under-Secretary-General for Special Political Affairs, and myself. The results of these conversations were recorded in a memorandum dated 7 June 1968. The points of understanding were the following:

(a) I would arrive at Djakarta during the first half of August 1968 accompanied by a group of about six staff members from Headquarters. After my initial discussions with the Indonesian Government, I would travel to West Irian and make a tour of the territory.

(b) Headquarters of the mission would be established both in Djakarta and West Irian. The Government of Indonesia would provide me and my staff with all the necessary facilities.

(c) Ambassador Sudjarwo stressed that the arrangements for the act of free choice were the "sole responsibility" of the Government of Indonesia and that the task of the United Nations Representative was to "advise, assist and participate" in such arrangements. Mr. Rolz-Bennett and I recalled that the function of the United Nations Representative was to "participate", as well as to "advise and assist" in the arrangements.

(d) The Government would discuss with me the method to be followed in the act of free choice bearing in mind the special circumstances of West Irian. Ambassador Sudjarwo stated that it was the intention of the Government to consult with the representative councils and with the Provincial Council of West Irian concerning the method and procedures so that the act of free choice would be carried out in accordance with the will of the people of West Irian. He also said that the representative councils and the Provincial Council had recently been reorganized and had a larger membership than before. He added that the members of those councils had been appointed by the Government of Indonesia in accordance with the practice of Indonesian democratic methods.

(e) Bearing in mind that the parties to the Agreement were to share on an equal basis the costs incurred by the United Nations under the Agreement, understanding was reached that expenditures would be held to the minimum consistent with the proper discharge of its responsibilities.

30. Both Mr. Rolz-Bennett and I emphasized the necessity to carry out the act of free choice in a manner that would bring out the true and freely expressed wishes of the population concerning their future.

3. Appointment of staff

31. The Secretary-General, after consulting me, assigned to my mission the following staff members, who accompanied me to Djakarta:

Mr. Marshall E. Williams, principal secretary and chief administrative officer;

Mr. Ali Nekunam, senior adviser;

Miss Amada Segarra, political affairs officer;

Mr. James Whyte, administrative officer;
Miss Daisie King, secretary;
Miss Sara Torres, secretary.

Additional staff were assigned to the mission after my arrival in the territory (see paragraph 42 below).

4. Arrival in Indonesia

32. I left New York on 7 August 1968, accompanied by my wife, and arrived at Djakarta on 12 August 1968. I was met at the airport by Ambassador Sudjarwo Tjondronegoro and Mr. Maramis, Director of the Bureau of International Organizations of the Ministry of Foreign Affairs.

33. On 13 and 14 August, accompanied by Ambassador Sudjarwo Tjondronegoro, I called on the Minister for Foreign Affairs, Mr. Adam Malik, the Minister of Home Affairs, the late Lieutenant-General Basuki Rachmat, the Minister of Information, Air Vice-Marshal Budiardjo, and the Speaker of Parliament, Mr. Sjaichu.

34. On 16 August, I attended the opening of Parliament, at which the President of the Republic delivered his state address, containing important comments on the implementation of the New York Agreement and the act of free choice (see paragraph 24). An official dinner in my honour was given on that day by the Minister for Foreign Affairs.

On 17 August we attended the ceremonies in celebration of the national independence day of Indonesia.

35. I took advantage of these initial contacts with high-ranking government officials to discuss matters pertaining to my functions.

36. On 19 August I had the privilege of meeting the President of the Republic of Indonesia, General Suharto, to whom I delivered your letter of 6 August 1968. During the audience I exchanged views with the President regarding my functions under the New York Agreement. The President assured me of his personal co-operation and told me that I might see him whenever I considered it necessary.

37. As had been agreed in New York, mission headquarters were established both at Djakarta and, subsequently, at Djajapura (formerly Sukarnapura).

5. Arrival in the territory and tours

38. On 22 August I left Djakarta, accompanied by Mr. M. E. Williams, Mr. A. Nekunam and Miss D. King, arriving at Djajapura on 23 August to assume my duties in the territory, as reported to you in my telegram of that day. Upon my arrival, I paid courtesy calls on the Governor of West Irian, Mr. Frans Kasiepo, the Commander of the Indonesian Armed Forces in West Irian, Brigadier General Sarwo Edhie, and the Second Vice-Chairman of the Provincial Council of West Irian, Mr. D. S. Ajamiseba.

39. On 26 August, together with the members of my staff mentioned above, and accompanied by Ambassador Sudjarwo Tjondronegoro and several officials of the Government, I began the first tour of the territory, visiting Wamena, Bokondini, Manokwari, Sorong, Sorong Doom, Kebar, Enarotali, Kaimana, Nabire, Biak, Merauke and Tanahmerah. Approximately 80 per cent of the population of the territory lives in those areas. The tour, which was undertaken entirely by air, covered nearly 3,000 miles and ended on 3 September when we returned to Djajapura.

40. In the course of the tour I established my first contacts with the people and the local officials and I explained briefly the purpose of my mission. My colleagues and I received the most cordial welcome from the local officials, the members of the representative councils and the population. The tour was significant for three reasons: first, it opened up channels of communication between our mission and the people; secondly, it provided me with essential first-hand knowledge of the area; and thirdly, it reaffirmed the United Nations presence in the territory.

41. On 13 September I returned to Djakarta and initiated talks with the Government on the implementation of the second part of the Agreement.

42. In response to my request, the following additional staff members joined the mission in the period October 1968 to April 1969:

- Mr. James Lewis, chief observer;
- Mr. Stanislav Myslil, legal adviser/observer;
- Mr. Michel Pelletier, observer;
- Mr. P. Acharya, information officer;
- Mr. P. Jennings, interpreter;

Mr. B. Sevan, observer;
Mr. Edouard Stadlin, observer;
Mr. Jesus Colet, administrative assistant;
Miss Marion Summers, secretary.

43. With the appointment of these staff members the mission was complete, except for two observers who were to arrive in March and six in June. Later, in view of the request of the parties to the Agreement that the budget should be kept at a minimum level - a request reiterated by the Indonesian Government - and the physical impossibility for the Government to provide us with more housing in Djajapura, the size of the mission - originally intended to have fifty members - was limited, first to twenty-five and then, following the cancellation of the eight observers mentioned above and a second interpreter, to a total of sixteen members, including administrative personnel.

44. On 10 October I returned to the territory and a second and more thorough tour was undertaken between 18 November and 14 December 1968 by the members of my mission, including the new personnel. We travelled by air nearly 3,500 miles covering some of the most important and populous localities in the territory; one team of observers went to the northern part, visiting Sorong, Manokwari and Biak; a second team visited Merauke and Aghats on the south coast; a third group, comprising seven members and headed by myself, visited Kokonau, Waghete, Nabire, Biak and Wamena in the Fak-Fak, Paniai, Tjenderawasih and Djajawidjaja Regencies.

45. In the course of the tour, I again took every opportunity to spread information about the significance of the act of free choice, stressing the necessity for the people to remain calm and to act within the limits of law and order so as to facilitate its implementation. Wherever the teams went they were accorded a friendly reception by the population. This, together with the co-operation rendered by government officials and missionaries, contributed greatly to the success of this second tour.

46. On 7 January 1969, at the request of the Minister for Foreign Affairs, Mr. A. Malik, I returned to Djakarta with members of my political staff for consultations with the Government.

47. During the period of these consultations, I travelled to the territory on numerous occasions to co-ordinate United Nations participation in the consultations with the representative councils and the election of new members to the consultative assemblies. I also visited Enarotali and Waghete in May, when disturbances broke out there. I kept two advisers and the information officer at our office in Djakarta and the rest of the mission staff stayed in West Irian.

48. Throughout the act of free choice the whole mission was present in the territory observing the exercise in the various Regencies.

II. SUGGESTIONS BY THE UNITED NATIONS REPRESENTATIVE
CONCERNING THE CONDITIONS PRIOR TO THE ACT OF
FREE CHOICE

A. The need for information

49. During my tours of the territory I noticed with concern that the people had not been given adequate information regarding the forthcoming act of free choice. Therefore, in a letter to the Government dated 11 October 1968 I stressed the need to undertake an enlightenment campaign to provide the people with the necessary information.

50. I suggested that the Government should prepare an information paper indicating its decision to implement the act of free choice and explaining, in brief and simple terms, the provisions of the Agreement relating to it and the meaning of the decision the people would be asked to make.

I said that the document, which could serve as a starting-point for an enlightenment campaign, should be widely distributed among the literate people and its contents conveyed orally by local officials, school teachers, tribal chiefs and missionaries to those who were illiterate. I indicated that my mission was ready to offer the Government any assistance in this regard.

51. In its reply of 15 November, the Government stated that it also was concerned about the question of providing the people of West Irian with information on the Agreement, and particularly the act of free choice. However, in disseminating such information it had to proceed with care, for the act of free choice was not only a delicate political issue in Indonesia but had been a source of controversy and conflict among politically minded people in West Irian itself. To some extent, information about the act of free choice had been given for some time to the "politically literate few" in the cities of the territory. The Government would not fail to continue the dissemination of information, taking due account of the political and psychological situation, in a manner that would not disturb the normal working of the Provincial Government or hamper the peaceful development of the people of the region.

52. In a letter of 22 November I stated that I was aware of the necessity of taking every step towards the implementation of the remaining provisions of the Agreement with the utmost care and discretion. I pointed out that

in suggesting an information campaign I was motivated by the fact that the exercise of the act of self-determination could be meaningful only if the people were provided in time with knowledge of the basic issues involved so that they would be able to decide with an open mind whether to maintain or to sever their ties with Indonesia. I assured the Government that it was not my intention to propose an enlightenment campaign that would endanger internal security. What I had suggested was that the Government inform the people what was at stake in the act of free choice. I expressed again our willingness and readiness to assist the Government in what would be indeed a delicate, though essential, undertaking. I added that, with discretion and objectivity, we had spread information in the past and would continue to do so in the future. I reiterated my suggestion regarding the distribution of an information paper by the Government.

53. I took up this question in talks with Ambassador Sudjarwo Tjondronegoro with the result that, on 28 October, the Government published an information paper entitled "Explanation of the New York Agreement from the year 1962 to the year 1969" which was distributed among the members of the representative councils.

54. On 11 February 1969, at the request of the Government, my office issued a statement explaining briefly my functions in relation to the act of free choice, making it clear that the only executive authority capable of taking decisions at the political and administrative levels concerning the act of free choice was the Government of Indonesia, and appealing to the people to act at all times within the framework of law and order and obey the authority of the Indonesian Government, clearly recognized by the Agreement.

55. On 29 April, after the Government had decided, in consultation with the representative councils, on the method for the act of free choice, I suggested to the Government the preparation and distribution in the territory before the end of May 1969 of a new information paper explaining the method in simple terms.

56. In a letter of 9 May the Government replied that information regarding the act of free choice and what the Government was doing about it had been given on a continuous basis since the middle of 1968, through newspapers, news-sheets issued by the Government's information office and radio broadcasts. Early in November 1968 the Governor of West Irian had sent instructions to the Bupati (Chief Administrator) of each Regency to enlighten the people about the meaning of the act of free choice on the basis of the Government's information paper of 28 October 1968. Furthermore, during the consultations with the representative councils, the head of the Government's team, Ambassador Sudjarwo Tjondronegoro, had explained at some length the method for the act of free choice. His statements had subsequently been published in the newspaper Tjenderawasih of Djajapura. The Government considered that its duty to inform the people "had been done adequately".

B. Basic rights and freedoms

57. In a letter of 5 November 1968 I drew the attention of the Government to article XXII of the Agreement by which Indonesia undertook to "guarantee fully the rights, including the rights of free speech, freedom of movement and of assembly, of the inhabitants of the area" and referred to complaints which I had received, both written and oral, from some West Irianese individuals and organizations, within and outside the territory, about alleged suppression of the rights and freedoms of the inhabitants. I stated that, without prejudging in any way the veracity of the allegations or questioning the sovereign right of the Government to adopt measures which it deemed necessary for the maintenance of public order in the territory, I wished to recommend, in line with my responsibilities, that the Government bend every effort to ensure all the basic rights and freedoms for the inhabitants. For without such rights and freedoms to enable the people to develop and pursue their convictions - within the framework of law and order - the international community would not be satisfied that a fair and truly democratic judgement had been rendered by the people.

58. In its reply of 21 November the Government stated, inter alia, that the rights and freedoms of the people of West Irian were not only guaranteed by the Agreement, but, for the whole of the country, by the Indonesian Constitution. The application of those rights and freedoms was guided by the policy of the Government, which had to take into account the social and political complexities of the country, the concept of democracy as practised in Indonesia, the level of advancement of the people and the requirements of internal security. In West Irian, the Indonesian authorities had to cope with the activities of the "so-called 'Free Papua' Movement", directed and financed from abroad, which, by one means or another, had spread among the people "hostile and inciting" propaganda against the Indonesian Government and had even resorted to "terrorist methods" to achieve its aims. Such acts could not be tolerated by the Indonesian authorities. A number of people "responsible for this terrorism and inciting propaganda as well as those who - directly or indirectly - have been involved in the armed rebellion in the Manokwari area" had been arrested. However, a policy of "clemency and leniency" had been applied by the authorities and several of the detainees had been freed. The rights and freedoms of the people of West Irian were not denied by the Government. There was freedom of speech to the extent of immunity from prosecution for all members of the representative councils. Political and other organizations had been allowed to be formed in accordance with the laws of the country, and even where there was armed rebellion, as was the case in the Manokwari area, the Government was trying, to the extent that was possible, to solve this problem in a peaceful manner bearing in mind that the people involved in the rebellion might have been misled by false propaganda from external sources.

59. In a letter of 4 February 1969 and later, at a meeting held at the Ministry of Foreign Affairs on 11 February, I again raised the question of the proper implementation of article XXII of the Agreement as an essential condition for carrying out a truly democratic exercise. Referring to article 28 of the Indonesian Constitution, which provides

that "Freedom of association and assembly, of expressing thoughts and of issuing writing and the like, shall be prescribed by statute", I suggested that, in line with this constitutional provision, the Government should enact a special statute granting the people of West Irian those basic rights and freedoms. During the meeting, Ambassador Sudjarwo replied that my suggestion might be taken into consideration by the Government.

60. I reiterated my recommendation in letters dated 12 March and 29 April, stressing again the need for the issuance of a special statute because, I said, the results of any popular consultation would be questionable if it was not carried out in an atmosphere of democratic freedom. (See also chapter V, section D.2.)

C. Release of political detainees

61. Having learned in our contacts with the people in the territory and from some of the petitions I received that there were a number of political detainees, I explored, in talks with Ambassador Sudjarwo Tjondronegoro and other officials of the Government, the possibility of obtaining their gradual release. On 21 November 1968, I addressed a letter to the Government suggesting that, on the occasion of the fourteenth anniversary of the proclamation of the Universal Declaration of Human Rights, on 10 December, and in view of the approaching Christmas season, the Government might consider the possibility of freeing a number of political detainees held at various places in the territory. I stated that, in my opinion, such a gesture of clemency on the part of the Government, made on such an important day and in co-operation with the United Nations, would speak highly of the Government's policies, even in cases involving delicate questions.

62. I was pleased to receive on 11 December a telephone message from Ambassador Sudjarwo, who was then in Djakarta, informing me that fifty West Irianese under detention in West Java had been released on 8 December and had left for the territory on 9 December. The Government confirmed, in a letter of 30 December, the release of the fifty political

detainees and informed me that several detainees, including the former Governor of West Irian, Mr. E. Bonay, had also been released in Djajapura and other places. The letter went on to say that the policy of releasing West Irianese political detainees would be pursued by the Government with a view to establishing peace and order in the territory.

63. By a letter of 28 January 1969, I expressed gratification at the action taken by the Government and its decision to continue applying that policy. I requested the Government to provide me with a list containing the names, places of detention and dates of release of the political detainees.

64. Encouraged by the attitude of the Government towards this question, I again raised the subject at the meeting held at the Ministry of Foreign Affairs on 10 February, pressing for the release of all political detainees before the act of free choice.

65. As a result of these efforts, the Government communicated to me, in a letter of 18 February, information about 145 political detainees released since 23 December 1968, and stated that the release of other West Irianese political detainees held in West Java was being contemplated. It added that persons detained in connexion with activities against the security of the State would, in principle, remain subject to criminal law. The Government stated that in dealing with the question of political detainees, it took into consideration the fact that many detainees might have been "misled, misinformed or unconsciously incited by false or misleading propaganda from outside".

66. Convinced that the continuation of the Government's policy of releasing political detainees would contribute to the creation of a proper atmosphere for the act of free choice, I expressed this view in a letter of 25 February; and in letters of 12 March and 29 April I again referred to this question, asking the Government to provide me with the lists that I had previously requested.

67. Between 24 May and 1 July the Government transmitted to me lists of political detainees released between 8 December 1968 and the end of June 1969. A total of 195 had been released.

68. On 1 July the Government informed me that thirty-six more political detainees in West Irian would be released and the remaining seventy-six would be brought before the courts, so that at the time of the act of free choice there should be no political detainees in West Irian.

69. On 11 July the Government informed me that it had released on 1 July "all remaining detainees from West Irian, who were put to work in agricultural estates in West Java, totalling 115 persons", and that arrangements were being made to return them to West Irian. A list of the names of those released was communicated to me on 7 August.

70. A total of 346 political detainees were released by the Government before the act of free choice.

D. The return of exiles

71. From the time I assumed my duties, one of my main preoccupations was to find a way which would permit West Irianese residing abroad to return to the territory in order to participate in the act of free choice. With this in mind, I addressed a letter to the Government on 9 December 1968 in which, after drawing attention to article XVIII, sub-paragraph (d), of the Agreement, which provides for the "eligibility of all adults, male and female, not foreign nationals, to participate in the act of self-determination ... including those residents who departed from the territory after 1945 ...", I suggested that for the proper implementation of that provision it would be wise for the Government to authorize the return of those West Irianese who, for one reason or another, had left their land after the end of the Second World War, so that they would be able to participate in the act of self-determination.

72. In its reply of 20 December the Government stated that, although under the Agreement the Government was not obliged to invite the West Irianese who had left the territory to return and resume residence, they would be given the opportunity, with the exception of those who had adopted another nationality, to resume residence, if they so desired, and to participate in the act of free choice. The Government intended to inform its diplomatic missions in the Netherlands and in New York of this policy.

73. In letters of 15 January and 4 February 1969, I expressed my appreciation for the positive response of the Government regarding this question and suggested that it would be wise and useful to publicize its decision in a brief and clear statement.

74. Following further discussions on this question at the Foreign Ministry meeting on 10 February, the Government, on 15 February, issued a communiqué stating that Indonesians of West Irian origin having their domicile abroad could, by applying through the proper channels, return to and resume residence in West Irian, should they so desire, in order to participate in the act of free choice.

75. Only one family returned to the territory following the issuance of the communiqué. I was informed by the Government on 21 May that Mr. Peter Bonsiapia and family, availing themselves of the opportunity given by the Government, had arrived at Djajapura on 7 May 1969. They had come from Madang, Marcus Island, in the Territory of Papua and New Guinea administered by Australia, with facilities provided by the Australian Government.

III. INITIAL DISCUSSIONS CONCERNING THE CONSULTATIONS
WITH THE REPRESENTATIVE COUNCILS AND THE METHOD
FOR THE ACT OF FREE CHOICE

A. Consultations with the representative councils

76. On 1 October 1968, I received from the Government an informal working paper entitled "Some preliminary thoughts regarding the method for the 'Act of Free Choice - 1969'" which contained, among other things, a tentative proposal for the implementation of the act of free choice through a body of about two hundred representatives which would include sixty newly elected members to the Provincial Council, eighty members from the eight representative councils and sixty appointed tribal chiefs (see paragraph 81).

77. As the working paper made no mention of the consultations with the representative councils required by article XVIII, subparagraph (a), of the Agreement, I considered it necessary to invite the attention of the Government to the need to carry out such consultations in accordance with the provisions of the Agreement. I did this in a letter of 4 November in which I stated that bypassing the consultations with the councils would mean a modification of a bilateral agreement. I added that such a unilateral modification could invite the legitimate objections of the Netherlands Government and could complicate the tasks that had been conferred upon the Secretary-General.

78. In its reply of 16 November the Government explained that the tentative proposal outlined in the working paper of 1 October was meant to be submitted to consultations (musjawarah) with the representative councils as required by article XVIII, subparagraph (a), of the Agreement. This had not been expressly mentioned because the working paper dealt only with thoughts the Government might consider with regard to a feasible method to be followed, before going to the representative councils for the required consultations.

79. In my letters of 21 and 22 November I thanked the Government for its clarification and suggested that in the consultations with the representative councils the following three alternative questions might

be put: (1) "Are you in favour of the 'one-man, one-vote' system?"

(2) "Do you think that it would be more practicable to organize a representative body, whose members would be elected by the people, to give an answer on behalf of the population of West Irian to the questions to be asked in the act of free choice?" and (3) "Do you consider that it would be advisable to apply a mixed method, using the 'one-man, one-vote' system in the more important urban centres and completing the exercise through collective consultations in the remote areas where the population is less culturally advanced?".

80. On 28 January 1969 I requested the Government to inform me about the time-table and other arrangements for the consultations with the representative councils. This information was provided on 7 March.

B. Suggestions by the United Nations Representative concerning the method for the act of free choice

81. As indicated in paragraph 76 above, the working paper of 1 October contained some preliminary thoughts regarding a possible method to be used for the act of free choice. In essence the proposal outlined called for a new Provincial Council composed of sixty members to be elected in the eight Regencies (four to eight deputies from each Regency, according to its population). These deputies, who would all be native West Irianese, would be elected directly by the people in the cities and through intermediaries in the less advanced areas. To the elected members would be added ten West Irianese members from each of the eight representative councils - a total of eighty deputies representing the various political, social and religious groups - plus sixty of the most influential and important tribal chiefs, who would be appointed by the Government after consultations with the tribal chiefs themselves. Thus composed, the Provincial Council with 200 members representing all layers of society would constitute a "broad forum", "capable of carrying out the act of free choice in the most democratic way".

82. At a meeting with Ambassador Sudjarwo Tjondronegoro on 14 November, at which the question of a possible method for the act of free choice was discussed, and subsequently, at the request of Ambassador Sudjarwo, in a letter of 21 November summarizing our discussion of 14 November,

I pointed out that, in my capacity as United Nations Representative, I could suggest no other method for this delicate political exercise than the democratic, orthodox and universally accepted method of "one man, one vote". However, while maintaining firmly my conviction that the people of West Irian might be given as ample and as complete an opportunity as possible to express their opinion, I recognized that the geographical and human realities in the territory required the application of a realistic criterion. I therefore suggested that the system of "one man, one vote" should be used in the urban areas, where the communications and transportation, the comparatively advanced cultural level of the population and the availability of adequate administrative facilities made it possible, and that this might be complemented by collective consultations in the less accessible and less advanced areas of the interior. A mixed system of that type would have the merit of being the best possible in the circumstances and would enable the Indonesian Government and the United Nations to state that the orthodox and perfect method of "one man, one vote" had been used in the act of free choice to the maximum extent compatible with reality. I added that the staff of my mission would be ready to co-operate in the preparations for the exercise and in the registration of the voters and the tabulation of the results. The modalities of the collective consultations in the areas where that system would be applied would have to be the subject of future discussions.

83. I received no official reaction to my suggestions concerning the questions to be submitted to the representative councils and a possible method for the act of free choice until a meeting held at the Ministry of Foreign Affairs on 10 February 1969, when the Government informed me of the method it proposed to submit to the representative councils in consultations to be held during the month of March 1969.

IV. ARRANGEMENTS FOR THE ACT OF FREE CHOICE MADE BY THE INDONESIAN GOVERNMENT AND POSITION OF THE UNITED NATIONS REPRESENTATIVE

A. The proposal by the Government concerning the method:

musjawarah with consultative assemblies

84. At the meeting held at the Ministry of Foreign Affairs on 10 February 1969, I was informed that the Government's intention was to consult the representative councils in order to obtain their approval for implementing the act of free choice through the eight representative councils, which would be enlarged to form consultative assemblies where each member would represent approximately 750 inhabitants. The consultative assemblies would not reach a decision through voting but through musjawarah which, as explained at that meeting, consisted in reaching a "decision based on discussion, understanding and knowledge of a problem".

85. This meant that the Government still intended to apply the consultation (musjawarah) method of decision through representatives of the people but, in contradistinction to the ideas expressed on 1 October (see paragraph 81), it planned to carry out the act of free choice not through one body of 200 representatives but consecutively through eight consultative assemblies, comprising some 1,025 representatives.

B. The reaction of the United Nations Representative

86. Immediately following that statement, and having in mind my previous suggestion for a mixed method, I gave the following explanation of my position and responsibilities. My terms of reference were to give advice and assistance to the Government and to participate in the act of free choice. However, I could not participate in the responsibility concerning the decision about the method for the act of free choice, which was entrusted to the Government. Once the Government took that decision my mission would be ready to participate in its implementation. I added, "I have no authority to object to, even less to reject, the decision of the Government. By the same token, I have no authority to express agreement with or to co-sponsor the Government's decision. In other words,

I will continue to give advice and assistance to the Government. I will participate in the act of free choice, but not in the responsibility of the Government".

87. Furthermore, I stated that if the method proposed by the Government obtained the approval of the representative councils, there were three prerequisites for the formation of the consultative assemblies: "first, they should have a sufficiently large membership; second, they should represent all sectors of the population; and third, the new members should be clearly elected by the people".

C. Exchange of communications

88. Upon my request the Government, in a letter dated 18 February 1969, summarized the proposed method as follows:

"(a) The act of free choice will be executed by a 'consultative assembly' in each Kabupaten (Regency) of the province. It will be conducted by a system of musjawarah. The total of the results of the musjawarah in the eight consultative assemblies will constitute the final result of the act of free choice for the whole province.

"(b) This consultative assembly in each Kabupaten will be constituted by three kinds of representation, namely:

- "(1) Regional (representatives to be elected by the people themselves for each KPS or District);
- "(2) Organizational or functional, representing political, social and cultural organizations or groupings including religious ones. The representatives will be chosen by their respective organizations or groupings themselves;
- "(3) Traditional, consisting of tribal chiefs to be chosen by the local council in consultation with those concerned.

"(c) The West Irianese deputies in the existing local (Kabupaten) councils who already represent the subregions and organizations (sub b.1 and 2 above) will automatically become members of the Kabupaten Consultative Assembly for the act of free choice.

"(d) The number of the members of the Kabupaten Consultative Assembly we have in mind is one representative for every 750 inhabitants, with a minimum membership of 75 and a maximum membership of 175. ...

"(e) The percentage for each group of the three kinds of representation may differ for each Kabupaten, depending on the social structure and conditions in each Kabupaten. This percentage and the number of deputies for each group will be left to the local (Kabupaten) council to decide for its own Kabupaten.

"(f) This concept or method for the act of free choice is naturally only provisional, since it has to be submitted for consultation to the local (Kabupaten) councils in West Irian, pursuant to article XVIII, sub-paragraph (a), of the New York Agreement."

89. In the same letter the Government emphasized that, while the Agreement should be observed as strictly as possible, "due consideration should be paid to the specific geographical, social and human realities which exist in West Irian and which unavoidably will condition the method to be contemplated for the act of free choice". As one of the factors leading to this proposal the Government recalled resolutions submitted to it by the representative councils and by organizations in West Irian stating that the territory was already an integral part of the Republic of Indonesia.

90. Acknowledging receipt of this letter, which envisaged other methods than the one I had suggested, I referred again, in my reply of 25 February, to my suggestion of 21 November for the use of a mixed method of "one man, one vote" in the urban areas and collective consultations in the less accessible areas of the interior. I considered it appropriate to formulate in writing the declaration I had made at the meeting at the Ministry of Foreign Affairs on 10 February (see paragraph 86), and again expressed the hope that the three prerequisites to which I had referred at that meeting for the composition of the proposed consultative assemblies would be met.

91. The Government, on 7 March, expressed complete agreement with me on the latter point and stated that those three prerequisites would be fulfilled. I referred constantly to those three prerequisites prior to and during the elections of members of the consultative assemblies.

(See section B above and chapter V, section A, below.)

D. The arrangements made by Indonesia

92. Pursuant to article XVIII of the Agreement, Indonesia was required to make arrangements, with the assistance and participation of the United Nations Representative and his staff, to give the people of the territory the opportunity to exercise freedom of choice. Such arrangements were to include:

"(a) Consultations (musjawarah) with the representative councils on procedures and appropriate methods to be followed for ascertaining the freely expressed will of the population;

"(b) The determination of the actual date of the exercise of free choice within the period established by the ... Agreement;

"(c) Formulation of the questions in such a way as to permit the inhabitants to decide (a) whether they wish to remain with Indonesia; or (b) whether they wish to sever their ties with Indonesia;

"(d) The eligibility of all adults, male and female, not foreign nationals, to participate in the act of self-determination, to be carried out in accordance with international practice, who are resident at the time of the signing of the present Agreement and at the time of the act of self-determination, including those residents who departed after 1945 and who return to the territory to resume residence after the termination of Netherlands administration."

1. Consultations with the representative councils

The process of consultation

93. The consultations with the eight representative councils were conducted by a government team headed by Ambassador Sudjarwo Tjondronegoro. They took place from 22 March to 12 April (Merauke, 22 March; Djajawidjaja, 27 March; Paniai, 31 March; Fak-Fak, 3 April; Sorong, 5 April; Manokwari, 7 April; Tjenderawasih, 9 April; Djajapura, 12 April) and were concluded in one or two meetings. The councils' sessions in all eight Regencies were attended by at least two thirds of the membership.

94. The sessions of all the councils followed the same pattern: opening of the session by the Chairman; statement by the Government's representative; statement on behalf of the United Nations Representative; discussion; concluding statement by the Government's representative; and adoption of a resolution.

95. The government representative explained that although the Government believed that West Irian was a part of Indonesia it had agreed to the act of free choice in order to settle the dispute with the Netherlands. He stressed that Indonesia was solely responsible for the implementation of the act of free choice and that the United Nations was to assist, advise and participate in its implementation.

96. The Government shared the sentiments previously expressed by the councils, to the effect that the act of free choice was not necessary, but stressed that Indonesia had to fulfil an international obligation. The government representative then put forward the proposal. Since it was not possible to apply the system of "one man, one vote", the act of free choice was to be carried out through consultative assemblies, in each Regency separately because of communications difficulties. The decision would be reached not through voting but through musjawarah, in accordance with the Indonesian democratic practice which fitted also the special circumstances of the territory.

97. More than one half of the membership of the councils attending the sessions participated in the discussion; the views expressed may be summarized as follows.

98. Approximately one third of the speakers rejected the idea of the act of free choice and continued to support the resolutions which they had adopted earlier on the grounds that West Irian had been part of Indonesia since 1945, that the act of free choice was the legacy of a "colonial policy" and would hamper the development of the territory.

99. A large majority of speakers declared that although they wished to stand by their previous resolutions, in view of the international obligations of Indonesia they would be willing to co-operate and to agree that the act of free choice should be carried out in accordance with the Government's proposal.

100. Most of the speakers also expressed the view that the act of free choice should be carried out as soon as possible, that it should not result in the separation of West Irian from the rest of the Republic, that it should not affect the security or development of the Province and that all efforts should be directed towards the implementation of the five-year development plan.

101. Preference for the system of "one man, one vote" was expressed only in the Djajapura Regency. Four speakers took such a position, among them the First Vice-Chairman of the Council and the representative of the Protestant Church. They said that West Irian was still in a state of transition, that the method proposed by the Government meant that the Government had doubts regarding the capabilities and sense of responsibility of the West Irianese and that the people should have the freedom to express themselves.

102. One member of the Paniai Council expressed dissent from the Government's proposal.

The presence of the United Nations

103. During the period of consultations with the councils, I was at Djajapura directing and co-ordinating the United Nations presence and participation in them.

104. All sessions of the councils were attended by a team of United Nations observers, headed by my senior political adviser. At each session he made a statement on my behalf in which he referred briefly to the responsibilities of the United Nations and of the Indonesian Government regarding the act of free choice. He stressed the importance of the councils' role and said that the council members, acting on behalf of the people, should deliberate thoroughly before they reached a decision on the method for the act of free choice, as their decision would be binding on all the parties concerned.

The results of the consultations

105. Following the councils' deliberations, they adopted, by musjawarah, resolutions to the effect that, although they considered West Irian as part of Indonesia, which made the act of free choice unnecessary, they

accepted the Government's proposal to implement the act of free choice in order to fulfil an international obligation. They also expressed agreement with the method proposed by the Government for carrying out the act of free choice, through consultations (musjawarah) with consultative assemblies specifically established in each Regency for the purpose.

106. On 24 April the Provincial Council of West Irian, after hearing an informative report of the Government regarding the results of the consultations, approved a statement adopting the decisions of the representative councils.

107. The Provincial Council also expressed its appreciation to the Government's team for accomplishing its mission, reiterated that the realization of the five-year development plan should not be impeded by the act of free choice and expressed the hope that the authorities would prevent and take firm action against any attempt by individuals to create disturbances that might jeopardize the implementation of the act of free choice and the realization of the five-year development plan.

2. Determination of the date

108. As regards the date for the act of free choice, I reminded the Government on 1 May that I had arrived in the territory on 23 August 1968 and that, in accordance with article XVII of the Agreement, it should not take place before 23 August 1969. I added that if the Government planned to advance the date of the exercise, it would be essential for it to obtain the express agreement of the Government of the Netherlands for that purpose.

109. On 10 May I was informed by the Government that it intended to carry out the act of free choice during the period 10 July to 5 August 1969 and that in line with my suggestion it had already brought the question to the attention of the Netherlands Ambassador in Djakarta and of the Indonesian Ambassador in The Hague so that the Netherlands Government would be duly informed.

3. Formulation of the questions

110. In my letter of 1 May 1969, I requested the Government to let me know in advance the manner in which it intended to formulate the questions to be presented to the people of West Irian, pursuant to article XVIII, subparagraph (c), of the Agreement.

111. The Government replied, on 10 May 1969, that the questions to be submitted to the consultative assemblies had been formulated in the Government's decrees on the establishment of the consultative assemblies in the individual Regencies. The text of article 9 of those decrees was as follows:

"The main subject to be submitted and considered is: whether the people would like to remain within the Republic of Indonesia or not (which means severing ties with the Republic of Indonesia)."

112. The Government stated that the above formulation was the same as that found in the Agreement itself but that it might be further explained to the consultative assemblies during the act of free choice; it also expressed its willingness to discuss the matter with me further at a later stage. I took this question up again at a meeting with Ambassador Sudjarwo on 28 June, when I suggested to him that the questions to be submitted to the consultative assemblies should use the phraseology found in the Agreement (article XVIII, subparagraph (c)), and this was subsequently done.

4. Eligibility of all adults to participate in the act of self-determination

113. Since the Government had decided to carry out the act of free choice through representatives of the people rather than by applying the mixed method which I had suggested, it was my concern to ensure that subparagraph (d) of article XVIII of the Agreement should be respected. I believed that that provision would be complied with if all adults were given the chance of participating in the election of their representatives. They would then have participated in the act of self-determination indirectly, which, in my view, was consistent with international practice.

Moreover, I believed that all adults should have the opportunity to stand as candidates for election. Therefore, from 10 February until the installation of the consultative assemblies I took every opportunity to urge my views on those points.

114. When, as explained below (see chapter V, section B), some elections took place without the presence of United Nations observers, I went so far as to suggest the holding of fresh elections in some of the more important places in order to stress the importance of the eligibility of all adults to participate in them.

E. The final decision of the Government concerning the method

115. The Government officially provided me, on 3 May, with copies of Decree No. 31, 1969, of the Minister for Home Affairs and Chairman of the West Irian Sector, on the establishment of the consultative assembly for the Merauke Regency, dated 25 March 1969. Similar decrees had been issued for the other Regencies, differing only in the date of issue and certain details. Also issued were regulations for the implementation of the decrees. The Government stated that those documents constituted the official method and procedure for the implementation of the act of free choice.

116. The decrees stated that, having taken into account the result of the consultations between the Government's team and the Regency councils, a consultative assembly for the act of free choice was to be established in each Regency and the act of free choice was to be implemented in accordance with the social situation and conditions in West Irian by the method of musjawarah democracy.

117. The decrees contained, with certain modifications and specifications, the basic features of the method which had been conveyed to me at the meeting on 10 February and in the Government's communication of 18 February (see paragraphs 84 and 87 above).

118. The new elements in the decrees and regulations were the following:

(a) The total number of members of a consultative assembly was to be based on the total population of the Regency and one member was to represent approximately 750 people. Owing to the large differences in

the population of the Regencies, the minimum number of members of a consultative assembly would be 75 and the maximum 175. (Decree, article 3 (a) and (b).)

(b) For the purpose of establishing the consultative assembly a committee of five to nine members from among members of the existing Regency council was to be set up and installed by the Governor/Head of West Irian Province on behalf of the Minister for Home Affairs, following nomination of the members by the council's chairman in consultation with the council. The committee was to organize elections, confirm and install representatives of the people who had been elected as members of the consultative assembly, and determine in the best possible way, taking into consideration the conditions and social structure of the community and the inhabitants of the Regency, the number or allocation of each group in the membership of the assembly. The committee would also prepare and organize the convening of the assembly and draft the rules of procedure of its session. (Decree, articles 3 (d), 5, 7 (a) and 10; Regulations, paragraphs 1, 2 and 3.)

(c) Those eligible for membership of the consultative assembly would be only those who complied with the requirements of article XVIII, subparagraph (d), of the New York Agreement. The following were qualified for membership: inhabitants of the Province of West Irian, male or female, not foreign nationals, aged at least 21 years, not suffering from mental illness and not deprived by a judicial decision of their right to elect or to be elected. (Decree, articles 1 (b) and 6.)

(d) Members of the consultative assemblies were to be elected through musjawarah. (Regulations, paragraph 3 (d).)

F. Report to the Secretary-General pursuant to article XIX of the Agreement

119. When I received from the Government the official report on the results of the consultations with the representative councils, I reported to you on 21 May 1969, in compliance with article XIX of the Agreement, on the arrangements arrived at for freedom of choice.

V. FURTHER ADVICE, ASSISTANCE AND PARTICIPATION OF THE
UNITED NATIONS REPRESENTATIVE

A. Suggestions regarding the elections to the
consultative assemblies

120. Once the Government had obtained the approval of the representative councils for carrying out the act of free choice by musjawarah through consultative assemblies and the method and detailed procedures for its application had been formulated in the decrees and regulations summarized above (paragraph 118), which constituted the final decision of the Government, I concentrated my attention on the elections to the consultative assemblies.

121. In my letter dated 1 May 1969, I referred to a provisional translation of the first decree and expressed the hope that the committees in charge of the "formation" of the consultative assemblies would exercise their functions in the light of the leading provisions of the preamble and of article 1 of the decree, namely, that "the consultative assembly consists of representatives of the people who have been democratically elected by the people according to the aspirations and customs of the people" of West Irian, and that a consultative assembly should be composed of "people's representatives involving all layers and groups of the local community".

122. I was glad to see that in the above-mentioned provisions the Government had taken into consideration my suggestions that the consultative assemblies should represent all sectors of the population and that the new members should be clearly elected by the people.

123. I expressed the hope that those two principles would be put into effect and that the councils' committees would abide by them in the exercise of their functions. I pointed out that if the members of the assemblies did not truly represent the people to the satisfaction of the international community, the results of the act of free choice would be criticized, if not questioned.

124. In the same letter I sought certain clarifications regarding the functions of the councils' committees which, according to the decrees and regulations, were in charge of the formation of the consultative assemblies. Although the method proposed by the Government for the act of free choice had been discussed with me in detail in February, I had learned unofficially at the end of March, and officially only on 3 May, that those committees had already been set up and entrusted with full powers to organize elections, confirm and install representatives of the people who had been elected as members of the consultative assemblies, determine the number or percentage of members of the assemblies to be allocated to each of the various groups of the population, and draft the rules of procedure for the assemblies' sessions. I expressed the hope that the committees would confine themselves to informing the people of their rights, leaving the decision to the people; that the committees would not be given a veto power over the will of the people electing its representatives; and that the term "installation" should imply only a procedural function.

125. The Government, in a letter of 10 May, confirmed that my interpretation was correct.

126. However, as regards my assumption that all sectors and groupings of the population would be adequately represented in the consultative assemblies, the Government's position was that only those political groups which existed legally would be represented. In the same letter the Government explained that "those few people - possibly existing - 'not in favour of retaining the ties' with the Republic of Indonesia, are ... not organized in legally existing political groups or parties in West Irian".

127. The Government handed to me on 28 June a draft entitled "Decision regarding the Standing Orders of the Session of the Consultative Assembly for the Act of Free Choice", which was to constitute the rules of procedure for the consultative assemblies; on 2 July, I commented on the draft and sought certain clarifications. In particular, I stated that I assumed it was intended to carry out the act of free choice in

such a way that the questions contained in article XVIII, subparagraph (c), of the Agreement would be put before the assemblies and that the members of the assemblies would deliberate on them and reach a decision by answering them. I also assumed that the provisions of the draft were to be interpreted to mean that every assembly member would have the right to express views actively and freely on the questions put before the assembly, and expressed the conviction that the Government would apply the universal principles of parliamentary immunity for members of the assemblies for views expressed in the performance of their functions.

B. United Nations participation in the formation of the consultative assemblies

128. Shortly after the completion of the consultations with the representative councils, I deemed it necessary to stress the importance of a United Nations presence at the elections of members of the consultative assemblies. In my letter of 1 May, I said that the moment had arrived when it was vitally important that the United Nations should be present to observe the work of the committees.

129. I reiterated this view in my letters of 6 and 20 May. In the latter I referred to the Government's view, expressed on 10 May, that owing to specific circumstances in the region, the committees had to make their own schedule or plan of operation and that the United Nations staff should contact the chairmen of the committees "if and when they wished to 'participate' in the arrangements for the projected elections". I stressed that without the co-operation of the Indonesian authorities United Nations participation would be almost impossible; the communications and transportation facilities in the territory were so precarious that it would be extremely difficult for us to contact the Bupati of every Regency to obtain the necessary information and to reach the places in time. I requested the Government to make available to us information regarding the dates and places of the elections as soon as possible and asked that assistance should be extended to us in regard to transportation

and other facilities. I said that my mission had been ready to participate in the elections since the end of the consultations with the representative councils.

130. Subsequently, in a letter of 23 May, the Government agreed with me that there should be full co-operation between the local authorities in West Irian and the members of my mission in order that my staff could participate properly in the elections. At a meeting at the Ministry of Foreign Affairs on 24 May, I obtained from the Government further assurances that United Nations participation in the election of the members of the consultative assemblies would be effectively secured.

131. However, the first schedules for the elections were received in Djajapura only on 30 May. I immediately deployed my staff in such a way that by 2 June we were already attending the elections.

132. Meanwhile, elections had been completed in the Merauke and Fak-Fak Regencies, and partial elections had been held in other places, with the result that a majority of the new membership of the consultative assemblies was already elected.

133. In view of this, I suggested to the Government, on 13 June, that serious consideration should be given to the possibility of conducting fresh elections with the participation of United Nations observers, at least in some localities where the largest number of representatives had been elected before 30 May.

134. The Government replied on 14 June that if it was still feasible there would be no objection, and that the Provincial Council in Djajapura would be advised to consider my suggestion for holding fresh elections in a few places which my mission might suggest.

135. Although I recognized that elections were to take place simultaneously in numerous remote places, lacking transportation and communications facilities, which made the preparation of schedules difficult, I considered it necessary to stress, on 21 June, that it was for the Central Government to take a decision in principle on the organization and conduct of fresh elections and that this could hardly

be left to the Provincial Government. Furthermore, it was for the Central Government to make arrangements enabling United Nations participation in the whole process of the act of free choice, including those elections, which were the most important preparatory stage for the act of free choice. I recalled that we had been prepared to observe the election of the majority of the new members of the consultative assemblies in the period between the end of the consultations with the representative councils and 1 July. However, our observers had waited until 30 May for the election schedules. I concluded that if indeed the Government were to consider my suggestion seriously, the only possibility would be to take the decision in Djakarta, to give appropriate instructions to the local authorities in the territory to prepare new schedules immediately, and to provide a special plane exclusively for the purpose.

136. On 23 June, the Government accepted my suggestion that fresh elections should be held in some places, provided us with schedules and informed me that the Provincial Government had been given instructions to "make the necessary arrangements" for our participation. As a result, fresh elections, observed by members of my mission, were held at Merauke, at two places in the Fak-Fak Regency, at Bosnik and at Sorong.

137. The following elections were attended by United Nations observers:

(a) Regular elections of members to the consultative assemblies:

South Biak District (Tjenderawasih Regency), on 4 June:

Makbon (Sorong Regency), on 6 June:

~~Depapre and Sentani Districts, Abepura and Djajapura~~
City (Djajapura Regency), on 5, 7 and 9 June;

Bokondini and Wamena (Djajawidjaja Regency),
on 1st and 2nd June;

Enarotali and Waghete (Paniai Regency),
on 25 and 26 June;

Pentuni (Manokwari Regency), on 2 July;

(b) Fresh elections:

Merauke, on 24 and 26 June;

Kaimana and Semini (Fak-Fak Regency), on 1 and 3 July;

Bosnik (Tjenderawasih Regency), on 5 July;

Sorong, on 8 July;

After this, no further fresh elections were possible as little time remained before the commencement of the act of free choice, scheduled for 14 July. In all, United Nations observers attended the election of 195 members of the consultative assemblies.^{a/}

C. The state of public opinion in the territory

138. There was, on my arrival in the territory, a growing awareness among the population, particularly in the urban coastal centres, that an important decision regarding their political future was to be made. No doubt the re-establishment of United Nations presence in the territory contributed to this. The views and wishes of the people were gradually expressed through various channels: petitions and other communications submitted to me in writing or orally, peaceful demonstrations, and in some cases manifestations of public unrest, including incidents along the border between West Irian and the Territory of Papua and New Guinea administered by Australia.

139. It should be borne in mind that the greater part of the population of the territory - approximately 80 per cent - is concentrated in the less accessible and less developed areas of the interior. Here, with the exception of tribal chiefs and other community leaders, who because of their association with missionaries and local authorities are more apt to express their views or take a stand on political issues, the population is illiterate and little concerned with political matters.

^{a/} It should be noted that, in accordance with a decision by the Government, the regional members of the eight representative councils, numbering approximately 136, were automatically granted the right to sit in the consultative assemblies.

The other 20 per cent of the population, numbering approximately 200,000, live in the more accessible and more developed areas of the coast where the ease of communications, the comparatively advanced cultural level and exposure to the outside world allow the people to have a certain amount of political sophistication and experience and to be more vocal in the expression of their views and political aspirations.

1. Petitions

140. During the time my mission was in the territory, I received a total of 179 petitions from West Irianese persons and political, civic and student groups, as well as from West Irianese residing abroad.

141. Broadly speaking, the petitions may be divided into two groups: (i) those expressing views in favour of the retention of ties with Indonesia (a little more than half of the petitions received were in this group); and (ii) those in favour of severing ties with Indonesia. Many of the petitions in the latter group contained complaints and allegations against the Government. We dealt with both groups of petitions in the same manner, and I decided, in accordance with the practice of the United Nations Commission on Human Rights,^{b/} to transmit to the Government summaries of the contents of all the petitions, without disclosing the names in the case of petitions which were not favourable to Indonesia. In submitting the summaries I assured the Government that it was not my intention to prejudge in any way the veracity of the views and complaints made in some of the petitions. However, I considered it necessary to bring them to the attention of the Government for whatever action it deemed it appropriate to take. At the same time, I requested the Government to let me know its reactions in order that I might be able to reply to the petitioners.

^{b/} As laid down in Economic and Social Council resolution 728 F (XXVIII), para. 2 (e).

142. The majority of the petitions in the first group were resolutions adopted by the representative councils and civic and political organizations. It is difficult to assess with any degree of accuracy how large a segment of the population they represented. But, on the whole, they came from educated, politically minded people, many of whom were public employees or members of organized political groups, religious and social organizations. The petitioners expressed adherence to the Republic of Indonesia and to the Proclamation of Indonesian Independence of 17 August 1945 and to the Indonesian Constitution; indicated their determination to remain united with Indonesia and considered that, since West Irian was already part of Indonesia, the act of free choice was unnecessary. In some cases the petitioners stated that, if the Government decided to carry out the act of free choice in order to fulfil an international obligation, they hoped it would not interfere with the peaceful development of the territory.

143. The second group of petitions expressed opposite views. The majority indicated the desire to sever ties with Indonesia and supported the idea of the establishment of a Free Papuan State. The petitioners often expressed criticism of the Indonesian administration; complained against acts of repression by the Indonesian armed forces; denounced the lack of guarantees for basic rights and freedoms, including the freedom to organize opposition political parties; requested the release of political prisoners and the participation in the act of free choice of all West Irianese, including those residing abroad; denounced resolutions and statements in favour of Indonesia as false and signed by people under pressure from Indonesian officials; asked for the application of the "one-man, one-vote" system in the act of free choice and in the election by the people of the representatives to the councils; and expressed the view that opposition groups should be given representation in the councils.

144. As regards the second group of petitions, it should be noted that some of them were unintelligible, some were anonymous or merely initialled, a few contained many alleged signatures all written by the same hand, and almost all had no return address other than the town or place from which they were sent. Many petitions requested our mission to take steps or measures clearly beyond our terms of reference, such as the withdrawal of Indonesian armed forces to be replaced by United Nations security forces, the taking over of the administration of the territory by the United Nations, the guaranteeing by the United Nations of proper rights and freedoms for the population, and so on. All of them, however, advocated the severance of ties with Indonesia and the establishment of a Free Papuan State.

145. As in the case of petitions favouring the retention of ties with Indonesia, it is difficult to assess how large a segment of the population this group represented. All that can be said is that many of them came from the better educated people, students and other groups, and individuals aware of the issues involved in the act of free choice, who claimed the existence of numerous organized groups which supported their views.

146. The Government acknowledged receipt of each list of summaries of petitions, informing me that they had been brought to the attention of the officials concerned both in Djakarta and Djajapura. However, in the case of specific complaints, I received no information from the Government concerning its findings or the action taken thereon, except in four cases in which the Government denied that there was any basis for the complaints. In its replies the Government referred to the background of many of the petitions critical of the Government, and asserted that in many cases the complaints were unfounded and designed only to discredit the Government. The Government also expressed doubts whether some of the groups on whose behalf complaints had been submitted did in fact exist or, if they did, whether they could be considered as representing any significant sector of the population.

147. A number of petitions were received after the end of June 1969, when there was no longer any point in transmitting them to the Government. These last-minute petitions followed the same pattern as the previous ones, and I have only to add that with the approach of the date of the act of free choice, nationalist feelings were expressed more forcibly.

2. Cases of unrest

Manokwari

148. Since 1965 a situation of unrest and turmoil, marked by sporadic armed clashes, had existed in the Manokwari Regency, the origins and implications of which I was not in a position to assess.

149. After my arrival in the territory I received, on 22 November 1968, a petition from one of the insurgents involved in which he described a leaflet issued by the local military commander as an "ultimatum", which, he alleged, if not obeyed, would bring about military action against the insurgents. The petitioner requested my presence in the area in the event that he and his followers should decide to return to their villages.

150. Although I was aware that this was a question of internal security and therefore outside my terms of reference, because of humanitarian considerations and my desire to assist the Government and the population in any way I could to avoid bloodshed, I addressed a letter to the Government expressing my willingness to go personally to the area concerned to witness the return of the insurgents, should that occur, provided the Government extended to me a written request to that effect and reaffirmed the guarantees offered by the military commander. I explained the considerations that had led me to offer my assistance and added that should the Government decide not to accept my offer, I trusted the local authorities would respect the guarantees offered to the insurgents. I conveyed the same views to the local military commander during a conversation I had with him on the same day.

151. In its reply, the Government denied the existence of an ultimatum, explaining that the leaflet in question contained only an appeal by the military commander to those who had fled to the jungle and were causing

disturbances to return peacefully to their villages with guarantees that they would not be punished or prosecuted. The Government stated that the complaint contained in the petition was groundless and was designed "to discredit the Government and, in particular, the Armed Forces in West Irian". I was given assurances that the guarantees offered to the insurgents in the appeal would be respected.

152. In the absence of an official request for my intervention, I was unable to take any further steps. The Indonesian press later reported that two of the leaders of the insurgents and some of their followers had "returned to the fold of the Republic".

Enarotali and Waghete

153. During the second half of April and the first days of May 1969, an outbreak of hostilities occurred in Waghete and Enarotali, two important towns of the Paniai Regency. I again considered these events as a matter of internal security, falling within the jurisdiction of the Indonesian Government. Without wishing to carry out any investigations or otherwise intervene in the events, I was nevertheless concerned with their humanitarian aspects and the wish to avoid bloodshed, as well as with the effect they might have on the act of free choice.

154. As soon as the first news reached me, I held conversations with high-level officials of the Government and the Armed Forces, requested official information on the situation, and counselled the utmost restraint.

155. Furthermore, in a letter dated 10 May, I emphasized my deep concern about the situation, especially its humanitarian aspects, and about the effect that it might have on the act of free choice. I expressed the hope that, once normal conditions had been restored, it would be possible to continue to fulfil the difficult task of carrying out an act of free choice to ascertain the authentic will of the people. I said that I considered it in the best interest of the Government to ensure that the military and administrative authorities in the territory should act with the greatest possible degree of moderation and objectivity in order to avoid bloodshed and the adoption of repressive political measures, which might jeopardize the whole process of the act of free choice.

156. Immediately thereafter, I went to the territory and, with transportation facilities provided by the Indonesian Armed Forces, I made a tour of the affected areas to observe the situation on the spot. I also held conversations with the Military Commander of West Irian and the military commanders in the field, with a number of West Irianese, and with Catholic and Protestant missionaries. I took every opportunity to urge the military commanders to act with the utmost restraint in order not to jeopardize the act of free choice and received assurances that my request would be complied with. I also appealed to the population to act within the framework of law and order so that the basic conditions for the act of free choice might be preserved.

157. On returning to Djakarta, I informed the press that the situation in the Highlands was quiet but tense, that the previous press reports had been grossly exaggerated and that there was no cause for alarm.

158. I submitted to you, on 21 May, my report on the events, which is summarized in the following paragraphs.

159. On 23 and 24 April tribesmen, joined by about ninety-five deserters from the local Papuan police force, staged an uprising at Waghete and Meounamani. The military detachment at Waghete (fourteen soldiers), Javanese teachers and other civil servants were evacuated peacefully to Enarotali. The air strips in those two localities, and later three other air strips, were blocked by the insurgents.

160. The leaders of the insurgents requested the withdrawal of Indonesian troops from Paniai with the explanation that the people wanted to exercise the right of free choice without pressure. A government plane brought reinforcements of sixteen soldiers, and on 30 April shooting started between the Indonesian troops and the insurgents aided by the armed police deserters.

161. On the same day, a plane carrying the Military Commander of West Irian and other army officers was shot at by the insurgents while attempting to land at Enarotali. Two passengers were injured, but the plane was able to return to Nabire.

162. On 1 May the insurgents hoisted their flag at Enarotali and on 3 May the appeal for the withdrawal of Indonesian troops was repeated and the United Nations Representative's assistance in the withdrawal requested. The answer given by the Military Commander was that the withdrawal of troops was a matter for the Army to decide and that the United Nations Representative had nothing to do with it.

163. Afterwards, 120 paratroopers were dropped in the area. The police deserters fled to the bush, and villages around Waghete and Enarotali were abandoned by the people. For this reason, very few casualties were reported.

164. According to the official explanation, the main reason for the uprising was the discontent of the people with the functioning of the local administration. There is no doubt, however, that this uprising was instigated by people with political motivations.

165. After returning to Djakarta I followed up my efforts to ensure the return of calm and moderation to the affected areas. I visited General Panggabean, Commander-in-Chief of the Indonesian Army, and urged upon him the need for the Army to continue to act with the utmost restraint in West Irian so that peace and the basic rights and freedoms of the population in the territory might be safeguarded, as that condition was essential for the successful implementation of the act of free choice. I asked him to send a special message to the Military Commander of West Irian instructing him to continue acting with restraint and also to deal with the population with consideration and understanding. This message was immediately sent.

Incidents at the eastern border

166. The press, in particular the Australian press, reported on various occasions that in April 1969 there had been increased border crossings between West Irian and the Territory of Papua and New Guinea administered by Australia, as well as incidents connected with such crossings.

167. As I had no means of ascertaining the facts, I requested the Government on 25 June to provide me with some official information regarding these events, including information on measures taken by the Government.

168. The Government replied on 9 July 1969 that three such cases had been the subject of discussion between the Australian Embassy and the Ministry of Foreign Affairs at Djakarta. It involved some Indonesian policemen who had unwittingly crossed the border and found themselves in Australian-administered territory. These were ordinary routine border patrols, and after proper notification by the Australian authorities, the Indonesian policemen now returned immediately to West Irian territory.

169. The Government pointed out that owing to the difficulty of the terrain the border line was not clear; there were only fourteen border markings on the entire common border of 750 kilometres. Border patrols had recently been intensified, in view of reports of increased crossings, especially by persons sought by the Indonesian authorities because of their involvement in terrorist and criminal activities, such as sabotage and kidnapping.

170. The Government indicated that it had welcomed an Australian proposal to establish regular liaison between Indonesian and Australian officials on the border and that the first official discussions between the government delegations from the Territory of Papua and New Guinea and from West Irian had been held on 10 and 11 June at Djajapura. As a result of these talks, direct daily contact between three Indonesian and three Australian posts at the border had been established, and radio/telephone contact was to be established between Djajapura and the Territory of Papua and New Guinea for the purpose of facilitating the exchange of information regarding illegal border crossings.

171. The subject of border crossings was also taken up at the ministerial level, at a meeting between the Ministers for Foreign Affairs of Australia and Indonesia. Following this meeting, the Australian Minister stated on 7 May 1969 that his discussions with the Indonesian

Minister on the subject of the West Irian border incidents had been friendly and that there was no question of a protest being made.

172. Nevertheless, the recurrence of border crossings during my mission in West Irian seems to show a certain degree of political dissatisfaction on the part of some of the inhabitants.

D. Other suggestions made to the Indonesian Government
by the United Nations Representative

1. A general amnesty decree

173. With the date of the act of free choice approaching, I suggested to the Government, in a letter dated 29 April, that they consider the possibility of promulgating a decree of general amnesty. I stated that it was a universal political practice to create an atmosphere of peace and freedom before any important popular consultation and that, since the people of West Irian would decide in the act of free choice about their institutional future, that solemn occasion should be endowed with all the attributes of freedom. I added that the suggested decree would have the merit of providing the act of free choice with an atmosphere of legitimacy and dignity.

174. On 9 May, the Government replied that my suggestion was being considered but that the recent disturbances in Enarotali and Waghete would certainly influence the decision on this matter. I raised this question again in subsequent talks with representatives of the Government, notably at the meeting at the Ministry of Foreign Affairs on 24 May and in a conversation with the Minister for Foreign Affairs on 30 May 1969.

175. However, no such decree was issued by the Government, although 346 political detainees were released prior to the act of free choice (see paragraph 70 above).

2. Basic rights and freedoms to be expressly guaranteed
to the population

176. After the decision had been made by the Government on the method for the act of free choice, I repeatedly advised the Government to create the best possible democratic conditions in the territory prior to, and at the time of, the act of free choice. I believed that particular

attention should be paid to the proper implementation of article XXII of the Agreement, concerning the rights of the inhabitants; that provision was one of the basic guarantees for the population that it would be able to express its will freely in the act of self-determination.

177. I pointed out, first orally at the meeting at the Ministry of Foreign Affairs on 10 February 1969 and again in my letters of 12 March and 29 April 1969, the urgent need to enact, within the spirit of the Agreement and in line with article 28 of the Indonesian Constitution, a special statute granting the people of the territory those basic rights and freedoms. (See chapter II, section B, above.)

178. The Government replied on 9 May that the rights and freedoms of the people of West Irian were in conformity with those of the people in the whole of Indonesia and were guaranteed by article 28 of the Indonesian Constitution. It was explained that that article had up to that time been worked out in two statutory regulations, namely, the Basic Law for the Press, No. 11/1966, which applied to the whole of Indonesia including West Irian, and Presidential Decree No. 14/1965, replacing an earlier presidential decree, No. 8/1963, pertaining to political activities for the Province of West Irian after the return of West Irian into the Republic Administration. Regarding political parties, the Government explained that according to Presidential Decree No. 14/1965, political parties and relevant mass organizations that intended to organize meetings or demonstration or issue publications were obliged to report their intention three days in advance to the police and that the report should contain an explanation of the aim, character and method of its implementation. All others (non-political organizations) were required to request a permit for similar activities three days beforehand from the Government of West Irian. The conditions and procedure for obtaining this permit were to be regulated by the Governor of West Irian. The Government added that "the rights and freedoms in West Irian are not less than those existing in other areas of Indonesia". It further explained that political activities in West Irian could not be

separated from their historical background and the inherent Indonesian fight for freedom.

179. It thus seemed to be a consistent government policy to apply to West Irian and its inhabitants the same laws and regulations as those applicable to all parts of Indonesia, and to consider certain opposition political groups as created by "colonial policy" in order to embarrass the Government of Indonesia; the problem of the basic rights and freedoms of the population of West Irian was therefore influenced by the Government's attitude on those two basic points.

180. Notwithstanding the fairly negative result achieved up to that time, I continued my efforts to have article XXII properly implemented. At a meeting at the Ministry of Foreign Affairs on 24 May, I said that the problem of the full implementation of article XXII concerning rights and freedoms had to be dealt with because, up to that time, no concrete measures had been adopted. I suggested that the Indonesian Government should allow the opposition the opportunity to express its views, since that was the moment to adopt courageous and generous measures.

181. In a conversation with the Minister for Foreign Affairs on 30 May, I pressed for concrete measures in regard to this and other outstanding questions.

182. In a last attempt to have article XXII of the Agreement properly implemented, I asked, on 10 June 1969, for an audience with the President of the Republic of Indonesia, General Suharto. Owing to his heavy schedule of work, the President could not receive me before 12 August, ten days after the completion of the act of free choice, so that I did not have the opportunity of making my appeal regarding the implementation of the basic rights and freedoms of the population of West Irian to the highest office of the Republic.

3. Invitations to representatives of the international press

183. On 29 April, I suggested to the Government the advisability of inviting some members of the international press to be present in the territory during the act of free choice in order that world public opinion might be informed of the fairness with which that process was carried out.

184. The Government replied on 9 May that this question had been under consideration for some time and that arrangements would be made - so far as the limited facilities permitted - for members of the international press to be present in the territory during the act of free choice.

VI. THE ACT OF FREE CHOICE

A. The consultative assemblies

185. Following the arrangements made by the Government of Indonesia, the act of free choice through musjawarah with the eight consultative assemblies established for that purpose began at Merauke, Merauke Regency, on 14 July and was concluded at Djajapura, Djajapura Regency, on 2 August 1969.

186. The Government was represented at the sessions by a team consisting of:

The Minister of Home Affairs, as Chairman/Member of the Team,
and Chairman of the West Irian Sector of the Central Government;

Mr. Sudjarwo Tjondronegoro SH, as Deputy Chairman/Member of the
Team, concurrently Chairman of the New York Agreement Executive
Group in the West Irian Sector;

Mr. Ali Moertopo, Groups Chairman for Logistics, Social and
Political Affairs;

Mr. Frans Kasiepo, Governor/Head of the West Irian Provincial
Government;

Brigadier General Sarwo Edhie, Chairman of "Muspida" Regional
Leadership Consultative Body;

Mr. D. Ajamiseba, Chairman of the West Irian Provincial House of
Representatives;

Mr. S. Ohey, Chief of the Information Service, West Irian.

187. A United Nations team headed by myself attended all the sessions.

188. The following is a brief summary of the proceedings of the consultative assembly in each Regency.

1. Merauke

189. The Merauke consultative assembly, with a membership of 175, met on 14 July at 0800 hours, under the chairmanship of Commander Darmowidigdo, Bupati of the Regency. One hundred and seventy-four members attended the session. ^{a/}

^{a/} One absent because of illness.

190. Present at the meeting, in addition to the government team, were the Minister for Foreign Affairs, Mr. Adam Malik, the Minister of Information, Mr. Budiardjo, and other government officials. The Ambassadors of Australia, the Netherlands and Thailand accredited to Djakarta were also present, at the invitation of the Government. Several representatives of the Indonesian and foreign press and other information media attended the meeting.

191. In opening the meeting the Chairman stated, among other things, that the members of the consultative assembly had been elected democratically by the people through musjawarah and represented all segments of the population. All the members elected had fulfilled the requirements of article XVIII of the New York Agreement and would now do their duty on behalf of and for the good of the people of the Regency in answering the questions to be asked by the representatives of the Government.

192. The Governor made a statement in which he referred to the struggle of the West Irian people to achieve independence in unity with the rest of Indonesia. For those who understood the history of the struggle, the right answer to the question would be to remain with Indonesia. The people of West Irian had already expressed in statements to the Government their desire not to be separated from Indonesia. He spoke of the progress made in education and other fields under the Indonesian Government and asked the members of the assembly to give the correct answer with respect to the future of the region which had been united in independence with the Republic of Indonesia stretching from Sabang to Merauke.

193. I then made the following statement, which was repeated during the proceedings of all the other consultative assemblies:

"Members of the Assembly,

"On behalf of U Thant, Secretary-General of the United Nations, I would like to remind you of the following:

"On this solemn occasion you are going to be asked a question by the Government of the Republic of Indonesia.

"This is an important question regarding the future of West Irian and the destiny of yourselves and the coming generations.

"When answering this question you will not be speaking only for yourselves but for all of your people.

"Your answer has to be clear and must express the true desire of the population.

"Do not hesitate to speak the truth and be loyal to the wishes of your own people."

194. Ambassador Sudjarwo made a statement in which he stressed the importance of the decision about to be taken by the assembly. The people of West Irian, he said, had already expressed their wish to remain within the unitary State of Indonesia of which they considered themselves a part since the 1945 proclamation of independence; however, the Government would put forward the question provided for in the New York Agreement in order to determine officially and finally the wishes of the people. He then asked the members of the assembly whether they wished to remain within the Republic of Indonesia or be separated.

195. Afterwards, the Minister of Home Affairs took the floor and said, among other things, that the act of free choice, for which the Government had full responsibility, was not an isolated event but a link in the struggle for national unity. It was the finishing touch in the efforts to realize the aspirations of the people and to safeguard the unity of the nation in line with the 1945 proclamation of independence. He asked the members of the assembly to determine their future with courage and full responsibility, bearing in mind that they had one ideology, Pantja Sila, one flag, one Government and one country extending from Sabang to Merauke. It was the Indonesian Government, he added, which was willing and able to care for the welfare of the people of West Irian; therefore, there was no alternative but to remain within the Republic of Indonesia. He called upon the assembly to make Merauke the beginning of victory.

196. Twenty members of the assembly took the floor in turn and, with slight variations, expressed the following views: (a) they had considered themselves part of Indonesia since the 1945 proclamation of independence; (b) they recognized only one country, one constitution, one flag, one Government, that of Indonesia; (c) although the people of the Regency had already expressed their adherence and loyalty to the Republic of Indonesia they had agreed to hold the act of free choice because the Government had to honour an international obligation assumed under the

New York Agreement; (d) during the Dutch colonial rule the people had been repressed and the development of the region had been utterly neglected; (e) under Indonesian administration much progress had been achieved in the field of education, public works and the general welfare of the people; (f) what mattered after the act of free choice was the further development of the region as promised by the Government; and (g) there was no other choice for the people of West Irian but to remain united with Indonesia.

197. In accordance with the practice of musjawarah, all the members of the assembly stood up to signify their approval of the consensus reached.

198. The Chairman summarized as follows the decision reached by the assembly:

"On behalf of the people of Merauke, we declare unanimously that West Irian is an integral part of Indonesia and do not want to be separated from the Republic of Indonesia stretching from Sabang to Merauke."

The members approved the Chairman's declaration by acclamation.

199. In a concluding statement the Minister of Home Affairs expressed the gratitude of the Government for the decision reached and stated that the Central Government would fulfil its responsibility to develop the area economically and in every other respect, and that after the act of free choice was completed the region would be given autonomy in organizing, co-ordinating and carrying out this task.

200. The session closed at 1345 hours.

2. Djajawidjaja

201. The Djajawidjaja consultative assembly met at Wamena on 16 July at 0900 hours, under the chairmanship of Mr. Kiriwaib, Bupati of the Regency. All 175 members of the assembly were present.

202. The meeting was attended by the Minister for Foreign Affairs, the Minister of Information, the Ambassadors of Australia, the Netherlands and Thailand accredited to Djakarta and members of the foreign and Indonesian press and other information media.

203. After the opening speech of the Chairman, statements similar to those made at the Merauke assembly were delivered by the Governor, Ambassador Sudjarwo and the Minister of Home Affairs.

204. Seventeen members of the assembly spoke; they expressed the wish of the people to remain part of Indonesia and condemned any separatist movement as originating from abroad.

205. Ambassador Sudjarwo then asked the members of the assembly who wanted to remain with Indonesia to so indicate by standing up. The entire membership rose.

206. Summing up the consensus, the Chairman declared that the assembly had unanimously decided to retain the territory's ties with Indonesia. The decision would be duly recorded and signed by the members following the meeting. The Chairman's declaration was approved by acclamation.

207. The session closed at 1310 hours.

3. Paniai

208. The meeting of the Paniai consultative assembly, with an attendance of 174 out of a total of 175 members, ^{b/} held at Nabire on 19 July at 0900 hours, under the chairmanship of Mr. S. Soerodjotanojo, Bupati of the Regency.

209. Present at the meeting were the Minister for Foreign Affairs, the Minister of Information, the Ambassadors of Australia, the Netherlands and Thailand accredited to Djakarta, and members of both the foreign and Indonesian press.

210. After an introductory statement by the Chairman, statements similar to those made at the Merauke and Djajawidjaja assemblies were delivered by the Governor, Ambassador Sudjarwo and the Minister of Home Affairs.

211. There followed statements by twenty-eight members of the assembly, who expressed views similar to those put forward at Merauke, but emphasized the need for economic and social development in the territory within the context of the current five-year development programme and expressed the hope that Indonesia would fulfil its promise to accelerate the development of the region. They also pointed out the necessity to end corruption in the administrative structure of the territory.

212. Summing up the consensus of the members, the Chairman stated that the assembly had unanimously decided to retain the territory's ties with Indonesia. The Chairman's declaration was approved by acclamation.

213. After a further statement by the Minister of Home Affairs, the session closed at 1353 hours.

b/ One absent because of illness.

4. Fak-Fak

214. The Fak-Fak consultative assembly, with a membership of 175, met on 23 July at 0915 hours under the chairmanship of Mr. A. S. Onim, Bupati of the Regency. All the members were present.
215. The meeting was attended by members of the government team and other officials. Representatives of various news agencies, both Indonesian and foreign, were also present.
216. The Chairman, after making his opening speech, read a telegram dated 21 July 1969 from the President of the Republic of Indonesia addressed to the Minister of Home Affairs. In it the President, referring to the results of the act of free choice in the first three Regencies, expressed on behalf of the Government his gratitude to the people of West Irian. The most important task for the future, the President said, was to continue to raise the level of unity and harmony as well as to develop the province of West Irian for the sake of all Indonesia. (The telegram was read during the proceedings of all the remaining consultative assemblies.)
217. The Governor, Ambassador Sudjarwo and the Minister of Home Affairs made statements similar to those they had made at earlier meetings. Seventeen members took the floor and expressed views similar to those heard at previous assemblies. The Chairman then read the text of a resolution stating that West Irian was an integral part of the Republic of Indonesia which had been independent and sovereign since 17 August 1945 and that the people did not wish to be separated from Indonesia.
218. On the proposal of the Chairman, all the members of the assembly stood up to signify their agreement with the resolution.
219. Following a concluding statement by the Minister of Home Affairs, the session closed at 1315 hours.

5. Sorong

220. The Sorong consultative assembly held its meeting on 26 July, at 0900 hours, under the chairmanship of Mr. D. Subardjo, Bupati of the Regency. All 110 members of the assembly were present.
221. Members of the government team and other government officials were present, as well as representatives of the Indonesian and foreign press.

222. The Chairman, the Governor, Ambassador Sudjarwo and the Minister of Home Affairs delivered speeches similar to those made at earlier meetings. Statements were made by sixteen members of the assembly. The Chairman summarized their views in a resolution which stated that West Irian was an integral part of the Republic of Indonesia and could not be separated from it; the people of West Irian would continue to defend the Indonesian proclamation of independence of 17 August 1945 and to recognize only the Republic of Indonesia, based on the Pantja Sila; the people considered important and welcomed the intention of the Government to give wide autonomy to the province of West Irian.

223. On the proposal of the Chairman, all the members of the Assembly stood up to express their agreement with the resolution as read out by the Chairman.

224. The session closed at 1215 hours.

6. Manokwari

225. The Manokwari consultative assembly, attended by all seventy-five members, met on 29 July, at 0900 hours, under the chairmanship of Mr. S. D. Kawab, Bupati of the Regency.

226. Members of the government team and other government officials were present. More than fifteen members of different news agencies, both Indonesian and foreign, attended the meeting.

227. It may be noted that Mr. L. Mandatjan, one of the former leaders of the opposition to Indonesian rule in Manokwari, was a member of this consultative assembly and spoke in favour of maintaining West Irian's ties with Indonesia.

228. After the opening speech by the Chairman, the Governor of West Irian, recalling the unanimous decisions of the first four Regencies that West Irian should remain part of Indonesia, reiterated that the welfare and development of the people of West Irian would be achieved within the Republic of Indonesia, and as proof of that he cited the achievements, particularly in the field of education and public health, that had been made under the Indonesian administration during the previous six years.

229. Statements similar to those they had made at previous meetings were then delivered by Ambassador Sudjarwo and the Minister of Home Affairs.

Twenty-six members of the assembly took the floor. Their views were then summarized by the Chairman in a resolution stating that West Irian formed an integral part of the Republic of Indonesia and that the people did not wish to be separated from the Republic and would reject any attempt to disrupt unity with Indonesia.

230. On the proposal of the Chairman, all the members of the Assembly rose to signify their agreement with the resolution read out by the Chairman.

231. The session closed at 1400 hours.

7. Tjenderawasih

232. The meeting of the Tjenderawasih consultative assembly was held at Biak on 31 July. It was opened by the Chairman, Mr. Harahap, Bupati of the Regency, at 0900 hours. Out of a total membership of 131, 130 were present. ^{c/}

233. The Minister for Foreign Affairs, the Minister of Information and other government officials attended the meeting. The Ambassadors of Australia, Burma, the Federal Republic of Germany and New Zealand were also present, as were members of the Indonesian and foreign press.

234. Statements were made by the Governor, Ambassador Sudjarwo and the Minister of Home Affairs. The latter expressed his confidence that the assembly would do the same as the other six assemblies, which had spoken on behalf of 533,700 people of the territory. That was proof that all were united in the common struggle to complete the unity of Indonesia.

235. Twenty-four members took the floor successively, stating briefly that they would not allow West Irian to be separated from the Republic of Indonesia nor allow anyone to interfere with its development. The Government had spent enough money on the act of free choice. Every effort and all funds should now be directed to development, and the United Nations Representative should convey to the Secretary-General the desire of the people to maintain the ties of West Irian with the Republic of Indonesia.

^{c/} One absent because of illness.

236. The Chairman summarized as follows the decision reached by the assembly on the basis of the speakers' statements: West Irian was an integral part of the Republic of Indonesia and did not wish to be separated from it. He then asked the members to indicate whether they agreed with this conclusion. All answered in the affirmative and stood up, at the Chairman's request, to signify their agreement.

237. In a concluding statement the Minister of Home Affairs said that the results as read by the Chairman were completely legal and not in conflict with the New York Agreement. After the act of free choice, West Irian would be given administrative autonomy. Autonomy for the province would have certain requirements: it would depend on the ability and responsibility of the people and on the financial capacity of the province itself. In other words, the territory would have the same status as other provinces of the Republic of Indonesia. The administration would be "irianized" within the framework of the unitary State of Indonesia.

238. The session closed at 1320 hours.

8. Djajapura

239. The Djajapura consultative assembly met on 2 August at 0800 hours, under the chairmanship of Mr. Anwar Ilmar, Bupati of the Regency. One hundred and nine out of the membership of 110 were present.^{d/}

240. The meeting was attended by the Minister for Foreign Affairs, the Minister of Information and other government officials. The Ambassadors of Australia, Burma and the Federal Republic of Germany were also present, as were representatives of the press.

241. Following statements by the Chairman, the Governor, Ambassador Sudjarwo and the Minister of Home Affairs, twenty-seven members of the assembly spoke. They said that West Irian had been part of Indonesia since the proclamation of independence of 1945; the act of free choice had been carried out only in order to fulfil an international obligation undertaken by the Government; what was important was not the act of free choice but the development of the territory; and with the completion of

^{d/} One absent because of illness.

the act of free choice, the last vestiges of colonialism had been destroyed and Indonesia would be a totally free State.

242. The Chairman, summarizing the views of the speakers, stated that the assembly of Djajapura, in answering the questions posed by the representative of the Government, had decided unanimously that West Irian would remain with Indonesia. That conclusion would be recorded and signed by the members. The declaration of the Chairman was approved by acclamation.

243. The Minister of Home Affairs then made an official statement on behalf of the Indonesian Government, which may be summarized as follows:

(a) The Government had carried out between 14 July and 2 August 1969 the act of free choice in West Irian on the basis of the New York Agreement of 1962. The result was that all the people desired West Irian to continue as one with the Republic of Indonesia. This was final and legal. In accordance with the New York Agreement, Indonesia had to recognize and obey the results of the act of free choice. The Minister for Foreign Affairs would transmit the results immediately by telegram to the Secretary-General of the United Nations. The procedure was in accordance with the decree issued by the Ministry of Home Affairs and the results would be reported to the Provincial Council of West Irian in a special session on 5 August.

(b) All the people of West Irian had carried out their duties by democratic musjawarah in a spirit of unity, for the benefit of the people of the territory. He wished to thank them for that spirit.

(c) On behalf of the Government, he wished to express his gratitude to the Ortiz-Sanz mission. The United Nations Representative, he said, had carried out his duties in accordance with the New York Agreement and had done so in the best manner possible; despite numerous difficulties, those duties had been performed well and with patience.

244. The session closed at 1203 hours.

B. The final decision

245. It will be seen from the proceedings summarized above that each and every one of the eight consultative assemblies decided unanimously through

musjawarah to retain the territory's ties with Indonesia.

246. As far as we were able to observe, the meetings of the consultative assemblies were conducted in an orderly manner. Members of the assemblies were able to express their views and often signified vehemently their wish to remain with Indonesia. The meetings were open and in some places the general public gathered inside and outside the buildings where the meetings were being held and enthusiastically supported the decisions reached. At other places, groups of citizens, such as elementary and high school students, boy scouts, teachers, and members of women's organizations and other bodies, participated in popular demonstrations in favour of the result of the act of free choice.

247. The result of the act of free choice was communicated to you by the Minister for Foreign Affairs of Indonesia by a telegram dated 2 August 1969, reading as follows:

"His Excellency U Thant
Secretary-General
United Nations
New York

"I have the honour and great pleasure to inform Your Excellency that today Saturday 2nd August 1969 the Indonesian Government with God's blessings has completed in Djajapura the implementation of the act of free choice for the people of West Irian in accordance with the New York Agreement. The people of West Irian through their elected representatives have in assembly sessions in eight Regencies held between July 14th and August 2nd 1969 clearly and unequivocally expressed their unanimous decision to remain within the Republic of Indonesia. On behalf of the Indonesian Government I would like to thank Your Excellency for your continuous great interest and understanding and Your Excellency's special representative His Excellency Ambassador Ortiz-Sanz and his staff for their valuable assistance to the Indonesian Government in implementing the last phase of the New York Agreement and their devotion, understanding and patience in carrying out this important task. A full report pursuant to article XXI sub 1 of the New York Agreement will be sent to you as soon as possible. Accept, Mr. Secretary-General, the assurance of my highest consideration.

"Adam MALIK
Minister for Foreign Affairs
Republic of Indonesia"

VII. CLOSING REMARKS

248. From the facts and documents to which I have referred in the present report, it is clear that:

(a) The Indonesian Government, in compliance with article XVIII, subparagraph (a), of the Agreement, consulted the representative councils about the method to be followed for the act of free choice, obtaining the approval of the councils for the organization of eight consultative assemblies, with a total membership of 1,025. These consultative assemblies, elected in accordance with the Indonesian practice of musjawarah, were to reply to the basic questions of the act of free choice, in accordance with the method of musjawarah.

(b) The Indonesian Government decided that the act of free choice should begin on 14 July 1969.

(c) The questions set out in article XVIII, subparagraph (c), of the Agreement, namely, "whether they wish to remain with Indonesia" or "whether they wish to sever their ties with Indonesia" were presented to the consultative assemblies by the Indonesian Government.

(d) The Government of Indonesia, in order to fulfil the requirement contained in article XVIII, subparagraph (d), of the Agreement regarding "the eligibility of all adults, male and female, not foreign nationals, to participate in the act of self-determination", officially accepted the three prerequisites for the formation of the consultative assemblies that I had suggested at the meeting at the Ministry of Foreign Affairs in Djakarta on 10 February and in my letter of 25 February, namely: that the consultative assemblies should have as large a membership as possible, that all sectors of the population should be represented and that their members should be clearly elected by the people.

(e) The answer given by the consultative assemblies, by musjawarah, to the questions put to them (see subparagraph (c) above) was a unanimous consensus that West Irian should remain with Indonesia.

249. It can also be seen from my report that United Nations observers were able to attend the election of 20 per cent of the total membership of the consultative assemblies. I was personally present, together

with members of my staff, at all the meetings of the consultative assemblies.

250. The petitions opposing annexation to Indonesia, the cases of unrest in Manokwari, Enarotali and Waghete, the flight of a number of people to the part of the island that is administered by Australia, and the existence of political detainees, more than 300 of whom were released at my request, show that without doubt certain elements of the population of West Irian held firm convictions in favour of independence. Nevertheless, the answer given by the consultative assemblies to the questions put to them was a unanimous consensus in favour of remaining with Indonesia.

251. I regret to have to express my reservation regarding the implementation of article XXII of the Agreement, relating to "the rights, including the rights of free speech, freedom of movement and of assembly, of the inhabitants of the area". In spite of my constant efforts, this important provision was not fully implemented and the Administration exercised at all times a tight political control over the population.

252. It is clear that, when voting to remain with Indonesia, the inhabitants of the territory were also voting for economic development and social progress, which they hoped would result from their decision. It is encouraging to note that at the time of the act of free choice and subsequently, high officials of the Indonesian Government have publicly expressed their firm intention to grant to West Irian a substantial degree of autonomy and to make serious efforts to promote the development of the territory.

253. Finally, on the basis of the facts presented in this report and the documents referred to, it can be stated 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 in West Irian in accordance with Indonesian practice, in which the representatives of the population have expressed their wish to remain with Indonesia.

ANNEX II

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

TABLE OF CONTENTS

	<u>Para</u>	<u>Annex II</u> <u>Page</u>
I. Introductory Notes	1 - 8	3
II. Character and Main Content of the Agreement	9 - 11	7
III. Implementation of the first part of the Agreement	12	10
IV. Implementation of the AFC by the Indonesian Government	13 - 20	11
V. Arrival of the Secretary-General's Special Representative	21 - 27	17
VI. Difficult process of Finding a Reasonable Method and Procedure for the Act of Free Choice	28 - 38	23
VII. Consultation of the Government with the Local Representative Councils in West Irian on the Method and Procedure of the Act of Free Choice and the Adoption of the Method	39 - 42	34
VIII. Elections of Representatives for the Consultative Assemblies in Each Regency	43 - 46	39
IX. Meeting of Indonesia's Foreign Minister Adam Malik and Netherlands' Foreign Minister Luns in Rome, on 20 and 21 May, 1969	47	46
X. Preparation of the Consultative Assembly Sessions for the Act of Free Choice	48 - 49	46
XI. Conduct and Execution of the Act of Free Choice	50 - 64	50
XII. Conclusion	65 - 67	76

IMPLEMENTATION OF THE INDONESIA - NETHERLANDS AGREEMENT ON WEST IRIAN,
NEW YORK, 15 AUGUST 1962

REPORT OF THE INDONESIAN GOVERNMENT TO THE
SECRETARY-GENERAL OF THE U.N., CONCERNING THE
CONDUCT AND THE RESULTS OF THE "ACT OF FREE
CHOICE" IN WEST IRIAN, PURSUANT TO ART. 21
OF THE NEW YORK AGREEMENT 1962.

I. INTRODUCTORY NOTES

1. The Indonesia - Netherlands Agreement, signed in New York on August 15, 1962, was the result of bilateral negotiations between the Indonesian and the Netherlands governments, held with the intermediary and good offices of the U.N. Secretary-General, U Thant, between March and August 1962, through his appointed personal representative, Mr. Elsworth Bunker.

2. This Agreement constituted the ultimate peaceful solution of a long standing conflict or dispute between Indonesia and the Netherlands on the "political status" of West Irian as from the end of 1949. The Round Table (peace) Conference in The Hague in 1949 between the Indonesian and the Netherlands governments terminated an armed conflict (for Indonesia: a revolutionary war for freedom and independence) between Indonesia and the Netherlands which had started after the Indonesian People's proclamation of Independence on August 17, 1945.

The sovereignty and independence of the new born State Indonesia was internationally recognized at that Conference, but one question : the

"status" of the

"status" of the "residentie" (an administrative district in Indonesia) New Guinea (or West Irian) remained in dispute, which had to be settled by further negotiations between the two governments within one year.

3. The one year elapsed without the solution hoped for. The unresolved dispute disturbed the newly established peaceful relations between the two countries. Because the dispute was aggravating the relations between the two countries, the Indonesian Government brought the question to the United Nations in 1954 for its peaceful solution.

4. From 1954 to 1957 and in 1961 the United Nations General Assembly discussed this "Question of West Irian" in the Political Committee, but without achieving the needed peaceful solution. In the meantime the relations between Indonesia and the Netherlands deteriorated and worsened. On 17 August 1960 the diplomatic relations between Indonesia and the Netherlands were broken off (by Indonesia) and at the end of 1961 even an armed conflict between Indonesia and the Netherlands was imminent. In the beginning of the year of 1962 armed clashes occurred between Indonesian and Dutch armed forces in the western coastal areas of West Irian.

Alarmed by this development, friendly foreign powers exerted pressure upon the two opposing Governments to avoid war and seek a lasting solution of the dispute, bilaterally or otherwise.

5. Since in the previous eight years the United Nations General Assembly had proved unable to assist the parties in finding a peaceful solution of the dispute, there was understandably no inclination on the part of the Indonesian Government to seek a solution through the United Nations again. Only bilateral negotiations, if necessary, could be attempted,

provided a reasonable

provided a reasonable solution - the long awaited transfer of administration of West Irian to the Republic of Indonesia - could be seriously contemplated. For Indonesia the West Irian dispute was nothing less but a matter of great sensitive national interest, being a matter of completing its national territorial integrity. Since the proclamation of Independence of Indonesia - the former territory of the "Netherlands East Indies" to which West Irian belonged - West Irian had been part of the provinces of the Republic of Indonesia, as had also been the case in the administration of the Netherlands East Indies, when it was part of the province of the Moluccas (Eastern part of Indonesia). In 1957, irrespective of the dispute with the Netherlands, West Irian was promoted by the Republic to the administrative level of Province.

6. With the expectation of a satisfactory and lasting solution more or less ensured, the Indonesian Government in avoiding a war with the Netherlands, was willing again to try to seek a peaceful solution with the Netherlands Government, outside the United Nations. The diplomatic relations between the two countries, however, had already been broken off. This was the reason why a third party had to be an intermediary in the needed bilateral negotiations. It was then only proper that this intermediary was found and agreed upon by the two parties: Indonesia and the Netherlands, in the person of the Secretary-General of the United Nations, U Thant. Through his appointed personal representative, the distinguished and experienced American diplomat, Ambassador Elsworth Bunker, exploratory (informal and secret) negotiations between the two Governments could be started on 20 March 1962, in a small unpublicized place outside Washington D.C.

7. These negotiations did not prove easy from the very beginning. The basic viewpoints of the two parties stood too far apart, if not diametrically conflicting with each other. It was a hard and laborious negotiation to reach an agreement. Breakdowns occurred; negotiations had to be suspended and again resumed. However, due to the patience and personal capabilities of U Thant's representative, Ambassador Elsworth Bunker, and to the serious determination of both parties to end, once and for all, a long standing dispute for the sake of peace and better relations between the two countries, the negotiations could ultimately - because of pressing circumstances - succeed to producing a draft agreement, agreed upon by the two Governments only on August 14, 1962, and formalized and signed by both parties under the auspices of U Thant, United Nations Secretary-General, in New York on August 15, 1962.

8. This was the birth of the New York Agreement, which brought to an end a 13 years long dispute and conflict between two countries, Indonesia and the Netherlands, even after the peace conference at the end of 1949, to end the war for freedom and independence of Indonesia. What could have been settled in 1949 or one year later in 1950, had unfortunately to be dragged on, due to unfortunate circumstances, for 12 more long years of conflict and dispute, incurring damages to the newly born relationship between the two countries as two independent and sovereign nations.

 Although the Agreement was probably not wholly satisfactory for either of the two contracting parties, it was meant by both parties as the end of the long standing conflict and dispute and the beginning of a new era of understanding and restoration of peaceful relations between the two countries for their mutual benefit. For Indonesia, the Agreement which provided

for the transfer of administration of West Irian from the Netherlands to the Republic of Indonesia (through an UNTEA-interim period) would constitute the last and complete end of Netherlands (colonial) rule in the whole of Indonesia.

11. CHARACTER AND MAIN CONTENT OF THE AGREEMENT

9. The Agreement in its content and wording was juridically probably rather a peculiar document. It was, however, evident that the Agreement was a political rather than a juridical document.

The Agreement contains basically two parts:

- a) the transfer, via a temporary United Nations Temporary Executive Authority , of the administration of West Irian from the Kingdom of the Netherlands to the Republic of Indonesian. This meant the complete and final end of Netherlands colonial rule in West Irian, and thus in Indonesia, as demanded by Indonesia.
- b) the "act of self-determination" or "act of free choice" or "the ascertainment of the wishes" of the people of West Irian, 6 years after the administration has been formally and fully transferred to the sovereign Government of the Republic of Indonesia.

This (b) was the "compromise" solution due to a Netherlands demand that the people of West Irian should be given the right of "self-determination" - a proposition that had always been strongly contested by Indonesia. Such an act would defy the proclamation of and struggle for independence of Indonesia, which already constituted the exercise of the right of self-determination of all the Indonesian people vis a vis the former Netherlands colonial rule in Indonesia. The "compromise" was found in an "act of self determination", or "act of free choice" after the transfer of administration, and to be held not by the United Nations (as had been suggested earlier) but by the sovereign Indonesian Government itself, whereby the wishes of the people would be ascertained by the Indonesian Government itself. The United Nations

Secretary-General's

Secretary-General's functions in the Agreement was only "to assist, advise and participate" in the arrangements for the "act of free choice"; the responsibility for these arrangements and for the implementation of the "act of free choice" remained solely with the sovereign Government of the Republic of Indonesia (Article XVII of the Agreement).

While such general principles as "democratic", "free" and "according to international practice" were prescribed for the implementation of the act of free choice, the Agreement left the choice of the method and procedures for the act of free choice to the Indonesian Government which would have to decide in consultation with the existing local "representative councils" in West Irian itself as legal representatives of the people of West Irian.

This was the real content and meaning of the relevant provisions as prescribed in the Agreement. Lack of awareness of this content and meaning on the part of outsiders has caused some misunderstanding or misinterpretations of this bilateral Agreement.

10. In Indonesia, the Agreement was considered satisfactory for its first part; not, however, for its second part. The Government had to explain that the second part being a "compromise" to avoid war and bloodshed would not appear to be harmful to the national causes since the Government was confident of the satisfactory result of the "act of free choice" that was to be made after 6 years and that (According to the Agreement) it was the Indonesian Government who would conduct the act of free choice and not the United Nations. Only with this explanation and these assurances, opposition and criticism of the Agreement could be surmounted, so that the Indonesian Parliament could adopt and ratify this Indonesia-Netherlands Agreement of 1962 on 1 September of that year.

In the Netherlands

In the Netherlands, the Government seemingly had also to surmount criticism and opposition to the Agreement for different reasons, whereby among other things, international pressure was blamed. However, it seemed that the Netherlands Government was determined to end its last colonial rule in Asia (using the term: "de-colonization") and at the same time to better relations with the Republic of Indonesia. Indeed, the Agreement was instrumental not only in normalizing the severed relations with Indonesia, but also in promoting understanding and friendship with Indonesia, a relationship which both Governments still wanted to cherish after Indonesia's complete Independence.

As to the future welfare of the people of West Irian, to which the Netherlands Government had felt committed, the Netherlands Government, after the signing of the Agreement, was prepared to render a financial contribution-through the Indonesian Government- to the amount of US\$10 million annually for 3 years, which fund became the FUNDWI (Fund for West Irian) entrusted to Secretary-General U Thant.

11. This was the background to the Indonesia-Netherlands Agreement in 1962. For anyone, who is not aware of this political background or lacks knowledge of it, it would be indeed difficult to understand this Agreement fully with its rather peculiar provisions and indeed comprehend its purpose.

The Agreement was clearly a bilateral agreement between Indonesia and the Netherlands. It was not called upon by a resolution on the Question or by any other mandate of the United Nations General Assembly, which had always failed to produce any resolution for the solution of the dispute.

The role of mediation or intermediary of the United Nations Secretary-General, U Thant, was called for by pressing international

circumstances,

circumstances, and the further role of the United Nations Secretary-General in the Agreement itself, as in the creation of the United Nations Temporary Executive Authority in West Irian and the dispatch of the Ortiz-Sanz Mission, was called for by the Agreement itself, that is to say by the two parties to the Agreement.

This may explain, why the United Nations General Assembly on September 21, 1962, confined itself to only taking note of the Agreement and to congratulating the parties on their success in finding a peaceful solution to the long standing dispute.

With regard to the role or function of the United Nations Secretary-General to be performed as requested by the Agreement between two members of the United Nations, the United Nations General Assembly had, of course, to permit and to authorise the Secretary-General to perform an extraneous function, as not belonging to his routine institutional function as Secretary-General of the United Nations. That is why it was also provided in the Agreement, that all financial expenses defrayed by Secretary-General U Thant, in complying with the duties called for by the Agreement, were to be borne by the two contracting parties themselves, by the Indonesian and the Netherlands Governments in equal shares. Nothing was to be paid by the United Nations.

III. IMPLEMENTATION OF THE FIRST PART OF THE AGREEMENT

12. The first part of the Agreement, the transfer of administration in West Irian from the Netherlands Government to the Indonesian Government by means of the United Nations Temporary Executive Authority (UNTEA), through its temporary administration from October 1, 1962 to May 1, 1963, with the cooperation

with the cooperation of both the Netherlands and the Indonesian Governments was accomplished on May 1, 1963. The United Nations Temporary Executive Authority had been preceded by a cease-fire between the combatting forces of both parties in combat in West Irian, arranged by the Secretary-General immediately after the signing of the Agreement on 15 August 1962. This accomplishment of the United Nations Temporary Executive Authority was reported by the Secretary-General to the 18th session of the United Nations General Assembly in his Annual Report of 1962/63. This Report was not discussed by the United Nations General Assembly but was passed, after only being taken note of on November 6, 1963. (see U.N. Document A/5501).

IV. IMPLEMENTATION OF THE ACT OF FREE CHOICE
BY THE INDONESIAN GOVERNMENT.

13. The Agreement provided that after the complete transfer of full administration of West Irian to the sovereign Republic of Indonesia, some years later - before the end of 1969 - an "act of free choice" for the people of West Irian would be held by the Indonesian Government, with the "assistance and advice" of the United Nations Secretary-General. Already in 1964 - when Mr. Rolz Bennett (who had been United Nations Temporary Executive Administrator in West Irian) visited Indonesia, informal talks were held in Djakarta between him and the Indonesian Government on the future holding of the act of free choice in 1969. The difficulties of choosing the right method and procedures for the act of free choice were mutually acknowledged in the light of specific circumstances in West Irian, both relating to the human and social conditions as well as to the geographical situation and its inherent technical problems. Workable methods had to be contemplated.

In January 1965, however, Indonesia withdrew its active participation

participation in the United Nations, and thus the future implementation of the second part of the New York Agreement became an unworkable proposition.

Only in the middle of 1966 Indonesia decided, under a changing policy of government, to restore its relationship with the United Nations and Indonesia sent again its Delegation to the 21st United Nations General Assembly of that year. In New York Foreign Minister Adam Malik indicated that Indonesia would likely be prepared to honour the New York Agreement and implement the act of free choice in 1969 as the final phase and conclusion of the Indonesia-Netherlands Agreement of 1962.

The Indonesian Government at that time was, however, still much occupied with serious national and internal problems, both political and economic.

14. On 27 April 1967, after a Cabinet Session in Djakarta, Foreign Minister Adam Malik stated in a press conference that Indonesia would honour its obligations as stipulated in the New York Agreement. It would implement the act of free choice for the people in West Irian in 1969. As to the method, since the New York Agreement did not specify an explicit method, Indonesia would have to arrange - with the assistance of the United Nations Secretary-General - a suitable system for that purpose.

15. As a follow-up to that statement and at the formal invitation of the Indonesian Government, United Nations Secretary-General U Thant sent his representative, the Under-Secretary for Special Political Affairs, Mr. Rolz-Bennett, to Indonesia for the purpose of holding discussions with the Indonesian Government concerning the implementation of the last phase of the New York Agreement. This visit which took place from 31 July until

3 August 1967

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.

The Memorandum of Understanding contains, in summary, the following:

- 1) The Government of Indonesia reaffirms its commitment as stated in the New York Agreement, with regard to West Irian and if possible the act of free choice will be implemented before the 24th Session of the United Nations General Assembly in 1969.
- 2) The Government will hold consultations with the Regional Councils in West Irian as to the most appropriate form of free choice and agrees to have United Nations' participation in the consultations.
- 3) The Indonesian Government gives its consent to the re-assignment of United Nations representatives as mentioned in Article XVI of the New York Agreement.
- 4) The Indonesian Government agrees that a brief statement from the United Nations Secretary-General concerning this understanding be incorporated in his Annual Report to the United Nations General Assembly of 1967 (22nd Session).
5. With regard to the Fund of the United Nations for the Development of West Irian (FUNDWI), the Indonesian Government expresses the hope that there will be speedy implementation of the projects in West Irian.

16. United Nations Secretary-General U Thant in his "Introduction to the Annual Report of the Secretary-General on the work of the Organization from 16 June 1966 to 15 June 1967" reported to the Twenty-Second Plenary Session of the United Nations General Assembly in September 1967 on the West Irian issue inter alia as follows:

"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

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 West Irian 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 arrangements which are the responsibility of Indonesia for the act of free choice".

In his letter addressed to the Indonesian Government on January 24, 1968, Secretary-General U Thant, on the basis of the above-mentioned Memorandum, stated that it was agreed in principle that the best time of the year to hold the act of self-determination, would be between the months of April and July 1969, and that one year before the act of self-determination the Secretary-General would proceed to the appointment of the representative called for in Article XVII of the New York Agreement. He informed the Indonesian Government that his choice for this function was Ambassador Fernando Ortiz-Sanz, permanent representative of Bolivia to the United Nations, who had a distinguished record of service with his government and had served the United Nations Security Council as President in December 1964 and November 1965. Ambassador Ortiz-Sanz's appointment would be effective April first, 1968.

17. The Indonesian Government agreed to the Secretary-General's proposal to appoint Ambassador Ortiz-Sanz in a letter from the Indonesian Permanent Representative to the United Nations Secretary-General dated March 26, 1968. The Secretary-General on March 29, 1968, formally announced the appointment of Dr. Fernando Ortiz-Sanz, as his representative to "advise, assist and participate"

assist and participate" in the arrangements for the act of free choice in West Irian the following year. Ambassador Ortiz-Sanz would take up his appointment on April 1, while the exact date of his departure for Indonesia would be decided later .

Due to the need for the necessary preliminary technical and administrative preparations, including accomodation facilities, the Indonesian Government considered that the most convenient time for Mr. Ortiz-Sanz to commence his duties in Indonesia would be the middle of August 1968.

18. For the necessary arrangements and consultations the Indonesian Government in May 1968, dispatched the Special Assistant to the Foreign Minister for West Irian Affairs, Mr. Sudjarwo Tjondronegoro, to the Netherlands and New York. Though the Netherlands would have no part in the implementation of the last phase of the Agreement - except the sharing of the costs for the Ortiz-Sanz Mission - it was deemed desirable by the Indonesian Government in the framework of friendly relationship, to inform the Netherlands Government about arrangements being made by Indonesia and what policies might be considered for possible methods of the act of free choice. Informal exchanges of views were held by Mr. Sudjarwo Tjondronegoro during his stay in the Netherlands from May 18 till May 28, where he had meetings with Foreign Minister Luns and Foreign Ministry officials as well as with prominent political leaders in Parliament. As a party to the New York Agreement, the Netherlands Government was very much appreciative of the approaches and consultations by the Indonesian Government in relation to the implementation of the New York Agreement. The Government and people in general emphasized the great change in relations between Indonesia and the Netherlands since the signing of the Agreement in 1962. They stressed the importance of the progress of these

progress of these developments and their sincere intentions to strengthen those relations. Regarding possible methods for the act of free choice, they had understanding for the difficult social and geographical conditions in West Irian. They left the decision - in accordance with the New York Agreement - to the Indonesian Government and the "advice" of Secretary-General U Thant while hoping for a democratic and proper implementation of the act of free choice.

19. In New York, Mr. Sudjarwo Tjondronegoro had informal discussions from June 3-5, 1968 with Under-Secretary Rolz-Bennett and Secretary-General U Thant, about arrangements to be made, on the commencement and the work of the Ortiz-Sanz Mission, its necessary staff and budget and on questions relating to the future act of free choice. The specific conditions in West Irian were duly acknowledged.

The discussions resulted in an "understanding" of June 5, 1969, which interalia contains the following:

- (1) Ambassador Sudjarwo underlined that, in accordance with Article XVII of the Agreement of 15 August 1962, the arrangements for the act of free choice were the sole responsibility of the Government of Indonesia. The task of the United Nations representative was to "advise, assist and participate" in such arrangements. Messrs. Rolz-Bennett and Ortiz-Sanz recalled, in this connection, articles XVII and XVIII of the Agreement, which stated that the United Nations Representative would "participate" as well as "advise and assist" in the arrangements. It was felt that the detailed modalities concerning the task of the United Nations Representative would be discussed by Mr. Ortiz-Sanz with the Government of Indonesia in Djakarta.
- (2) Bearing in mind the special circumstances of West Irian, the Government of Indonesia would discuss with Mr. Ortiz-Sanz the methods to be followed in the act of free choice. It was the intention of the Government of Indonesia to consult with the local

councils

councils and with the provincial council of West Irian, so that the act of free choice would be carried out in accordance with the will of the people of West Irian, expressed through its representatives to the local councils and to the provincial council (in conformity with article XVIII sub a of the Agreement).

- (3) Bearing in mind article XXIV of the Agreement of 15 August 1962 which states, inter alia, that the parties to the Agreement will share on equal basis the cost incurred by the United Nations under the Agreement, understanding was reached to the effect that expenditures would be held to a minimum. Messrs Rolz-Bennett and Ortiz-Sanz, while fully subscribing to the need for economy, emphasized that financial considerations should not affect the proper discharge by the United Nations of its responsibilities concerning the act of free choice."

20. On his return to Djakarta, Mr. Sudjarwo again visited the Netherlands from June 9 - 16, where he had another round of discussions with government officials as well as with leaders of political parties. The result of the discussions in New York and the "understanding" reached with U Thant were informally conveyed to the Netherlands Government.

V. ARRIVAL OF THE SECRETARY-GENERAL'S SPECIAL REPRESENTATIVE,
MR. ORTIZ-SANZ IN DJAKARTA

21. On August 12, 1968 Ambassador Ortiz-Sanz, as Special Representative of the Secretary-General arrived in Djakarta, accompanied by Madame Ortiz-Sanz and a few members of the staff. Accompanied by Mr. Sudjarwo, he immediately paid courtesy calls to the Ministers of Foreign Affairs, of Home Affairs, and of Information, to the Speaker of Parliament and the leadership of the People's Congress. He attended the "Proclamation Day of Independence" on August 17, 1968 and was received by President Suharto on August 19, 1968.

On August 16, Ambassador Ortiz-Sanz attended the session of Parliament where President Suharto delivered his Address to the Nation in the framework of the yearly commemoration of the "Proclamation Day". In his

Address, the President

Address the President - on the problem of West Irian - reiterated the determination of the Indonesian Government to honour the New York Agreement and to conclude it with the implementation of the act of free choice.

President Suharto recalled what the Indonesian Government had already undertaken for the development and progress of West Irian, notably after the transfer of administration on May 1, 1963. "Since that time" - the President said - "we have embarked upon development activities in all fields especially in the field of education and social development yielding fruitful results. Thousands of teachers from other provinces of Indonesia - male and female - have been sent and have carried out their task also in very remote isolated areas in West Irian - which had been long neglected and were backward. They have fulfilled their duties with sincerity despite all kinds of sacrifices. Hundreds of students from West Irian have been given the opportunity to further their studies in other provinces of Indonesia. In West Irian itself, a State University has been founded. The Government has supported the advancement of religious life and activities so important for the people of West Irian. In a very short time native West Irianese have been given responsibilities in the field of government and social institutions. The important post of governor, head of regencies and head of counties (in the colonial days reserved for Dutch officials) have been given to sons of West Irian. For the people in the villages progress in the field of animal husbandry and fishery is really discernable."

The President recognized the shortcomings in economic development and the existing difficulties in the field of transportation and communications. But serious efforts were being undertaken to better the situation. "The development and advancement of the province of West Irian", the President said further, "poses a challenge greater than that in other provinces;

therefore the development . . .

therefore the development of West Irian is given a special place in the Government's Five Year Development Plan."

The President recalled that, since the period of the United Nations Temporary Executive Authority the people of West Irian themselves had on numerous occasions expressed their viewpoint that they are part of the Indonesian Nation and that West Irian is an inseparable part of the unitary Republic of Indonesia. All these resolutions, the President concluded, would certainly facilitate and smoothen the implementation of the last phase of the New York Agreement.

22. Having discussed some technical problems with the Government officials concerned relating to accomodation and facilities for the Mission, both in Djakarta and in Djayapura (West Irian), the program of work, etc., Ambassador Ortiz-Sanz with three staff members headed for West Irian on August 22 to familiarize himself with the situation and conditions of the territory. He was accompanied by Mr. Sudjarwo and other Government officials. The group arrived in Djayapura on August 23, where they were welcomed by the provincial authorities. After courtesy calls and informal discussions with the local (provincial) authorities, including the Governor of West Irian, Mr. Frans Kaisiepo, and the local Military Commander, Brigadier General Sarwo Edhie Wibowo, the group began an extensive tour in the territory on August 26, During a 9 day trip by air, the group was able to visit 11 places (outside Djayapura) throughout the whole territory, inclusive of the interior. All the 8 regencies of the province were visited. At every place visited, meetings with local authorities and the people were organized. Ambassador Ortiz-Sanz explained his functions in accordance with the New York Agreement, and Mr. Sudjarwo explained the duty and the responsibility of the Indonesian Government in implementing the Agreement, i.e. the act of free choice to be held in 1969.

In every place

In every place, Mr. Ortiz-Sanz also had the opportunity to speak with the foreign missionaries who were available.

Besides, Mr. Ortiz-Sanz also had the opportunity to see some local activities in the field of people's industries. He also visited some schools, churches, hospitals, etc. Ambassador Ortiz-Sanz was impressed that the social and educational activities of foreign missions also received subsidies from the Indonesian Government. Local dances were performed to acquaint Ambassador Ortiz-Sanz with the standard of cultural level, and what the Indonesian Government had done to improve the social and cultural development of the people.

23. It was soon obvious for every honest observer that the development of a territory and a society like that of West Irian requires tremendous efforts and a specific dedication. Many difficulties have to be overcome. In his letter of September 5, at the end of the tour, Ambassador Ortiz-Sanz stated that his first tour of West Irian "was a complete success". He further concluded, that "the tour also gave us an insight into the enormous difficulty which your Government may face in the fulfilment of the responsibilities regarding the act of free choice."

The tour indeed enabled Mr. Ortiz-Sanz and his staff also to discuss various matters and exchange views with Mr. Sudjarwo and other Government officials both from the Central Government as well as from the local Government, and to gather all kinds of information needed.

24. In the interior in particular it was obviously not easy to make simple illiterate people understand what the New York Agreement and the act of free choice really meant. One could not talk much about these things.

In the advanced areas, especially in the cities, Ambassador Ortiz-Sanz had sometimes also to hear statements from leaders of the people that they considered . . .

considered West Irian already to be an integral part of the Republic of Indonesia since 17 August 1945 (the proclamation of Indonesian independence) which is not to be separated from it.

Since 1963, the Indonesian Government had received hundreds of statements of this kind from all layers or groups of West Irian people. For the Indonesian Government the implementation of the act of free choice in West Irian was indeed a political proposition without much political support of the people, in West Irian as well as in the whole of Indonesia, because the people considered that the matter had been settled and that the act of free choice was therefore uncalled for.

25. There was also some misunderstanding among the people with regard to the duty and responsibilities of the Ortiz-Sanz Mission.

There was strong propaganda from abroad, that the Ortiz-Sanz Mission would have a special executive power in West Irian, beyond the limited duties prescribed in the New York Agreement. However, Ambassador Ortiz-Sanz kept himself strictly within the limits of his exact duties and responsibilities. When during his first tour of the territory he was asked by a newsman in Manokwari whether he had brought with him a concept about the method for the act of free choice, he replied "Don't ask me, but ask Mr. Sudjarwo here next to me, because it is the Government of Indonesia that makes the decision. I am only to give assistance and advice." A further question of the newsman "When exactly will the act of free choice take place?", was answered by Ambassador Ortiz-Sanz: "That question too you have to address to Mr. Sudjarwo, as it is also the Indonesian Government that will decide on the date for the act of free choice."

26. On 13 September 1968 Ambassador Ortiz-Sanz returned to Djakarta, and since then he and his staff . . .

and since then he and his staff divided their time and work between Djakarta and West Irian. The Ortiz-Sanz Mission had an office and living accommodation both in Djakarta and Djayapura. Discussions and exchange of views, both formally or informally, through exchange of letters or orally, were then held continuously in which Ambassador Ortiz-Sanz and Mr. Sudjarwo became the formal counterparts. The Indonesian Government as well as the provincial government in West Irian, made great endeavours to facilitate the work of the Mission and to establish a smooth working cooperation. During the period of the Ortiz-Sanz Mission in Indonesia, not less than 108 letters were exchanged between the Ortiz-Sanz Mission and the Indonesian Government on all kinds of subjects, and providing all kinds of information or clarification needed.

27. After many preliminary discussions with Ambassador Ortiz-Sanz and other interested parties, in which the Indonesian Government had also to take into account the sentiments of the people - especially in West Irian itself- regarding the act of free choice, a large part of whom had clearly expressed their opposition to it (see the background of the West Irian dispute and the New York Agreement), the Indonesian Government had to proceed prudently and tried to find a draft concept for the method and procedure to be used in the act of free choice, which would meet the following requirements:

- a) it should comply with the general democratic principles required by the New York Agreement;
- b) it should for practical reasons be understood by the Netherlands Government and the United Nations Secretary-General;
- c) it should be a workable one in the light of the "enormous difficulties" for carrying out a democratic exercise in such an undeveloped territory with a traditional social structure like that in West Irian;
- d) last but not least, it should have a reasonable chance at being accepted (by way of "mushawarah") by the local representative councils in West Irian itself, as explicitly required by the article XVIII sub a of the New York Agreement.

VI. LIVFIGULT PROCESS

**VI. DIFFICULT PROCESS OF FINDING A REASONABLE METHOD
AND PROCEDURE FOR THE ACT OF FREE CHOICE**

28. Despite all the evident kinds of difficulties and even domestic opposition, the Indonesian Government was determined to carry out the act of free choice in West Irian as required by the 1962 Indonesia-Netherlands Agreement. Due to the specific circumstances, geographical, technical, social and political, it seemed appropriate to think of a simple, effective, reasonable and practical method to carry out that act of free choice, submitting the issue as far as possible to all West Irianese who are likely capable of understanding the difficult proposition and who at the same time, could be considered to represent all the people of West Irian as they are.

The requirement of the principle of democracy should naturally be kept in mind, albeit adapted to the specific socio-cultural conditions of the people of West Irian. Towards the end of September 1968 some preliminary thoughts regarding a possible method were formulated within the Government of Indonesia, containing the following principles:

1. The act of free choice should be executed by a representative body of the people of West Irian (confined to those complying with article XVIII, sub. d of the Agreement);
2. Having considered the specific social structure and conditions of the native West Irianese community, a forum on a broad basis could be formed by 3 kinds of representation:
 - a) regionally elected representatives, elected by the people, as regional representation. These elected (regional) representatives could constitute a new provincial council for West Irian, numbering about 60 deputies;
 - b) representatives of social political groupings (including religious organizations) who are already to be found in the existing local (regency) councils (they were chosen by the respective groups in the Regency): about 80 deputies;
 - c) traditional representatives

- c) traditional representatives, i.e. the various important tribal chiefs, who should be chosen by the tribal communities concerned: about 60 deputies.

These 3 kinds of representation would then form the broad forum of representation, having in total about 200 members, who, in Indonesia's opinion, would constitute in the best possible manner, an appropriate and democratic representation of the people of West Irian in their various aspects, taking into account the present specific condition and situation, and capable of carrying out the act of free choice in 1969 in the most democratic way.

The election of the representatives and the process of the act of free choice itself should be conducted in a democratic way, based on the traditional way of democracy in Indonesia, which is called "demokrasi musjawarah" - the mushawarah democracy.

These preliminary views about the method for the act of free choice being considered by the Indonesian Government were conveyed to Ambassador Ortiz-Sanz informally and as yet unofficially on October 1, 1968.

29. It might be useful to recall, that in 1961 (for the first time) the Netherlands Government instituted a representative council in West Irian, called the "Dewan Papua" (Papua Council), consisting of 28 members meant to represent the whole population of West Irian. 16 out of these 28 members were elected by the people through indirect election by intermediaries except in two cities by direct elections, and the remaining 12 members were appointed by the Government. The "direct elections by the people, held in two cities: Hollandia (now Djayapura) and Manokwari, resulted in the election of a Dutchman in each place. Out of the 28 members, 5 were Dutch, 3 elected and 2 appointed, the latter to represent the interior (highlands) of West Irian. A Dutch government official was specially appointed by the Dutch Government as chairman of the Council. Thus besides the Dutch Chairman, 5 members out of the 28 members were Dutchmen,

18%. It should ...

18%. It should be noted that about 240 000 people or about 1/3 of the population of West Irian at that time who lived in the remote interior called "uncontrolled areas" (outside the Dutch Government administration) were not involved or represented at all in this "Papua Council". And it was this Dutch "Papua Council", which on 25 May 1962 produced a resolution asking for "self-determination" for the people of West Irian, in the sense that no change in the "status" of West Irian should be undertaken without prior consent of this 28 members "Papua Council" as representative of the people of West Irian.

30. The reaction of Ambassador Ortiz-Sanz to the informal and preliminary views presented to him was, understandably, non-committal but he recognized the merits of these views. Meanwhile discussions and explorations went on, while the Indonesian Government continued to make preparations and arrangements to ensure the implementation of the act of free choice under the conditions required by the New York Agreement. The improvement in economic, social and administrative conditions in West Irian itself demanded urgent and serious efforts from the Central Government. A coordinated body in the Central Government, especially geared for this purpose had been formed in Djakarta, under the chairmanship of the Minister of Home Affairs, seconded by the Minister of Foreign Affairs as far as the implementation of the New York Agreement was concerned. This coordinated body in the Central Government was named Project West Irian, one of the many "projects" undertaken by the Central Government in making special endeavours in certain fields of government more effective. Later, "projects" were renamed "sectors", so that the "Project West Irian" became "Sector West Irian". It remained under the chairmanship of the Minister of Home Affairs, having still the same task. The executive body under this "sector", as far as the implementation of the New York Agreement was concerned, was headed by Mr. Sudjarwo Tjondronegoro, Special Assistant to the Foreign Minister.

Meanwhile, the

31. Meanwhile, the political scene in West Irian grew more lively, because of all kinds of propaganda from the so-called "Free Papua Organization" abroad (they operate from the Netherlands and from New York), which tried to interpret the New York Agreement in a fashion exceeding the letter and spirit of the Agreement. Besides, what was disturbing was that agents of the "Organization" tried to achieve their aim by launching anti-Republican propaganda in the worst possible way, even by inciting the simple-minded people to rebellion and to sabotage the function of the Government. Moreover, they tried to abuse the Ortiz-Sanz Mission by suggesting to undertake things that are beyond its duties, such as withdrawing the Indonesian troops from West Irian and replacing them with United Nations troops. They made propaganda that the act of free choice should be implemented by a "one man one vote" system (a system which so far was alien to the people of West Irian) and that the implementation should be executed by the United Nations (which would be contrary to the letter and spirit of the New York Agreement). Every shortcoming of the Indonesian Administration was capitalized in order to discredit the Indonesian Government. Fortunately, their propaganda could only reach the people in the coastal cities, easily accessible from abroad through all kind of means. To the illiterate people it brought all kinds of confusion and misunderstanding. The propaganda against the Republic of Indonesia, which had been started and indoctrinated amongst the people during the Dutch-Indonesia dispute on West Irian, was continued, using West Irianese who during the Netherlands period were collaborators in that policy and propaganda. Dissatisfaction among people in certain areas - originally due to unsatisfactory economic conditions (especially in the years 1965 - 66 - 67 - was abused politically by this "Free Papua Organisation" and armed rebellion flared up in Manokwari area. It was not always easy for the Indonesian Government to deal with this wicked propaganda and rebellion and to restore peace and law and order; fortunately, however, this upheaval did not affect the great majority of the

majority of the people in West Irian.

It was, understandably, also not always easy for the Ortiz-Sanz Mission to gather the right insight into the complex situation, politically and psychologically. The problem of the act of free choice and the proper method to be considered, seemed to become a complex and controversial matter.

32. On 21 November Ambassador Ortiz-Sanz, after having discussed various things relevant to the matter with Mr. Sudjarwo and other people concerned and taking into account various views his Mission had received, forwarded a suggestions for the method for the act of free choice. The suggested system was a mixed system, that is to say: a "one man one vote" system in the advanced coastal areas or coastal towns (to be selected by the Indonesian Government) and outside these towns - in the country side or interior - the system of "mushawarah" being contemplated by the Indonesian Government. Freedom of speech, movement and association should be properly guaranteed. The release of detainees, already commenced by the Indonesian Government in its policy of peace and clemency should be continued. However, it was also clear for Ambassador Ortiz-Sanz that the situation was complex enough and that the Indonesian Government remained the sovereign Government, responsible for peace and law and order of the territory. He rightly emphasized in the said letter, that "the sovereign Republic of Indonesia has the absolute right to take all the measures it deems necessary to maintain internal order."

33. The Indonesian Government paid due and serious attention to Ambassador Ortiz-Sanz's proposals, appreciated their merits but realized that the suggested mixed system for the act of free choice seemed to be a complex one, not suitable to the existing conditions and the situation in West Irian. These views were conveyed to Ambassador Ortiz-Sanz personally by the Minister of Home Affairs and the Minister of Foreign Affairs in a special meeting in Djakarta on 8 January 1969.

The Indonesian

The Indonesian Government preferred to apply the "demokrasi musjawarah" system for the whole area of West Irian without dividing the territory into advanced and non-advanced areas. After all, the advanced areas are only representable by a very few cities and by a very small minority of the people. The "one-man one vote" propaganda had already brought confusion and mutual strife and conflict among people in West Irian, resulting in unrest and disturbances in certain advanced areas, based on false interpretations and rumors.

The background of the "Free Papua Organization" - created by a policy opposing the Republic of Indonesia during the Netherlands-Indonesia conflict over West Irian - was explained. The unrealistic and undemocratic tactics of its agents became more and more evident and even worse. They organized themselves in semi-military fashion and embarked on the utilization of force or threat of force, led among others by a former member of the Dutch "Papua Council." Instances of these tactics had earlier been made known to the Ortiz-Sanz Mission.

The peaceful and orderly implementation of the act of free choice, for which the Indonesian Government would be responsible, would in the opinion of the Government, be best served by a democratic mushawarah system for the whole people of West Irian. Moreover, there was no chance that the concept of "one man one vote" would be agreed upon by the local representative councils in West Irian; their views on the question of the act of free choice had as a matter of principle been made known to the Indonesian Government, unequivocally and frequently.

In the meantime, as far as possible, detainees would be released with the improvement of conditions of security in the territory. Happily, the "rebellion" in the Manokwari area was tackled successfully by a policy of peace and clemency. It was nearing its complete and peaceful end.

As to the discussed method for the act of free choice, to accommodate the desirability of further broadening its representative character, the Indonesian Government was ready to contemplate the constitution of a representative assembly
of - if necessary - ...

of - if necessary - about 1000 people for the 800,000 inhabitants of West Irian, covering all layers of the community in all areas.

34. On January 9, 1969, Mr. Sudjarwo was again sent to the Netherlands to discuss with and explain the situation to the Netherlands Government. He met also with some political leaders in the Netherlands Parliament. From the Netherlands Mr. Sudjarwo proceeded to New York to meet Secretary-General U Thant. Both in the Netherlands and in New York the broader concept for the method and procedure of the act of free choice met with understanding. The determination of the Indonesian Government, despite all difficulties to implement the act of free choice as the conclusion of the New York Agreement and to find the best possible democratic method for the act of free choice was appreciated.

As far as the Netherlands Government was concerned, one could see the "demokrasi musjawarah" system for the act of free choice as a form of decision which could be called "een beredeneerde uitspraak" - a deliberated expression - of the will of the people, obtained as a result of mutual discussion and deliberation not necessarily by individual voting. It was considered reasonable in the light of the prevailing human and socio-cultural conditions in West Irian.

Secretary-General U Thant considered the "demokrasi musjawarah" system, upon such a broad and vast forum and based on elected representatives of the people, not unreasonable in the light of the same existing conditions. The Indonesian Government was assured of United Nations cooperation in the implementation of the method and procedures which would be adopted by the Government after due consultations with representative (local) councils in West Irian in accordance with the New York Agreement. It was also agreed that since the question relates to an agreement exclusively between Indonesia and the Netherlands, the Secretary-General's later report on the issue (the result of the act of free choice) would not be subject to approval or disapproval of the General Assembly. The two parties concerned ...

parties concerned would - according to Article XXI of the Agreement - abide by the outcome of the act of free choice.

On his return from New York to Djakarta, Mr. Sudjarwo again visited the Netherlands to convey informally the result of the discussion with U Thant to the Dutch Government. Also he again met some leaders of political parties in the Netherlands.

Both in the Netherlands and in New York, the peaceful settlement of the "rebellion" in the Manokwari area, created a favourable impression.

35. After the return of Mr. Sudjarwo to Djakarta on February 2, 1969, the results of his visit to New York and the Netherlands were discussed by the Government and taken up with Ambassador Ortiz-Sanz. The Indonesian Government could then finally formulate its draft concept for the method of the act of free choice, which would be subjected - by *mushawarah* - to the agreement of the local councils in West Irian. The draft concept was officially conveyed to Ambassador Ortiz-Sanz in a letter of February 18, 1969. In brief the draft concept runs as follows:

- a) The act of free choice will be executed by a "Consultative Assembly" in each Regency (Kabupaten) of the province. It will be conducted by a system of *mushawarah*-democracy. The total of the results of the *mushawarah* in the eight consultative assemblies (since there are eight "Regencies") will constitute the final result of the act of free choice for the whole province.
- b) The consultative assembly in each Regency will be constituted by three kinds of representation, namely:
 1. Regional (representatives to be elected by the people themselves for each County or District);
 2. Organizational or functional, representing political, social and cultural organizations or groupings including religious ones. The representatives will be chosen by their respective organizations or groupings themselves;
 3. Traditional consisting ...

3. Traditional, consisting of tribal chiefs to be chosen by the local council in consultation with those concerned.

All members of the consultative assemblies should comply with the requirements of Article XVIII sub d of the New York Agreement.

- c) The West Irianese deputies in the existing local councils who already represent the sub-regions and organisations (sub b.1 and 2 above) and who comply with the requirements of Article XVIII sub d of the New York Agreement will automatically become members of the Regency Consultative Assemblies for the act of free choice (CAA).
- d) The number of the members of the Regency Consultative Assemblies contemplated is one representative for every 750 inhabitants, with a minimum membership of 75 and a maximum membership of 175. The number of the population of a Regency ranges between 35,000 and 165,000.
- e) The percentage for each group of the three kinds of representation may differ for each Regency, depending on the social structure and condition in each Regency. The percentage and number of deputies for each group will be left to the local (Regency) council to decide for its own Regency.
- f) This concept or method for the act of free choice is naturally only provisional, since it has to be submitted for consultation to the local (Regency) councils in West Irian, pursuant to Article XVIII sub-paragraph a of the New York Agreement.

Details of this concept were then discussed between Ambassador Ortiz-Sanz and Mr. Sudjarwo. In Ambassador Ortiz-Sanz's letter of 25 February 1969 replying to Mr. Sudjarwo's letter of 18 February 1969, he expressed appreciation for the explanation and elucidation of the reasons which had motivated the Indonesian Government to envisage a method other than the one he had suggested. "When the Government takes a decision", it said further, "my Mission will be ready to cooperate in its implementation."

Furthermore, the projected consultations (mushawarah) with the local (regency) councils in West Irian, as required by the New York Agreement, were made known

and discussed with Ambassador Ortiz-Sanz, and Ambassador Ortiz-Sanz was invited to attend these consultations, scheduled to take place regency by regency starting on the 24th of March 1969 in Merauke.

36. In the meantime, subversive propaganda and agitation led by the "Free Papua Organization" abroad had continued to abuse the Ortiz-Sanz Mission in view of the coming mushawarah of the Government with the local representative councils in West Irian on the question of the method for the act of free choice. The content and the meaning of the New York Agreement was deliberately misinterpreted. To combat the confusion created among the people in West Irian and also abroad, the Ortiz-Sanz Mission, at the suggestion of the Indonesian Government, issued on 11 February 1969 a clarifying statement regarding its duties and responsibilities in relation to the New York Agreement and to the Government of Indonesia. Referring to Article XVII of the New York Agreement, the Statement stated inter alia, that "the only executive authority capable of taking decisions, both at the political and administrative level, concerning the act of free choice is the Government of Indonesia. It is equally clear that the Representative of the Secretary-General does not have, in relation to the act of free choice, any executive, political or administrative authority." After clarifying the limited function of the Mission, the Statement advised petitioners and others to keep the following important points in mind:

"a) The only executive authority which can take decisions is the government of Indonesia. It is completely erroneous to assume that the Representative of the Secretary-General has, for example, any authority even to suggest, much less order, the withdrawal of the Indonesian armed forces from the territory and their replacement by United Nations troops, or take any measure of an internal nature in connexion with the act of free choice; and

b) People . . .

- b) People must at all time act within the framework of law and order, obeying the authority of the Indonesian Government clearly recognized by the New York Agreement."

37. The Government's draft concept for the method of the act of free choice, which would be brought up for "mushawarah" in the local (regency) councils in West Irian, was publicly released in West Irian and explained to the people as far as possible. People, especially the members of the Regency Councils, were asked to ponder over it carefully. Those who were - as a matter of principle - against the holding of the act of free choice altogether, were requested to cooperate with the Government in honouring an international agreement, and at least to accept this practical method for the act of free choice as based on Indonesia's own "democratic musjawarah" principle.

The anti-Indonesia agitation of the "Free Papua Organization" (FPO) from abroad and their agents in West Irian, supported by subversive and terrorist actions did create some unrest and confusion, which fortunately did not affect the greater part of the population.

At the beginning of 1969 the "rebellion" in the Manokwari area had been successfully and peacefully settled. Yet for the sake of maintaining further peace and order among the people, the Government had to ensure that this peace and order would prevail during the coming consultations of the Government with the local representative councils; violations of law and order should be prevented. The public statement of the Ortiz-Sanz Mission of 11 February 1969 mentioned above, was hoped to have a helpful effect.

38. Meanwhile, in its policy of peace and clemency, and having in mind Article XVIII sub d of the New York Agreement, the Indonesian Government

issued . . .

issued a statement on 15 February primarily directed to West Irianese abroad, to advise them to return home as loyal citizens (like their brothers now in the province of West Irian), so that they would be able to participate in the coming act of free choice (including in the elections for members of the consultative assemblies for the act of free choice) and further to contribute constructively in the development of their home-land. A copy of the statement is attached to this Report as annex B. Only one West Irianese family who had left for Australian New Guinea, responded positively to this appeal and returned to West Irian in May 1969. The trouble was, that many West Irianese abroad, especially those who led the anti-Indonesia agitation of the "Free Papua Organization" had already adopted foreign, i.e., Netherlands nationality. As foreign nationals they were no longer entitled to return to their homeland for the act of free choice. This might also explain the "foreign and extraneous" character of this so-called "Free Papua Organization."

VII. CONSULTATIONS OF THE GOVERNMENT WITH THE LOCAL REPRESENTATIVE COUNCILS IN WEST IRIAN ON THE METHOD AND PROCEDURE OF THE ACT OF FREE CHOICE AND THE ADOPTION OF THE METHOD.

39. The consultations of the Central Government with the representative councils in West Irian on the method and procedure of the act of free choice - pursuant to article XVIII of the Agreement were carried out with the eight regency Councils, since the act of free choice was intended to be executed regency by regency. The draft concept of the Government was the subject of these consultations. A Government Team, headed by Mr. Sudjarwo had been set up for these consultations. These consultations started with the Regency Council of Merauke on 24 March 1969 and continued successively with the
Regency . . .

Regency Council of Djayawidjaja (capital town Wamena) on 27 March, with the Regency Council of Paniai (capital town Nabire) on 31 March and 1 April, with the Regency Council of Fakfak on 3 April, with the Regency Council of Sorong on 5 April, the Regency Council of Manokwari on 8 April, the Regency Council of Teluk Tjenderawasih (capital town Biak) on 9 April and the Regency Council of Djayapura on 11 April, 1969. Ambassador Ortiz-Sanz did not participate personally in these consultations but was represented by his alternate, Mr. Ali Nekunam and 2 other staff members. They participated in the whole course of travelling and "mushawarah" sessions of the regency councils. In every session Mr. Ali Nekunam on behalf of Ambassador Ortiz-Sanz made a brief statement relating to the importance of the session and the responsibility of the council members in the mushawarah.

The "mushawarah" or consultations with the regency councils were democratic and public. The attendance by members of the council was large (each regency council has 25 members). At least half of those present, and often much more than that, took active part in expressing their opinions in these consultations. Almost all of the 111 participating speakers in all regions were native West Irianese. Generally speaking the members wished to defend their earlier Council statements and resolutions issued in view of the implementation of the act of free choice which they regarded as unnecessary or uncalled for. They argued that "we have been unitedly independent in the Republic of Indonesia which we, including the people of West Irian, jointly struggled for. Why should we be requested to make a statement (later in the act of free choice) which might divide us again? The people were never consulted on the "question" as stipulated in what is called the New York Agreement. The Dutch never discussed it with us. What we - the people - heard and have known

known about was the proclamation of our independence on 17 August 1945; West Irian is Indonesian territory, historically as well as politically; we don't want to be separated again, as was once attempted by the "divide and rule" policy of foreign colonial rule in the past". "Moreover, the people of West Irian regard the implementation of the 5 Year Development Plan of the Indonesian Government more important". These and other arguments were uttered, sometimes vehemently, to impress on the Government Team that the act of free choice was politically indeed an unpopular proposition. All arguments and discussions were heard and recorded by the Ortiz-Sanz Mission.

It was not easy for the Government Team to dispel these arguments. Careful persuasion was called for to ask the cooperation of the councils in accepting the necessity of holding the act of free choice and in agreeing to the concept of method and procedure for the act of free choice as proposed by the Government. It was primarily due to the prevailing loyalty to the Government that, in the end, the councils could agreed to that concept. Some of the councils deemed it necessary to add the condition that the implementation of the act of free choice should not cause the people and the nation to be split in controversy nor should it disturb security and peace. The realization of the Government's Five Year Development Plan in West Irian should also not be hampered because of the act of free choice.

It should be noted that there were also some dissenting voices in another direction. They considered the Government's concept as having doubtful merits and the method proposed by the Government for the act of free choice as not democratic enough. Such an attitude had been voiced by one member of the Paniai Regency Council and by two members of the Djajapura Regency Council. However, the decision of the consensus of the mushawarah was accepted also by
them . . .

them without prejudice to their expressed opinion and standpoint.

40. After the adoption of the Government's concept by each regency council, the Government, in the person of the Minister of Home Affairs - Chairman of the West Irian Sector, accordingly issued a decree regarding the agreed method and procedure of the act of free choice, the formation of consultative assemblies for the regencies and other rules to execute this decree for the implementation of the act of free choice in the regencies.

Prior to the consultation with the councils, a draft of the decree had been handed to Mr. Ali Nekunam for his information.

The first such decree promulgated by the Home Minister (SK no.31/1969) dated 25 March 1969 related to the Regency of Merauke, in which the agreed Government concept was worked out in its technical details. A copy of this decree, including the rules for its implementation, is attached to this Report as annex D. Similar decrees for the other 7 regencies were issued later after completion of their "mushawarah".

The number of members of the projected consultative assemblies for the act of free choice in each regency depended on the population of the regency. Accordingly, these numbers were fixed and agreed upon as follows:

1. Merauke Regency	:	175 members (maximum)
2. Djajawidjaya Regency (Wamena)	:	175 members (maximum)
3. Paniai Regency (Nabire)	:	175 members (maximum)
4. Fak Fak Regency	:	75 members (minimum)
5. Sorong Regency	:	110 members
6. Manokwari Regency	:	75 members
7. Teluk Tjenderawasih Regency (Biak)	:	130 members
8. Djayapura Regency	:	110 members
Total for the whole of West Irian	:	<u>1025 members</u>

41. Based on said decree of the Minister of Home Affairs/Chairman

of . . .

the West Irian Sector, ad hoc committees were set up for the formation of the consultative assemblies for the act of free choice in each regency. These committees were immediately installed by the Governor of West Irian on behalf of the Minister of Home Affairs. These regional committees were chaired by the Chairman of the Regency Council/Head of the Regency (Bupati) and were composed of 9 (nine) members (including the Chairman), the majority being native West Irianese and mostly members of the Regency Council. The task of these ad hoc committees was to organize the elections by the people of the members of the consultative assembly in a democratic way.

The ratio of the number of the members of the Consultative Assembly from each of the three kinds of representation (regional, organizational and traditional) was left to the discretion of the respective organizing committee in accordance with the social constellation of the respective regency, which may differ for each regency. The ad hoc committees could start their work of organizing the elections immediately, and because of the different local circumstances and transportation facilities they were left to organize their own time-table for the elections as well as deciding the places (sites) in which the elections would be held. In the decree (and rules) it was explicitly stipulated that both the people as electors, as well as the candidates for election should comply with the requirements of article XVIII sub d of the New York Agreement, inter alia that they should have been inhabitants of West Irian since 15 August 1962. It was also prescribed that all consultative assemblies in the eight regencies should have been constituted at the latest on 1st July 1969. The idea was that then the act of free choice itself could be held from the month of July, regency after regency successively, till the beginning of August 1969. The total result of the act of free choice in the eight regencies . . .

regencies would constitute the result of the act of free choice for the whole of West Irian.

42. The consultations by the Government with the eight regency councils were completed on April 11, 1969. On April 18, in a special session of the Provincial House of Representatives in Djayapura, the Government Team submitted a report on the result of the consultations with the regency councils for the information of the House.

Although this House was not required to take action, the House deemed it appropriate to endorse the results of the Government's consultations with the regency councils in determining the method and procedure for the act of free choice, to be held in July/August 1969.

VIII. ELECTIONS OF REPRESENTATIVES FOR THE CONSULTATIVE ASSEMBLIES IN EACH REGENCY

43. Soon after the ad hoc committee in each regency had been established they organized their own work and program and started with the arrangements for the elections by the people of members of the Consultative Assembly in accordance with the stipulated terms of reference for the work of these committees. Due to the different geographical and other circumstances as well as the different possibilities of communication and transportation in each regency, the program of work and timetable for the elections differed from one regency to the other. The difficult means of communication from the regencies in West Irian to Djakarta was also reason that Djakarta could not receive a complete program of work and timetable for the elections as soon as was desired, for forwarding to Ambassador Ortiz-Sanz in Djakarta. However, Mr. Ali Nekunam and other staff members of Ambassador Ortiz-Sanz's Mission after the completion of
the consultations . .

the consultations in the regencies, had remained in Djayapura, and the local authorities in West Irian had already been informed about the possibility of attendance of the Ortiz-Sanz Mission at the forthcoming elections. For some reason or another, probably because of misunderstanding, there was no contact between Mr. Ali Nekunam and the local authorities, so that he and his staff in Djayapura did not attend the elections in the early months of April and May, not even in the regency of Djayapura itself, where the elections started only in the month of May. In the third week of May, Mr. Sudjarwo went to West Irian, to settle this question. However, it appeared that because of the various methods of work adopted in the varying circumstances by the ad hoc committees in organizing the elections throughout a regency, it was sometimes not possible even for the "Bupati" (Chairman of the Committee) to know beforehand exactly where and when elections in his region could and would be held. For instance, for the organizing of elections in a certain area inland, a technical team would be sent to that area to inform the people and the villageheads in that remote area about the elections, the technicalities, its purpose etc., then the team would discuss locally the site and the time for the elections to best suit the people. The travelling time for the team - from the regency capital town to the remote inland - might take several days (by boat or canoe and on foot), occasionally even some weeks, and thus a suitable site and date for the elections, after consultation with the local people, would be decided on the spot, far away from the capital town of the regency.

The decision of the team, since there is no telephone or cable communication from that remote place to the regency capital could not be communicated quickly to the "Bupati" and might be reported to him only after the elections had taken place and the team had returned to the regency capital, which might be some

weeks . . .

weeks later. Thus, the "Bupati", Chairman of the committee, was left in the meantime, unaware of what had happened. This kind of difficulty was reported to Mr. Sudjarwo when he arrived in Biak (capital of Tjenderawasih Regency) on May 26, 1969. When the "Bupati" was asked about the time-schedule for the elections, he answered that he had sent his technical teams to several parts of the regency for this purpose, that some had returned, some not yet, and from teams like the one sent to the southern part of the regency, the island Japen/Waropen, he had had no word yet. This particular team had departed 2 weeks ago, but in the ensuing weeks there had been no boat from that area to Biak, and the team might still be in the interior of the island, where no means of modern communication exist. So the "Bupati" told Mr. Sudjarwo: "I don't know where that team of mine is exactly now, whether it has been able to hold elections or not, or where, or when." "The exact time-table you asked for, I could not give you in advance," he concluded. This is one example of the difficulties in organizing the elections in West Irian, with the poor means of communications and where everything has to be explained orally and personally to the people, especially in the interior; the people cannot be called by radio or television, nor can they be informed by means of newspapers. Most of the adult population in the interior are illiterate; radios are very rare. In this way, elections took place in the several areas of the regencies without the advance knowledge of higher provincial authorities, let alone of Djakarta, as to the exact place and time of elections. Only in the towns and easily accessible places could the time and place be scheduled beforehand, and then only tentatively with regard the exact time of the election. Ambassador Ortiz-Sanz himself, after his first extensive tour of the territory in August/September 1968, among other things, was impressed by "the rugged terrain . . .

terrain and the impenetrable jungle which cause immense difficulties concerning transport and, in some areas, impossibility of communication with the people".

44. After some hectic labour of gathering information from all regencies, the tentative time-schedule for the elections in June was handed to Mr. Ali Nekunam in Djayapura and the active participation of staff-members of the Ortiz-Sanz Mission could be organized with the assistance of the local authorities. For practical reasons they participated in the elections in the towns and other easily accessible places. While elections in the regencies of Merauke and Fak Fak had already been completed in the month of May, there were still many elections scheduled in the 6 other regencies for the month of June. Thus, after consultations as to their choice the Ortiz-Sanz Mission could attend the elections at two places in the Sorong regency, at one place in Biak (Teluk Tjenderawasih regency), at two places in Djayawidjaya regency, at one place in Manokwari regency, at two places in Paniai regency and at three places in Djayapura regency, all in the month of June and early July. In the regencies of Merauke and Fak Fak, where the Ortiz Sanz Mission had had no opportunity to attend the already completed elections, fresh elections were held, at their request for their participation, at two places in the Merauke Regency and at two coastal places in the Fak Fak regency. For this purpose also, another one fresh election was held in the Biak region. The results of these fresh elections appeared to be the same as those of the ones previously held. Thus the Ortiz-Sanz Mission was able to attend, despite the difficult means of communication and the limited number of staff members, various elections of members of the consultative assemblies in all the 8 regions of the province.

45. In spite of all the physical and technical difficulties, both for the

local . . .

local organizing (ad hoc) committees and the people as electors, it can be said, that the elections have been held according to the democratic principles as prescribed in the relevant Decree and subsequent regulations issued by the Minister of Home Affairs/Chairman of West Irian Sector. Local customs and the conditions of the people concerned, had of course, to be taken into consideration. The requirements laid down in Article XVIII sub d of the New York Agreement were strictly observed. The elections of tribal chiefs (traditional representation) became in practice also an election by the local community itself, since mostly - for practical reasons - their elections were held simultaneously with the elections of regional representatives.*) In general, not only the mushawarah system but also the voting procedure was concurrently applied especially in cases where more candidates had been put up than the allotted number of seats required. Organizational representatives of political and social groups were elected by the members of respective organizations themselves.

Of all the elections held, official records were made, signed by the chairman of the ad hoc committee or sub-committee. Copies of these records (in English translation) are attached to this Report as annexes E. As a result of these elections and including the existing people's representatives derived from the membership of the respective regency councils and the provincial council, the membership of the consultative assemblies for the act of free choice in each regency was constituted as follows:

A) Merauke Regency:

a) regional representation	:	56	deputies
b) organizational	:	51	"
c) traditional	:	<u>68</u>	"

total 175 deputies

B)

*) With regard to the election of tribal chiefs for the Consultative Assembly for the Act of Free Choice, this practice (chosen by the people themselves) thus showed an even more democratic implementation of what could be envisaged in the draft concept of the Government as contained in its letter to Ambassador Ortiz-Sanz of 18 February 1969.

B) Djayawidjaya Regency (Wamena)

a) regional representation	:	74 deputies
b) organizational - " -	:	12 deputies
c) traditional - " -	:	<u>89 "</u>
total		175 deputies

C) Paniai Regency (Nabire)

a) regional representation	:	82 deputies
b) organizational - " -	:	53 "
c) traditional - " -	:	<u>40 "</u>
total		75 deputies

D) Fak Fak Regency

a) regional representation	:	28 deputies
b) organizational - " -	:	19 "
c) traditional - " -	:	<u>28 "</u>
total		75 deputies

E) Sorong

a) regional representation	:	42 deputies
b) organizational - " -	:	18 "
c) traditional - " -	:	<u>50 "</u>
total		110 deputies

F) Manokwari Regency:

a) regional representation	:	24 deputies
b) organizational - " -	:	21 "
c) traditional - " -	:	<u>30 "</u>
total		75 "

G) Teluk Tienderawasih Regency (Biak)

a) regional representation	:	51 deputies
b) organizational - " -	:	53 "
c) traditional - " -	:	<u>27 "</u>
total		131 deputies

(This number of 131 deputies instead of 130 deputies as originally stipulated, was caused by an urgent request from the people in Biak to add the election of a deputy for an organizational group which would otherwise have been considered unrepresented in the Consultative Assembly).

H) Diayapura Regency:

a) regional representation	:	40 deputies
b) organizational	:	23 "
c) traditional	:	<u>47 "</u>
total		110 deputies

Thus, for the whole

Thus, for the whole province of West Irian, the total membership of the Consultative Assemblies for the act of free choice, was 1026 representatives, of whom 983 were male and 43 female. Again, all these 1026 representatives of the people complied with the requirements of article XVIII sub. d of the New-York Agreement. A list of all these members is attached to this Report as annex F.

46. During the time of election for membership of the Consultative Assemblies a local armed "rebellion" against the Government occurred in part of the highlands in the Enarotali/Waghete district (Paniai Regency) at the end of April 1969. It was spectacularly publicized by the foreign press, but its proportion was grossly exaggerated, as rightly stated by Ambassador Ortiz-Sanz after his personal visit to the trouble spot itself in the company of the local military Commander of West Irian. The Government soon had the situation under control and tried to settle the rebellion peacefully. A report of this event was also sent to Secretary-General U Thant through Ambassador Ortiz-Sanz, in a letter from the Government of 23 May 1969. The local disturbances did not affect the elections in the regency. All could be held peacefully and in an orderly way including the ones in Enarotali and Waghete themselves, which took place respectively on 25 and 28 June 1969. The elections in these two places, where peace had been restored, were observed by members of the Ortiz-Sanz Mission.

IX. MEETING

IX. MEETING OF INDONESIA'S FOREIGN MINISTER ADAM MALIK
AND NETHERLANDS' FOREIGN MINISTER LUNS IN ROME, ON
20 AND 21 MAY, 1969

47. In the meantime, in the Netherlands the Government had to face various questions inside and outside Parliament about the course of events in West Irian, about the forthcoming act of free choice and about the role the Netherlands' Government should play, in cooperation with the Indonesian Government, in rendering economic assistance for the development of West Irian. In the context of periodical consultations, the Netherlands Government deemed it necessary to consult the Indonesian Government on these matters. On the request of the Netherlands' Government, the Foreign Ministers of both countries met in Rome on 20 and 21 May, 1969. The Netherlands Foreign Minister was accompanied by his colleague for Development Assistance, Mr. Udink. A joint statement was issued as a result of the talks, indicating the mutual understanding reached on matters of bilateral interests and the desire for further close cooperation including in the needed economic development of West Irian. A copy of the joint statement is attached to this Report as annex G.

X. PREPARATION OF THE CONSULTATIVE ASSEMBLY SESSIONS FOR
THE ACT OF FREE CHOICE

48. About the 10th of June, the timeschedule for the act of free choice in the 8 regencies could be fixed by the Government and officially notified to the Ortiz-Sanz mission in a letter of June 14, 1969. Further arrangements were also discussed with Ambassador Ortiz-Sanz. The act of free choice would be conducted regency after regency as had been planned, and starting with the regency of Merauke. The sequence would be as follows:

- a) Merauke (for Merauke regency) : 14 July 1969
- b) Wamena (for Djayawidjaya(regency): 16 " "
- c) Nabire (for Paniai " : 19 " "

d) Fak Fak

- d) Fak Fak (for Fak Fak regency) : 23 July 1969
- e) Sorong (for Sorong ") : 26 " "
- f) Manokwari (for Manokwari ") : 29 " "
- g) Biak (for Teluk Tjenderawasih regency) : 1 August 1969
- h) Djayapura (for Djayapura regency) : 4 " "

In the first week of July, 1969, all members of the Consultative Assemblies in the 8 regencies of West Irian had been duly elected and the adhoc committees were engaged in arranging the transportation of the elected candidates from remote areas of the region to the place of the act of free choice: the capital town of the Regency. This again was not an easy undertaking.

Small missionary planes had to be chartered for the transportation from small airstrips in the interior, ships and riverboats had to be specially recruited for transport on water (river or sea), and additional airplanes, such as Dakotas had to be supplied by the Central Government to the local airline-service.

The site of the session of the Consultative Assembly for the act of free choice had to be made ready, for which a new building had sometimes to be built, as in Wamena (in the central highlands) while in other places an existing building had to be rebuilt or improvised as an assembly hall. These preparations had been started only in May 1969. Also the lodging and accommodation of the members of the Consultative Assembly in the capital town, apart from their transportation thereto and their needs for clothing (most of the members from the interior had no proper clothing) posed many problems and called for much care. For their lodging and accommodation, a new hamlet of native houses had to be built in Wamena (in the Central Highlands), in other capital-towns buildings had to be remodelled and re-equipped for the purpose. Clothing had to be provided. Accommodation and lodging had even to be arranged in interior places where Consultative Assembly members from a certain area had to be gathered before they could be transported, by air or by boat, to the capital-town of the Regency. The

families or dependents left behind in their villages, probably for some weeks, wanted also to be taken care of by the Government. Thus the Government had also to provide some support or compensation (mostly in kind like food) to the families or dependents left behind. In the highlands some tribal-chiefs, elected members of the Consultative Assembly, brought some of their wives or assistants with them, posing an additional problem to the local organising committees. For the members of the Consultative Assembly themselves, this act of free choice meant also physical sacrifices, especially for those from the interior highlands. Since not every village can be reached by air or boat, they had to walk on foot, although this is a daily exercise for them, sometimes for several days to the site of gathering for further air or boat transportation. Where there happened to be a shortage of transportation or complete lack of it, they had to walk all the way to the capital town of the Regency, as happened to some Consultative Assembly members of Tiom (a district in the Djayawidjaya highlands), who had to walk for three days to the capital town of Wamena (see what one of them said later at the act of free choice session on July 16, paragraph 51, and Annex H 2. A few days before the date set for the act of free choice in each regency, these elected representatives of the people, who had already gathered in the capital-town of the regency, were officially installed (inaugurated) as members of the Consultative Assembly itself.

For the conduct of the act of free choice, the Central Government had appointed a Government Team, which was headed by the Minister of Home Affairs/ Chairman of the West Irian Sector himself Mr. Amir Mahmud. Vice Chairman of this Team was Mr. Sudjarwo and the other members were : Mr. Ali Murtopo (executive member of the West Irian Sector), the Governor of West Irian Mr. Frans Kaisiepo, the Military Commander Brigadier General Sarwo Edhie Wibowo, the Speaker of the Provincial House of Representatives Mr. D. Ajamiseba and the Head of the Information Department

Information Department of the Provincial Government Mr. S. Ohey. Thus the Government Team for the act of free choice consisted of 3 members from the Central Government and 4 members of the Provincial Government, of which three were native West Irianese.

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. For the conduct and execution of the act of free choice, notably to tackle the problems of transportation and supply effectively, the Government had made great efforts to accommodate the needs of so many people - government officials, Ortiz-Sanz Mission and other observers like foreign Ambassadors, domestic and foreign press people, etc. A few additional planes were brought in, including three newly bought two-engine Cessnas. A big passenger ship of (12.000 dwt) belonging to a national Line, was especially chartered for sea transport.

49. In the month of June 1969, on the eve of the implementation of the act of free choice and while elections for the membership of the Consultative Assemblies were underway, the Government of Indonesia deemed it necessary to send Mr. Sudjarwo abroad again for information and clarifying purposes. A few things had to be clarified in the Netherlands and to the Indonesian Embassies abroad.

From 16 to 26 June 1969, Mr. Sudjarwo accompanied by Mr. Anwar Sani, Director General for Political Affairs in the Department of Foreign Affairs, in a quick trip visited the Netherlands and New York and other places for meetings with Indonesian Ambassadors abroad. In the Netherlands, they also met Foreign Minister Luns and Minister Udink - pursuant to one of the provisions in the Rome joint-statement of 21 May, 1969 - and the informative meeting was considered most useful, also in the light of coming questions in the Netherlands

Parliament. In New York ...

Parliament.

In New York the two envoys had a conference with Indonesian Ambassadors in the area and had also a useful talk with Secretary-General U Thant and Mr. Rolz-Bennett regarding the coming act of free choice. Also in Brussels and Beirut a meeting of Indonesian Ambassadors in the area was convened to meet the Djakarta envoys. In the Netherlands and at the United Nations in New York, Mr. Sudjarwo also had a meeting with the press.

The foreign press would be given facilities to observe and witness the coming act of free choice in West Irian.

XI. CONDUCT AND EXECUTION OF THE ACT OF FREE CHOICE

50. As planned, the sessions of the Consultative Assembly for the act of free choice started in Merauke on Monday July 14, 1969, for the regency of Merauke. Being the first of the act of free choice, the occasion was of course a very important and significant one for everybody, especially for the people of Indonesia in general. The attention of the public was great. Many domestic and foreign pressmen were on hand to observe and be witnesses of this important event. Foreign Minister Adam Malik himself, accompanied by the Ambassadors of the Netherlands, Australia and Thailand (the Dean of the diplomatic corps in Djakarta) flew in from Djakarta to attend the act of free choice starting in Merauke. The Mission of the United Nations Secretary-General was represented by Ambassador Ortiz-Sanz himself and three members of his staff.

At 9 a.m. sharp the Consultative Assembly session held in an improvised and decorated Assembly Hall (a Catholic house of social activities), was opened by the Chairman, who was the Chairman of the regency's Representative Council/Head of the Regency, and who is a Catholic himself. The regency of Merauke is a predominantly catholic area. All 175 members of the Consultative Assembly were present,....

Assembly were present, of whom 17 were women.

The chairman reported the procedure which had been followed to establish the Consultative Assembly and the difficulties which had to be surmounted. He then introduced the members of the Consultative Assembly as the legal and legitimate representatives of the people of all layers in the Regency, ready to exercise the act of free choice in conformity with the provisions of the New York Agreement.

Then the Governor of West Irian, Mr. Frans Kaisiepo (a native West Irianese), as "father of the people of West Irian", made a brief address to the session, reminding the members of their duties and responsibilities as sons and daughters of West Irian in the interest of the future of West Irian, referring also to his own experience in the historical struggle of the people of Indonesia, including the West Irianese for the freedom and independence of their country from Sabang to Merauke.*

Thereafter Ambassador Ortiz-Sanz made a brief statement, reminding the members of the importance of the act of free choice, and calling upon them to give a well considered answer to the question which would be posed by the Government according to the New York Agreement; their answer should reflect the true wishes of the people they represented, having in mind also the future of West Irian.

Mr. Sudjarwo

*) "Sabang" is the name of a town on a small island at the North West extremity of Sumatra. The popular slogan "from Sabang to Merauke", was coined during the Indonesian struggle for national independence, pointing to the vast extent of Indonesian territory (the former Dutch East Indies) from the north-western point of Sumatra to the south-eastern point of West Irian, "Merauke".

Mr. Sudjarwo, as member of the Government Team put the question - as stipulated in the New York Agreement - to the session, namely, whether the people wanted to remain with the Republic of Indonesia or to sever the relations with the Republic of Indonesia. The necessary explanation on the problem was given. He clarified also why the Government had to put this question, although the Government had already received numerous statements and resolutions on the subject including also from the people of Merauke stating that West Irian is an inseparable part of Indonesia. This Consultative Assembly session, in "mushawarah" should give the formal and final answer to the "question," in order to formally finalise the implementation of the New York Agreement.

Thereafter, the Minister of Home Affairs as Chairman of the Government Team also made a statement, reminding the session of its importance both for the people of West Irian and for the Indonesian people as a whole, referring also to the history of the struggle of the Indonesian people for freedom and independence for the whole of Indonesia, from Sabang to Merauke.

Then, after the "question" had been briefly repeated to the session by Mr. Sudjarwo, the chairman gave the floor to the Consultative Assembly for discussion and answer to the question. Twenty out of the 175 members put their names on the speakers' list, and then took the floor one after the other. The atmosphere of the session was one of seriousness mixed with high feelings and expectations. Cheers went up when the speakers declared their adherence to the Republic of Indonesia and stated that they did not want to be separated in any way from the unity of the country, of Indonesia from Sabang to Merauke. The first speaker, Mr. J. Somar representing the Aghats area in a moving statement asked why the "question" should have been put at all "We (West Irianese) are Indonesians. Why should we be asked to answer whether we want to stay within Indonesia or not?....

Indonesia or not? Our beloved country is Indonesia, our sacred flag is the Red and White; we will defend and safeguard them till the end of time --- ! Other speakers answered the "question" also in a positive way, not wishing to be dissociated from the Republic of Indonesia. The reasoning varied. Some based their opinion on the fact that the proclamation of independence of 17 August 1945 covered the entire Indonesian people from Sabang to Merauke. Others stressed the common struggle for freedom and independence of the whole Indonesian people. Some others laid emphasis on the progress of education and social standard of the people of West Irian under the free and sovereign Republic of Indonesia as compared with the colonial past, while some speakers objected to the purpose of the "question", being reminded to the policy of "divide et impera" of the colonial regime in the past. All the 20 speakers, of whom 2 were women, declared their adherence to the Republic of Indonesia and refused to be separated from Indonesia. These declarations were made to the cheers and applause of the members present, many even very enthusiastic. Towards the end of the speakers' list, the mood of the session became really jubilant and full of cheering. When the last speaker asked his fellow members whether they all agreed with his wish, to remain with the Republic of Indonesia, all members stood up in solidarity and support for the common stand.

Since the consensus of the session was entirely clear, explicit and unequivocal, and indeed no other member wanted to take the floor, "mushawah" was no more necessary, the chairman concluded that the session in its entirety had made its unequivocal decision, which he summarized briefly as being:

"to remain with the Republic of Indonesia and not wanting to be separated in any way", as the answer to the "question" of the New York Agreement. He formally asked all members who agreed to that conclusion to stand up again

(or remain standing) and

(or remain standing) and it was clearly evident that no one disagreed. All members, in a standing ovation, greeted and cheered the positive decision of the Consultative Assembly for the act of free choice.

After the auspicious occasion, the Minister of Home Affairs as chairman of the Government Team, welcomed the decision and greeted it as being an important and heartwarming decision by the people of Merauke. He thanked the members of the Consultative Assembly and the people of Merauke for their great determination, and thanked God for this felicitous event under His blessing. "May Merauke inaugurate the further success of the act of free choice in the whole West Irian!", he explained.

At the same time, the Minister took the opportunity to announce to the people, that the Indonesian Government had worked out a plan to promote the status of West Irian from that of an administrative Province to that of an autonomous Province, in which West Irianese themselves would be able to participate in an increasing manner in the government of the province. Arrangements towards this end would be forthcoming.

The session, which as is customary had been opened with religious prayers, was closed too with prayers, Catholic, Protestant and Muslim, led by the respective priest or clergyman successively, in thanks for the success of the session. Everybody congratulated everybody and it was for many a moving occasion. It was the salutary conclusion of a long and hard struggle by the Indonesian people for the freedom and independence and for the unity of their country and nation - from Sabang to Merauke !

Outside the Assembly Hall, where loudspeakers had been posted for the public to follow the session, the people greeted the decision of their representatives, members of the Consultative Assembly, with joy and enthusiasm. Members of the Consultative Assembly, joined by the people and school-children outside, sang joyous songs. . . .

outside, sang joyous songs. Enthusiastic shouts like "Long live the Republic! Long live Indonesia' were heard.

It should be noted that the whole session of the Consultative Assembly had been broadcasted by radio and relayed by all radio stations throughout the Province, so that people in all regions of West Irian had been enabled to follow all the proceedings, speeches and decisions of the session. In Merauke all speakers used the Indonesian language. The session of the Merauke Consultative Assembly ended at 2.30 p.m. A summary record (in English translation) of the whole session is attached to this Report as annex H.1).

After the successful act of free choice session, the town of Merauke, festively decorated, celebrated the happy occasion with parades, music and dance, and a "pasar malam" (people's evening fair). Thousands of people, including the members of the Consultative Assembly, joined the festivities until deep in the night without any disturbance or incident. A happy feast in a happy Merauke!

5i. The following day, July 15, the Government Team, the Ortiz-Sanz Mission and all the observers, including the Ambassadors and the many press people, left Merauke by several planes for Wamena, the capital town of Djayawidjaya regency (eastern Central Highlands) in the famous Baliem valley. Wamena appeared also ready for the Consultative Assembly session for the act of free choice. All members of the Consultative Assembly were on hand.

On Wednesday, July 16, at 9a.m., the Consultative Assembly session for the act of free choice was opened by the Chairman/Head of the Regency, Mr. Clemens Kiriwaib, a christian native West Irianese from the Muyu-tribe in the Merauke region, who, during the Netherlands rule, had been a low-ranking government officer and in 1961 an appointed member of the Dutch "Papua-Council".

He is now

(He is now a senior official in the Republic administration.) All the 175 members of the Consultative Assembly were present. The procedure of the session was similar to that of Merauke. Since, however, a great many of the members (tribal representatives of the interior) were illiterate, speakers were allowed to use their own language or dialect. Four different languages or dialects of the region were used, with interpreters using the Indonesian language. There were 18 speakers. The spirit and mood of the Consultative Assembly session in Wamena - after the known success of Merauke - appeared to be hopeful and imbued with confidence of similar success. One speaker after the other, using his own language or dialect, declared in various fashion the desire of the people he represented, to remain within the Republic of Indonesia, to maintain the Red and White flag and to reject to be separated from the territory of the Republic of Indonesia. Like in Merauke, on the wall of the Assembly Hall, a big map of Indonesia was hanging, behind the seat of the chair, face to face with all members of the Consultative Assembly, showing clearly the vast territory of the Republic of Indonesia from Sabang to Merauke, and to Wamena. Many members spoke very eloquently and with a candid spirit (many West Irianese turned out to be eloquent orators in their own right and fashion of expression!) A tribal chief from Tiom district (see above, Mr. Djugumarek told the session spiritedly: "I have come here on foot, walking for several days from Tiom, to let it be known as the desire of the people I represent, that they want to stay with the Republic of Indonesia and maintain our flag: The Red and White we have now!" Like in Merauke, all speakers were greeted with cheers and applause. Since not one of the 18 speakers, acting on behalf of every group and layer of society which they represented, had declared an opinion to the contrary, and no other speaker wanted the floor, the chairman - with the expressed agreement of all members present - drew the conclusion

conclusion that there was evidently a unanimous wish to remain with the Republic of Indonesia and that no one wanted to be separated from the Republic of Indonesia. It was so decided and unanimously agreed. Again, the Minister of Home Affairs/Chairman of West Irian Sector, greeted this auspicious decision of the Consultative Assembly with thanks and appreciation. The plan for intensifying the development of West Irian was again announced by the Minister of Home Affairs. As in Merauke also, and so is customary in West Irian, the session was started and ended by prayers. A summary record of the proceedings is attached to this Report as annex H 2. Here, also, the success of the Consultative Assembly session for the act of free choice was followed by such popular festivities as parades, tribal dances and feast-meals.

52. The next Consultative Assembly session for the act of free choice was at Nabire (capital-town of Paniai regency - western Central Highlands) on Saturday, 19 July 1969. The same pattern and procedure of session was followed. There were 28 speakers out of 174 members present (one was absent because of illness). Next to the Indonesian language, two local languages or dialects were used, with interpreters from among the local people themselves.

The troubles in the Enarotali/Waghete areas a few months before, seemed to have no effect on the spirit of the session, although some speakers reminded the Government to make greater endeavours to improve the economic and social welfare of the people in the highlands. A deputy from Enarotali area, Mr. Ferdinand Tekege, in his speech conveyed to the Ortiz-Sanz Mission that "the recent event in Enarotali and Waghete area was not a people's rebellion, but the endeavours of a handful of separatists who wanted to disturb the unity and the peace of the people." He emphasized that the people
in the area

in the area he represented, recognized but one country: Indonesia, one flag: Red and White and one Nation: Indonesia from Sabang to Merauke. "For us this act of free choice is not necessary; it is the country's development we need!" he stated. Mr. Junus Sembor, a native from Nabire district, old veteran in the Indonesian freedom struggle (now a member of the Veteran Legion) reminded the session of the freedom struggle of the Indonesian people, including the West Irianese, for the freedom and independence of the Indonesian Republic.

"The New York Agreement constituted only a policy of divide and rule". "Lego Pepera!" (Away with the act of free choice). "Realize the Five Year Development Plan", he explained. These and other arguments were used in many fashions to convey the determination of the speakers that their people wanted to remain with the Republic of Indonesia.

All speakers were cheered for their explicit decisions, which brought about a unanimous decision of the consultative assembly. This Nabire session was in fact already decisive for the success of the act of free choice for remaining with the Republic of Indonesia for the whole of West Irian since the decision of the three regencies (Merauke, Djayawidjaya and Paniai) constituted already a majority of votes of the population for the whole of West Irian. A summary record of the proceedings is attached to this Report as annex H 3. In Nabire too, the success of the consultative assembly for the act of free choice was celebrated by the local people and Government.

After Nabire, it was felt, both by the Ortiz-Sanz Mission and by the Government Team that the further time schedule of the act of free choice might be shortened, by having the session in Biak one day earlier, on July 31st instead of August 1st, to the effect that the whole act of free choice could then be concluded in Djayapura on Saturday August 2nd instead of Monday August 5th. After consultations with Biak and Djayapura, it was so agreed and decided.

53. The fourth

53. The fourth consultative assembly for the act of free choice to follow was in Fak-Fak on 23 July 1969. The Team and other participants and observers went by air to Sorong and from Sorong to Fak-Fak by ship, which sea-travel took about 20 hours. On the morning of Wednesday, 23 July, the Consultative Assembly for the act of free choice was opened in Fak-Fak by the Chairman/Head of the Regency, Mr. Onim a Christian native West-Irianese from Teminabuan, who, in the Dutch time, was an elected member of the "Papua-Council". He is now a high-ranking official (Head of a Regency) with the Republic of Indonesia. The same pattern and procedure of the Consultative Assembly for the act of free in the three preceeding regencies were followed. There were 17 speakers out of the 75 members present. The region of Fak-Fak (south-western part of West Irian) has been a region closely connected with the Indonesian people's struggle for freedom and independence in the past. Its historical ties - economic, cultural and even political - with the other eastern regions of Indonesia like the Moluccas, Ternate, Celebes and even with Java, dated back for centuries. (The western and southeastern part of West Irian belonged until 1901, when the Netherlands Government intervened directly, to the Indonesian Sultanate of Tidore/Ternate). So its sphere of life has always been Indonesian. The population has been very mixed with ethnic groups from other Indonesian islands in eastern Indonesia. Next to Christians and Catholics, there are many Muslims. Of the members of the Consultative Assembly, 36 were Protestants and Catholics and 39 Muslims.

It was indeed not surprising that many speakers referred to the vital historical ties with the rest of Indonesia, and the part that the people of Fak Fak region have played in the fight for freedom and independence of Indonesia during the colonial period. It was here in Fak Fak that, during the Government consultations

Government consultations on the method of the act of free choice in April 1969, the Government's intention to implement the act of free choice was vehemently opposed, being regarded as an intolerable violation of the 17 August 1945 proclamation of Indonesian freedom and independence. Said Mr. Galim Reasa (a Christian), member of the Consultative Assembly representing the veterans in the Indonesian fight for freedom: "We are here citizens of the Republic of Indonesia, the freedom of which has been bought with the blood and the lives of the whole of Indonesian people. The freedom struggle of 17 August 1945 was not the struggle of a President, Minister or any other individual, but of the entire people of Indonesia including the people of West Irian. The independence proclamation of 17 August 1945 was not meant for Java or Sumatra or Kalimantan (Indonesian Borneo) or Sulawesi (Celebes) or the Moluccas alone, but also for West Irian, being part of the "Netherlands Indies" and thus of Indonesia", "This question in the New York Agreement is really a very odd question!" He concluded emphatically that there was no other answer possible than that West Irian should remain part of the Indonesian Republic and that it could not possibly be separated from the Indonesian Republic.

Other speakers expressed their readiness to defend the territorial integrity of the Indonesian Republic and to fight against any attempt to separate West Irian from the Republic of Indonesia.

In the decision taken by the Fak Fak regency Consultative Assembly, and agreed unanimously, apart from the paragraph that West Irian is an integral part of the Indonesian Republic which cannot be separated, a provision was added that the people of Fak Fak "are determined to thwart every attempt - if there is any - aimed at separating the people and territory of West Irian from the unitary Republic of Indonesia".

The session was closed with Indonesian patriotic songs, sung by the members of the Consultative Assembly . . .

the Consultative Assembly. A summary record of the proceedings is attached as Annex H 4. Also in Fak Fak the success of the Consultative Assembly for the act of free choice was celebrated by the people with dances, music and other festivities till deep in the night.

54. In Sorong, the proceedings of the session of the Regency's Consultative Assembly, held on 26 July 1969, showed much of the same pattern and spirit. Also the Sorong region has had close historical ties with other islands of eastern Indonesia. Of the 110 members of the Consultative Assembly, 25 were Muslims, all others were Christians, including Catholics. There were 16 speakers out of the 110 members of the Consultative Assembly. A Christian clergyman, Rev. David Prawar, representing all clergymen in the regency, declared inter alia in the session: "We want to remain in the unitary Republic of Indonesia, which was proclaimed free and independent on 17 August 1945. We are convinced that our Indonesian State and Indonesian Government are a State and Government which have been blessed by the Lord and given to us: the Indonesian people, who were one in fate, having been together under a foreign colonial yoke in the past." He further stated: "Historically, juridically and politically, this part of Indonesia, called Irian, is an integral part of the territory of the unitary Republic of Indonesia, which cannot be contested and separated." Other speakers referred also to the Indonesian people's struggle for freedom and independence, which included the people of West Irian. The Government plan to intensify the development of West Irian, including the intention of the Government to grant more autonomy to the province, was welcomed and highly appreciated by the members of the Sorong Consultative Assembly. A paragraph to this effect was included in the decision of the Consultative Assembly, unanimously adopted, to remain with the Republic of
Indonesia.

Indonesia. A summary record of the proceedings is attached to this Report as annex H 5. Also in Sorong the success of the Consultative Assembly session for the act of free choice was celebrated by the people and local government.

55. The 6th Consultative Assembly for the act of free choice took place in Manokwari for the Manokwari Regency, on July 29, 1969. The successful conclusion of the act of free choice in the 5 previous regencies was naturally a further incentive for Manokwari to make its own act of free choice another success, not less than the others. The Chairman of the Consultative Assembly, the Head of the regency happened to be a native West-Irianese from the Regency, a veteran in the fight against Dutch colonial rule (he was jailed a few times by the Dutch Government in the past), Mr. Samuel Demianus Kawab, a Christian. Not less than 26 speakers took the floor (of whom three were women) out of the 75 members present. The speakers covered all groups and ranks of the people in the whole regency. All speakers appeared to be determinedly in favour of remaining with the Republic of Indonesia and rejected any attempt to separate West Irian from the territory of the Republic of Indonesia, from Sabang to Merauke. (Also Manokwari has had close historical ties with the rest of Indonesia, especially with the adjacent islands of Eastern Indonesia). All kinds of arguments were advanced, historical and political, as well as some reference to the fruit of freedom under the Government of Indonesia. A young woman, Miss Jockbeth Momogin, representing women's organizations, stated that "the women in West Irian, in particular in Manokwari regency, have had nothing to do with the "question" in the New York Agreement. We are convinced that that "question" was advanced by imperialism wanting to break off the unity and solitarity of the Indonesian people which have already been united for centuries." She reminded the session of the great progress of education in West Irian under the Republican Government which had not existed in the past.

She referred also to the

She referred also to the many sons and daughters of West Irian, who, now, under Republican rule - had been given responsibilities in high posts in the Republican administration and in other state institutions. Mr. Lodewijk Mandatjan, the well-known chief of the Arfak tribe in the region (last year supposedly involved in the much publicized armed "rebellion" in the region), now an elected member of the Consultative Assembly for the act of free choice in Manokwari, declared determinedly - using his own native tongue - the following:

"Today I have a good opportunity to speak about the standpoint of my people, the 25.000 people in the interior, to have it heard by the outside world. Whatever it may be, the people in the interior do not want to be dissociated from the Indonesian Government. Don't try to separate us from Indonesia. In fact, this act of free choice is not necessary. We are prepared to defend the territorial integrity of our fatherland Indonesia, from Sabang to Merauke, till the last man," "Long live Indonesia!", he exclaimed. This speech was translated into Indonesian by his cousin, another Mandatjan, a fellow member of the Consultative Assembly. Yet another Mandatjan, Mr. Nicodemus Mandatjan, representing also the 25.000 people of the Arfak tribe, said in his speech (in the Indonesian language), that "We reject what is called "Free Papua" because "free (independent) Papua" has no meaning for us."

Mr. Petrus Wettebossy, representing the Indonesian Christians Party of Manokwari, criticized the Dutch colonial policy in the past and the "Question" in the New York Agreement, and 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!" Cheers and applause - as in all Consultative Assembly sessions in the other regencies - accompanied all the speeches. In the end, again it was obvious that no views had been voiced other than the determined will of the people to remain within and safeguard

the Unity . . .

the Unity of the Republic of Indonesia. In the unanimous decision a paragraph was also included rejecting emphatically any effort attempting to break up the Indonesian nation and to infringe upon the sovereign unity of the Republic of Indonesia. A summary record of the proceedings is attached as Annex H 6. Again in Manokwari the success of the act of free choice was celebrated by the people and local government by music, dances and other festivities till deep in the night.

56. On July 31st, the Consultative Assembly session for the act of free choice for the Teluk Tjenderawasih regency (covering Biak and Serui area) took place in Biak. Biak and Serui happen to be the cradle of many prominent West Irianese, also in the fight against colonial rule in the past. In November 1945 - the PKI (The Irian Party for Indonesian Freedom) was founded in Serui and in March 1948 an armed rebellion against the Dutch colonial rule broke out in Biak. This background and its sentiments were reflected in the decisions and speeches of the members of the Consultative Assembly. There were 24 speakers out of the 130 members present (one was absent because of illness). Mr. Stephanus Rumbewas (a veteran from Serui) the first speaker, recalled that after 17 August 1945 the people of West Irian had frequently expressed their self-determination that is, to stay with the Republic of Indonesia. "So let us finish and close this act of free choice today and at this very hour! Long live the Republic of Indonesia!", he exclaimed. He pulled out a small red and white flag from his pocket, requested a fellow member, the old veteran from Biak, Mr. Lukas Rumkorem, to join him in sanctifying the flag, and while sprinkling the flag with perfumed water, he prayed, "May this flag fly in Indonesia - from Sabang to Merauke - till the end of time! Halliluyah, Halliluyah in Heaven!" Another speaker Mr. Jacob Rumfaidus, a native from

Biak

from Biak, recalled in a vigorous speech the Indonesian national struggle, for freedom and independence, which included West Irian and the great sacrifice in human life and property to sustain that heroic struggle. "This question raised in the New York Agreement really hurts the feelings of the people of West Irian," he asserted. "Are we to betray those numerous national heroes who fought and died for our freedom and unity? - No! And, once more No, No!" All other speakers, in their various fashions of speaking and argumentation, declared emphatically that they did not want to be separated, but wanted to stay firmly within the Republic of Indonesia. Some added that they were prepared to defend (with all means) the territorial integrity of the Republic of Indonesia.

The Governments plan of intensifying the further development of the territory was warmly greeted. Again, no speaker, no member of the Biak Consultative Assembly expressed any other opinion but that of wanting to remain within the Republic of Indonesia, and again, the decision was agreed unanimously by a standing ovation of all members.

A summary record of the proceedings is attached to this Report as annex H 7. Also in Biak the success of the act of free choice was followed by festivities of the people.

57. The last Consultative Assembly session for the act of free choice took place in Djayapura for the Djayapura regency, on Saturday, August 2, 1969. By this time, the act of free choice for the whole of West Irian had in fact been determined with a positive result. Yet there were still in Djayapura 26 speakers out of the 109 members present (one woman member from an interior village was absent because of the illness of her baby). Most of them spoke briefly, expressing the determination of the people they represented, to remain with the Republic of Indonesia. The atmosphere and the mood of the session were, however . . .

were, however, not less spirited than all others had been. Mr. S. Samberi, representing 4000 West Irianese veterans and the "Red and White Mass Movement", claiming to have 160.000 registered members throughout the whole of West Irian, stated that "whether poor or rich, dead or alive, we want to stay loyally with the Government of the Republic of Indonesia within our beloved country: Indonesia, stretching from Sabang to Merauke!"

Mr. R. J. Daimoi, a representative from Djayapura, rejected some foreign allegations that would have it that the Government had bribed members of the Consultative Assembly. He said: "if the Government gives a shovel, or a saw or an axe or any other agricultural tool to the people, that is because a father has to love his children, and moreover, such a useful gift is entirely commensurate with the present endeavour for development of this territory."

All speakers declared, under loud applause, their adherence to the Republic of Indonesia and that they did not wish to be separated. The development of West Irian in all fields under the Indonesian Government was considered the most important thing. A unanimous decision was again obtained.

A summary record of the proceedings of this Consultative Assembly session is attached to this Report as annex H 8. When at 12.00 noon, after 4 hours of session, the Consultative Assembly of Djayapura was concluded, all were happy that the act of free choice for the whole of West Irian had been concluded satisfactorily, peacefully and in an orderly way. The members of the Consultative Assembly greeted this happy accomplishment of an important national task with joyful singing patriotic Indonesian songs, joined by the public inside and outside the Assembly Hall.

The Minister of Home Affairs, Mr. Amir Machmud, on behalf of the Central Government, welcomed this happy end and in moving spirit thanked
all who had contributed . . .

all who had contributed to this great success.

58. Immediately after the conclusion of the act of free choice in Djajapura, having thus completed the act of free choice in the whole of West Irian, the Minister of Home Affairs on behalf of the Government issued a statement dated Djajapura August 2, 1969, which reads as follows:

"1. On the basis of the 1962 New York Agreement between Indonesia and the Netherlands, the Indonesian 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 Kabupatens (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. The result of the act of free choice will immediately be made known to United Nations Secretary-General U Thant, which will be done by cable by our Foreign Minister, while a complete report on the holding of the act of free choice and the result thereof will be submitted afterwards in accordance with Article 21 paragraph 1 of the New York Agreement. As stipulated in the Regulations issued by the Minister of Home Affairs for the implementation of the act of free choice, the result will be conveyed to the Provincial House of Representatives for West Irian and to the Provincial Administration for West Irian. For that purpose a special session of the Provincial House of Representatives for West Irian will be convened on August 5, 1969.

2. On behalf of . . .

2. On behalf of the Government may I express my thanks and appreciation to all the people of West Irian, who have acquitted themselves of their tasks and duties in carrying out the act of free choice by means of mushawarah democracy and with full responsibility and in a high spirit for the unity of Nation and Country on the basis of the interests and the future of the people of West Irian.

3. We would like also to express our thanks and gratitude to all the people and government civil officials and the members of the Armed Forces who have rendered their assistance to bring the act of free choice to a successful conclusion.

4. Particularly to Mr. Ortiz-Sanz' Mission, as special representative of the United Nations Secretary-General, we would like to convey the Indonesian Government's sincere gratitude and great appreciation for their well-done task concerning the holding of the act of free choice as laid down in the New York Agreement.

Although natural and technical conditions in West Irian frequently did not make their work easier, they have performed their tasks with all sincerity and patience till the act of free choice was completed this very day.

5. As for the people

5. As for the people of West Irian themselves, the important thing now is to concentrate their attention on development, in the framework of the Government's Five Year Development Program, including the upbuilding of the region's status to that of an autonomous province as planned by the Government. About this matter, further instructions, regulations and discussions will be arranged.

Harmony and unity among the people shall also be fostered and reinforced.

May God be always with us. "

On the same day, August 2, 1969, Foreign Minister Adam Malik sent a cablegram to Secretary-General U Thant in New York informing him of the completion and result of the act of free choice in West Irian and expressing the appreciation of the Government for the assistance and cooperation of the Special Representative of the Secretary-General and his staff. The text of said cablegram is attached in this Report as Annex J.

59. On August 5, 1969, the Government of Indonesia, i.c., the Minister of Home Affairs/Chairman of the Government Team for the implementation of the act of free choice, informed the provincial House of Representatives in Djayapura, specially convened for this purpose, about the conduct and the results of the just concluded act of free choice, for the whole of West Irian. After recalling the long national struggle for freedom and independence of the whole of Indonesia he stated that this successful conclusion of the act of

free choice . . .

free choice in West Irian, could only strengthen and foster the feelings of unity and solidarity of the Indonesian nation, which were of paramount importance both nationally and internationally.

He told the House about the sincere and detailed preparations the Government had made to ensure the proper democratic implementation of the act of free choice according to the provisions of the New York Agreement taking into account the specific conditions and circumstances in West Irian.

Various difficulties had to be surmounted. But in the end the whole act of free choice in West Irian could be carried out properly and in good order, between July 14 and August 2nd 1969. All the Consultative Assembly sessions had been attended by the Ortiz-Sanz mission, and they were open and public. The proceedings had been broadcast by radio throughout the territory and followed with great interest by the people of the whole of Indonesia. The sessions had also been observed by many reporters from the domestic as well as the foreign press. All sessions had also been witnessed by members of the central Parliament and some by members of the supreme Advisory Council from Djakarta. At 5 places they had even the honour of being witnessed by the Foreign Minister, the Minister of Information and some ambassadors of friendly countries, like those from the Netherlands, Australia and Thailand (in Merauke, Wamena and Nabire) and those from New Zealand, Burma, West Germany and again Australia in Biak and Djayapura.

He described the procedure and conduct of the Consultative Assembly sessions, the atmosphere and mood of every session, the total attendance at which had been 1022 deputies (4 being absent) representing the whole people of West Irian of about 809,000 persons. The division among the members was as follows:

a) traditional representation (tribal chiefs) : 400

b) . . .

b) regional representation	: 360
c) organisational representation	: 266

consisting of 983 men and 43 women. Not less than 175 members had taken the floor in the deliberations in the 8 regency sessions, organizing themselves in such a way that they could speak on behalf of all groups, regions and ranks of the population they represented. In that way they had been able to express the wishes and opinions of all the people in West Irian. The sessions had lasted for a period between 3.05 hours to 5.10 hours in each regency. The decisions of the Consultative Assemblies had all been taken unanimously, in an atmosphere of brotherhood, solidarity and common understanding, which phenomenon had been very impressive. Not a single member expressed a viewpoint which was other than: "remain within the Republic of Indonesia and reject being separated from the territorial unity of Indonesia from Sabang to Merauke."

This great consciousness about their status and the interest shown by the people of West Irian in being citizens of the Indonesian Republic and belonging to the one Indonesian nation, is of paramount importance both for today and for tomorrow. All this had been achieved with the Blessing of God. The people of West Irian together with all the other Indonesian people, had determined unequivocally to defend and safeguard the unity and the territorial integrity of the Indonesian Republic, stretching from Sabang to Merauke. As to the position regarding the results of the act of free choice, the Minister referred to article 21 sub 2 of the New York Agreement and reported that the results being legal and final were to be recognized and abided by the two contracting parties, Indonesia and the Netherlands. Thus, we have completed the implementation of the New York Agreement in a proper and final way, said the Minister. He appealed to the House, to the people and the Provincial government of West Irian, to concentrate now their minds and energies upon the

task . . .

task of the development of the province, no longer disturbed by problems of the act of free choice which had been concluded with success. The unity, the peace and the harmony of the people should be guarded and nourished. "There is no reason and no need, now, for quarrels resulting in conflicts among one another as has happened to some, prior to the act of free choice; people had even been incited by foreign agitation, which could only bring difficulties and disaster to the people." To the few West Irianese residing abroad, he appealed "show understanding, and honour the decision and firm resolve of the people, which have been manifested in the results of the act of free choice. This understanding is necessary only in their own interest for their own future, if they are still desirous of calling themselves sons and daughters of this region. The desire of the people is unity, peace, reconstruction and progress, not discord, division and weakness which are the result of foreign domination in the past. These things are the Message of the People, voiced and emphasized again in the act of free choice. Opposing this Message of the People will be disastrous only for them themselves".

60. Minister Machmud drew attention to the important fact that the implementation and the exercise of this act of free choice had beneficial aspects in another direction. It turned out to have provided invaluable experience and lesson both for the Government and for the people themselves. For the Government and its officers in the various regions, the preparatory work and organizing the elections for the consultative assemblies, and reaching the remote areas in the interior, had brought the Government and its officers closer to the people living in those remote areas of the interior, enabling them to know and understand better the way of life, the customs, the sufferings,

the needs . . .

the needs and the wishes of the people living far from the centres of Government. These experiences - apart from the matter of the act of free choice itself - were very precious and we should be able to utilise them for our further work and tasks in government. Errors or mistakes of the past, in evaluating the needs and the desire for progress of the simple people in the interior, should now be avoided. For the people themselves, the execution of the act of free choice - apart from the act of free choice itself - had also provided experiences for their government-mindedness, for the broadening of their minds and insight, for breaking through limitations and barriers which frequently had hampered their progress toward understanding the wider horizon of a larger society, which are needed for a better knowledge of their rights and obligations as citizens of a free and independent State.

The tribal chiefs in the vast interior - some have even a history of enmity towards one another - have been brought together as equal citizens by the implementation of the act of free choice, into an atmosphere of one big and peaceful family. This has enabled them to break through the narrow and egocentric tribal family relationship, leading towards understanding the broad national family relationship, towards better realization of possessing a government, entertaining high ideals for peace, unity, brotherhood and common progress, inspired by the tenets of Indonesia's Panchasila philosophy. The implementation of the act of free choice itself through elections by the people and from the people in a democratic way adapted to the system of *mushawarah*, and the experience in implementing the rights and duties provided in the sphere of a State life, have obviously been an "exercise in democracy", which should be very useful for their progress towards responsible citizenship of a free State. The people in the interior who in the past were considered incapable of

undertaking . . .

undertaking anything whatsoever for the country's progress, have now been encouraged by the government of the Republic of Indonesia to participate in the responsibilities of citizens of an independent and sovereign State. Although all kinds of difficulties and shortcomings had to be surmounted, this sense of capability has been given to them as their first experience towards democratic progress. Without the act of free choice they would not have gained so quickly such valuable encouragement and experience. Thus, the "oddness" of this act of free choice might after all be called "God's Blessing in disguise". This "exercise in democracy" has created a feeling of responsibility amongst the people towards their Government, Nation and country, stimulating a sense of participation in government and national activities in the interest of common progress and welfare.

This enriching new experience should be a further stimulant to work and labour for the success of the Development Program of the Government.

61. The Minister further elaborated on the Government's plan to give West Irian the full status of an autonomous province like other provinces in the Republic. Arrangements for the realization of this plan had already been made and a draft bill to this end would be submitted to Parliament as soon as possible. He reminded the people, however, that in order to give the desired autonomy its content and meaning, people had to work hard to produce the capability and capacity in all fields needed for the exercise of autonomy in a real and meaningful way.

The Central Government would encourage and help this realization with all possible means and it was hoped that in the beginning of 1971 the autonomous province of West Irian would become an effective reality. For this year of

1969/70 . . .

1969/70 the Government had already decided to allocate another Rp. 3,100 million for the special development plan in West Irian, on top of the Rp. 8,000 million earlier allotted for the budget of West-Irian province this year, which included extraordinary expenses like those for preparations for the act of free choice. $\overline{1}$ US\$ = 360 Rp $\overline{.}$. This generous budget (total about US\$ 30. million) for West-Irian, being only one of the 26 provinces of Indonesia and with the least of population, may illustrate that the present Indonesian Government is endeavouring very seriously indeed in giving a special (favored) treatment to the development of this centuries long neglected part of Indonesia.

62. This report and announcement of the Government was gratefully welcomed by the House. Although no action on the informative report was required, the provincial House of Representatives deemed it fitting to make a statement thanking the Government for the enlightening and useful report. Regarding the results of the act of free choice, the House declared that it fully endorsed and supported these positive results as the true and legitimate will of the people of West Irian, which should be honoured and safeguarded. The full text of this Government Statement to the Provincial House of Representatives in Djayapura on August 5, 1969 and the Decision of that House also dated 5 August 1969 (in English translation) is attached to this Report as annex no. L.

63. Two days after the exercise of the act of free choice in each Regency, the Consultative Assemblies in each regency were on instruction of the Minister of Home Affairs/Chairman of the West-Irian Sector ceremoniously dissolved. All the members were thanked for the discharge of their duties and responsibilities in the act of free choice. It was again the local regional
adhoc . . .

ad hoc Committees which had to arrange the proper return of the members of the Consultative Assemblies to their respective villages in the Regency.

64. After having completed his task, Ambassador Ortiz-Sanz left Indonesia on the 18th of August 1969. Earlier he attended the celebration of the 24th anniversary of the Proclamation Day of Indonesian Independence in Djakarta on 17 August 1969 and was received by President Suharto for a farewell call on 12 August 1969, where the President on behalf of the Indonesian Government and the people as well as on his own behalf thanked him again for the valuable assistance he and his Mission had rendered to the Indonesian Government regarding the implementation of the last phase of the New York Agreement.

XII. C O N C L U S I O N:

65. This then was the conduct and result of the act of free choice in West Irian, carried out by the Government of the Republic of Indonesia, with the assistance and advice of the United Nations Secretary-General, in the implementation of the last phase of the Indonesia-Netherlands Agreement signed in New York on 15 August 1962.

Despite the recognized "enormous difficulties" faced by the Indonesian Government in this matter, its accomplishment may show the sincere determination of the Indonesian Government and people to fulfil an international obligation in the best possible way.

In West Irian there exists -as is generally known - one of the most primitive and undeveloped communities in the world. To measure the method and conduct of the act of free choice in such a community against purely western democratic methods and procedures, would indeed be erroneous and unrealistic.

That the . . .

That the result was overwhelmingly and determinedly in favour of remaining within the independent and sovereign Republic of Indonesia, can be understood only against the background of the Indonesian Revolution for freedom and independence, its history, its principles and its aim: the freedom and independence of the whole country which was once called the "Netherlands East Indies", stretching from Sabang to Merauke. This was during the Revolution also understood by the Netherlands Government, when its representative, Dr. van Roijen, in the United Nations Security Council session on December 22, 1948, dealing with the "Indonesian Question" between the Netherlands and Indonesia, to settle the armed conflict, clearly stated; "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 East Indies should become an independent state as soon as possible."

The difficult proposition for the people in West Irian in the act of free choice was of course the "question" posed in the New York agreement of 1962, a question considered very odd or even hollow by many politically literate leaders of the people of West Irian, especially after the establishment - de jure and de facto - of the Indonesian Government in West Irian on May 1, 1963. (see the discussions during the government consultation with the local regency councils in March/April 1969 and those in the Consultative Assemblies for the act of free choice itself in July/August last). The "self-determination" in the "question" of the New York Agreement has inevitably been confronted with the greater "Self-determination" of the whole Indonesian people, already pronounced and effectuated with the proclamation of Indonesian Independence on August 17, 1945, to free the "Netherlands East Indies" - from Sabang to

Merauke - . . .

Merauke - from colonial rule. And this "self-determination" of the people of Indonesia has ever since been a stark reality with the established existence of the Republic of Indonesia covering the territory from Sabang to Merauke.

Those who observed the prevailing atmosphere and spirit in the Consultative Assembly sessions for the act of free choice in the 8 regencies and who possesses a keen knowledge about the political background of the dispute on West Irian, will understand why it would have been very difficult, politically and psychologically, for anyone to contradict and go against the overwhelming desire of the Consultative Assembly sessions supported by very strong arguments to maintain the established political status of West Irian safeguarding the unity and territorial integrity of the free and independent Republic of Indonesia, from Sabang to Merauke.

The fact that the positive and unequivocal decision of the Consultative Assemblies in all the regencies were taken in mutual understanding, was only proof of the wise, legitimate and realistic standpoint of the People's representatives in the Consultative Assemblies for the sake of the unity, the common peace and progress of all the people in West Irian. For the Government and the people, the success of the act of free choice is only a stimulant to further concentrate their efforts for the desired development and progress, burdened no more by the "question" of the New York Agreement.

66. On 16 August 1969, on the eve of the annual national celebration of the "Proclamation Day" of 17 August 1945, President Suharto, in his Address to the Nation before the Parliament in Djakarta (the province of West Irian has 7 members out of the 414 members of the Parliament representing about 800.000 people out of the 115 million people of whole Indonesia), referred gratefully

to the success . . .

to the success of the act of free choice in West Irian. "This success of the act of free choice," the President said, "has really strengthened the unity of our country and our people. At the same time, we have shown our goodwill in implementing an international obligation we had agreed upon." And as far as the United Nations was concerned, he appreciated that the United Nations Secretary-General and his special mission had successfully rendered their good offices to settle the West Irian dispute peacefully. And most important, he said, was that the principle of territorial and sovereign integrity of a free independent Nation had been duly recognized and appreciated. He further stated that the act of free choice was obviously not an end in itself, but that the objective of urgent and paramount importance was the development of West Irian in all fields in the framework of the Government's 5 Year Development Plan. Special attention and consideration would be given. "Let us correct what has been a shortcoming, and let us improve what we have rightly done, let us mobilise our capacities as far as possible for that purpose." Then the President elaborated on the Government decision to step up the status of West Irian from that of an "administrative province" to the status of an "autonomous Province" like other provinces in the Republic of Indonesia. A draft bill to this effect was simultaneously submitted to Parliament.

The President did not fail to commemorate all the sacrifices of the Indonesian people for the cause of the freedom, unity and integrity of the Republic of Indonesia in the last 24 years.

67. On 17 August 1969, the people of Indonesia and particularly those of West Irian, celebrated this auspicious 24th commemoration of the Proclamation of Indonesian Independence with rejoicing and all kinds of festivities.

Peaceful

Peaceful conditions in West Irian are being strengthened, and even in the recently troubled areas of Enarotali, Waghete and Moanemani, peace has now been completely restored. On 25, 26 and 27 August last people in these areas in the highlands successively celebrated this complete restoration of peace with traditional "waita" dances expressing the rejoicing of the people for the peace restored. A new era has been established which can only benefit the people and the future of West Irian. Great endeavours are called for to lift up the great majority of the people of West Irian to a better human and social life. The Indonesian Government considers this task to be not only a national task, the care ^{of} its own people, but also a paramount task of Humanity itself. The Indonesian Government is prepared to cooperate with all nations in the world in fulfilling this great and noble task of Humanity.

Djakarta, September 5, 1969

Department of Foreign Affairs
Republic of Indonesia

ANNEXES

- A. M a p of West Irian
- B. Announcement by the Indonesian Government in Djakarta dated February 17, 1969 on the possible return of West Irianese abroad to West Irian to participate in the Act of Free Choice.

- C. Summary Records of the Special sessions of the Regency Councils for the consultation by the Government on the method and procedure of the Act of Free Choice.

1. Merauke	:	24 March
2. Wamena	:	27 March
3. Nabire	:	31 March - 1 April
4. Fak Fak	:	3 April
5. Sorong	:	5 April
6. Manokwari	:	8 April
7. B i a k	:	9 April
8. Djajapura	:	11 April

- D. Report of the Central Government to the Provincial Council of West Irian, dated 18 April 1969, regarding the results of the consultations between the Government consultation Team and the Regency Councils in West Irian on the implementation of the Act of Free Choice and annexes:

1. Decisions of the Regency Councils:

a. Merauke

- (1) No. 01/KPTS/DPRD-Merk/1969 dated March 24, 1969 on the procedure and method for the AFC.
- (2) No. 02/KPTS/DPRD-Merk/1969, dated March 25, 1969 on the composition of the Committee for the establishment of the Consultative Assembly for the Act of Free Choice in Merauke.

b. Djajawidjaja

No. 1/KPTS/DPRD-PDW/69 dated March 27, 1969 on procedure and method for the AFC and the composition of the Committee for the establishment of the Consultative Assembly for the AFC in Djajawidjaja.

c. Paniai

- (1) No. 01/KPTS/DPRD/4/1969 dated April 1, 1969 on the implementation of the AFC.
- (2) No. 02/KPTS/DPRD/4/1969 on the composition of the Committee for the Establishment of the Consultative Assembly in Paniai.

d. Fak Fak

- d. Fak Fak
 - (1) On the implementation of the AFC (Act of Free Choice), dated April 3, 1969.
 - (2) Composition of the committee for the establishment of the Consultative Assembly is regulated by Decree of the Governor of Irian No. 38/GIB/1969 dated April 3, 1969.
 - e. Sorong
 - (1) No. 2/KPTS/DPRD-SR6/1969 dated April 5, 1969 on the implementation of the AFC.
 - (2) Proposal on composition of the committee for the establishment of the Consultative Assembly, dated April 5, 1969.
 - f. Manokwari
 - No. 01/KPTS/DPRD-M.Wari/1969 dated April 8, 1969 on the implementation of the Act of Free Choice and composition of the Committee for the establishment of the Consultative Assembly.
 - g. Teluk Tjenderawasih
 - (1) No. 6/KPTS/DPRD-TT/1969 on the confirmation of the implementation of the AFC.
 - (2) Composition of the Committee for the establishment of the Consultative Assembly is regulated by Decree of the Governor of West Irian No. 41/GIB/1969 dated April 9, 1969.
 - h. Djajapura
 - No. 2/KPTS/DPRD-Djp/1969 dated April 11, 1969 on the implementation of the Act of Free Choice and composition of the Committee for the establishment of the Consultative Assembly for the AFC.
2. Decree of the Minister of Home Affairs/Chairman of the West Irian Sector No. 31/1969 dated March 25, 1969 on "the Establishment of the Consultative Assembly for the Act of Free Choice" in the Regency of Merauke, and Regulations for the Implementation of said Decree, dated March 25, 1969.
Similar Decrees under No. 32 until 38/1969 are issued by the Minister of Home Affairs for each of the other Regencies, as a result of the consultations by the Central Government with the Regency Councils in their special sessions.
3. Statement of the Regional House of Representatives of West Irian Province No. 1/DPRD-GR/1969 dated April 24, 1969 concerning the Informative Report of the Consultative Team of the Central Government.
- E. Elections : Translation of official records of proceedings of elections of members of the Consultative Assemblies in each Regency.

F. Elections

F. Elections : List of Representatives elected as members of the Consultative Assemblies for the Act of Free Choice.

<u>Regency</u>	<u>Number of Population</u>	<u>Number of members of the consultative assembly</u>
1. Merauke	144.171	175
2. Djajawidjaja	165.000	175
3. Paniai	156.000	175
4. Fak Fak	43.187	75
5. Sorong	75.474	110
6. Manokwari	49.874	75
7. Tjenderawasih	91.870	131
8. Djajapura	83.760	110
Total -----	809.336	1.026

G. Joint statement of Minister of Foreign Affairs Joseph Luns and Minister Udink of the Netherlands, and Indonesian Foreign Minister Adam Malik, dated Rome, May 21, 1969.

H. Summary Records of the proceedings of the Sessions of the Consultative Assemblies for the Act of Free Choice with translations of a) Rules of Procedure, b) Records of Proceedings, c) Decision of the Consultative Assembly d) Excerpts of statements of the Chairman of the Consultative Assembly, the Governor of West Irian, the Special Representative of the Secretary-General of the United Nations Ambassador Ortiz-Sanz, the Deputy Chairman of the Central Government Team Mr. Sudjarwo and the Minister of Home Affairs Mr. Amir Machmud:

<u>Regency</u>	<u>Capital Town</u>	<u>Date</u>
1. Merauke	Merauke	July 14, 1969
2. Djajawidjaja	Wamena	" 16, 1969
3. Paniai	Nabire	" 19, 1969
4. Fak Fak	Fak Fak	" 23, 1969
5. Sorong	Sorong	" 26, 1969
6. Manokwari	Manokwari	" 29, 1969
7. Tjendrawasih	Biak	" 31, 1969
8. Djajapura	Djajapura	August 2, 1969

I. Government statement, dated August 2, 1969, on the result of the Act of Free Choice.

J. Text of cablegram, dated August 2, 1969, from Indonesian Foreign Minister, Mr. Adam Malik to the Secretary-General of the United Nations U Thant informing the latter of the completion and result of the Act of Free Choice in West Irian.

K. Report dated August 5, 1969 of the Minister of Home Affairs Mr. Amir Machmud to the Provincial Council of West Irian in Djajapura on the

result

result of the implementation of the Act of Free Choice in West Irian in compliance with the New York Agreement between the Republic of Indonesia and the Kingdom of the Netherlands of August 5, 1962.

- L. Decision of the Provincial Council of West Irian No. 6/DPRD-GR/1969 dated August 5, 1969, welcoming and fully endorsing the positive decisions of the Consultative Assemblies for the Act of Free Choice in the 8 Regencies.

