

DYNAMICS OF PROCESS AND DETERMINATION AT THE GENERAL ASSEMBLY OF THE UNITED NATIONS REGARDING THE EXISTENCE OF PAPUA WITHIN INDONESIAN SOVEREIGNTY

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Abstract

On October 1, 1962 West Irian was officially handed over by the Netherlands to the United Nations Temporary Administrative Authority (UNTEA). It serves to organize an interim government in West Irian, announcing and explaining the broad provisions of the New York Agreement and the handover of West Irian to the Government of Indonesia. At the agreed time, Indonesia and the Netherlands jointly formed a liaison mission to assist the UNTEA government. In the preparation of this paper, periodization is used as a research method. Periodization includes timing and at the same time giving meaning to the time that takes place, so that time also indicates the direction of a certain orientation. The preparation of periodization contains a certain meaning. The concrete step taken by UNTEA is to carry out a succession of all government officials and institutions inherited from the Dutch rule in the region. This step is realized by filling various positions in its government organization with manpower provided by the Government of Indonesia. UNTEA has the authority to temporarily hire all Dutch officials who wish to work for him, except for the positions of Director, Divisional Commissioner and Chief of Police which must be held by officials who are not Indonesian and Dutch nationals. UNTEA is also authorized to place as many employees as possible in administrative and technical positions. The plebiscite of the people of West Irian (Papua) was carried out by UNTEA based on United Nations General Assembly Resolution No. 1752 (XVII) and the result of the plebiscite that the Papuan people joined with Indonesia was authorized with United Nations General Assembly Resolution No. 2054 (XXIV).

Keywords: Existence, Papua, Resolution, Indonesia

Introduction

The formulation of the agreement itself has actually opened up the possibility of differences in interpretation. For Indonesia, the implementation of de facto power over West Irian is only a matter of time. The area of Indonesia is based on the entire former Dutch Hindia region. One year since the recognition of sovereignty is a touchstone for the good faith of the Dutch Government and for the persistence of Indonesian puzzles to defend its territorial sovereignty. The reality is that the Dutch side did not show at all such good faith.

In Indonesia itself, although there is no difference of opinion regarding the status of West Irian, there are different views on how to achieve the goal. On the one hand, there is an attitude that states that the struggle is carried out through the path of persuasion with the help of forces and pressure from the US and Australia for the Dutch to hand over West Irian to Indonesia. On the other hand, there is a view that focuses on raising strength in the country, based on the assumption that the Netherlands cannot be trusted to fulfill its promises (Negeri, 1971) (Manurung, 2019) (Strand & Hegre, 2021) (Christianty, 2020) (Rosyidin, Dir, & Wahyudi, 2022) (Jassat et al., 2021) (Druce, 2020) (May, 2021). In preparing diplomacy against the

Netherlands, Indonesia" consolidated inward and outward, including ungoverned agents to optimize negotiating ability in diplomacy." (Constantinou & Opondo, 2016) confronts the Netherlands and the international community.

The first meeting took place in early April 1950 in Jakarta which was named the Conference of the Indonesian Union of Asia-Netherlands. In addition to discussing the issue of West Irian, this conference also discussed the constitutionality of Indonesia, which the Dutch side directed to become a Union State. In the conference, the Dutch side was represented by GH Van der Kolff, R van Dijk, and JM Pieters, while the Indonesian representatives consisted of PS Makaliwy, J Latuharhary, and Mohammad Yamin.

Based on various political, historical, and economic reasons and considerations, the Indonesian delegation requested that West Irian be included in the Republic of Indonesia. Infact, the Dutch delegation with scientific considerations refused to give West Irian to the Republic of Indonesia. According to the Dutch delegation ethnographically, cultural origins and others, West Irian is different from most other regions in Indonesia. Even so, Indonesian delegation still wants West Irian to enter the territory of the Republic of Indonesia, and its handover will be carried out no later than December 27, 1950.

In accordance with the agreement, representatives from Indonesia and the Netherlands met again on December 27, 1950 in The Hague, Netherlands (Huda, 2021). At the meeting, Indonesia increasingly strongly wanted West Irian and the Netherlands to submit to a deadline that could not be postponed anymore. On the contrary, the Dutch persisted with their opinion that the administrative problems of West Irian remained under Dutch rule. The second meeting ini also ended without agreement.

Research Methods

In analyzing the data, this study was periodized during the process of joining West Irian (now Papua) in Indonesian sovereignty. Periodization is a modality to give structure or shape to time because in writing the results of research on past phenomena. Periodization includes not only timing but rather giving shape to time, so that time also indicates the direction of orientation or choice or policy. The preparation of periodization "has a goal orientation" (Kartodirdjo & Pusposaputro, 1992), (Kartodirdjo & Pusposaputro, 1992) that prove the importance of the role of certain institutions (Kartodirdjo & Pusposaputro, 1992), (Kartodirdjo & Pusposaputro, 1992) involvement of certain officials in diplomacy and participation local communities in government in Papua.

Given the success of Indonesian diplomacy in incorporating West Irian into its sovereignty, in the description of the discussion of this study, a periodization was carried out based on the relevant year from 1949 to 1963. With each year of periodization containing three elements of discussion that is the struggle of Indonesian diplomacy, the efforts of the Kingdom of the Netherlands to deter it, and the involvement of third parties. Regarding the involvement of third parties, the involvement of individuals, countries, and international organizations will be reviewed.

Result and Discussion

First of all, based on article 1 of the KMB Agreement reads as follows. "The Kingdom of the Netherlands unconditionally and irrevocably transfers complete sovereignty over Indonesia to the Republic of the United States of Indonesia and thereby recognizes said Republic of the United States of Indonesia as an independent and sovereign State". However, the KMB did not succeed in completing the handover of power by the Dutch over West Irian to Indonesia. Regarding the unresolved status of West Irian, a compromise has been reached which is stated in Article 2 of the KMB Agreement which reads as follows.

- a. Due to the fact that an agreement between the stances of each party on West Irian has not been reached, so the matter is still the subject of dispute.
- b. Due to the necessity of the KMB to be ended successfully on November 2, 1949
- c. In view of the brevity of the investigation that has been able to be held and resolved regarding the matters concerned with the Irian matter
- d. In view of the brevity of the investigation that has been able to be held and resolved regarding the problems concerned with the Irian matter.
- e. Given the difficulty of the obligation tasks that will be faced immediately by the participants of the Union, and
- f. In view of the unanimity of the parties concerned to maintain the principle that all disputes that may later arise, are resolved in an appropriate and harmonious manner, the status quo of the Irian (New Guinea) residency remains in force as it is determined, that within a year after the handover of sovereignty to the RIS the issue of Irian statehood will be resolved by means of negotiations between the RIS and the Kingdom of Netherland".

In accordance with the KMB agreement that the West Irian issue would be discussed again a year after the Netherlands granted recognition of independence to Indonesia, the Government of Indonesia invited the Dutch Government to sit down again to discuss the status of the island. There were at least three meetings between the Indonesian and Dutch sides to discuss the status of West Irian.

As a follow-up to the above meetings, Indonesia and the Netherlands had their third meeting in December 1951. At this meeting, the Dutch side proposed that the West Irian matter be submitted to the International Court of Justice, but this proposal was rejected by the Indonesian delegation. Indonesia rejected this proposal because the Government of Indonesia considered the West Irian conflict between Indonesia and the Netherlands as a political dispute, not a legal one.

On February 19, 1952 the Dutch government incorporated the territory of West Irian into the Dutch Constitution as part of its colonies. This action is clearly contrary to the terms of the KMB Agreement. The Netherlands had acted unilaterally to determine the political status of

West Irian and negotiated first with the Indonesian side. The Dutch also did not hold any consultations with the people of West Irian in connection with the actions of the Dutch side.

From the foregoing it is clear that in essence the Government of Belanda has refused to continue negotiations to resolve the West Irian dispute. The Dutch side has no intention at all to seek a resolution to the dispute. This attitude is clearly contrary to the KMB Agreement and is completely unacceptable to the Government of Indonesia.

This situation caused Indonesia-Netherlands relations to become tense again, although the Indonesian side was still willing to resolve the West Irian dispute through peaceful means, in accordance with the political line established by the Indonesian Government since 1950. It was on the basis of this political line that the Government of Indonesia on March 22, 1954 again invited the Government of Belanda to hold negotiations, not only regarding the cancellation of the Indonesian-Dutch Union, but also regarding the status of West Irian. These two things are the cause of the unfavorable relationship between Indonesia and the Netherlands. On April 14, 1954, the Dutch side accepted the Indonesian invitation, which refused to discuss the status of West Irian. The Dutch side was only willing to cooperate to eliminate any misunderstandings that might occur between the two sides and that had led to the Indonesian Government's disapproval of the Dutch actions against West Irian.

The conflict between Indonesia and the Netherlands, which was not resolved immediately at that time, had the potential to cause a dangerous situation in the Southeast Asian region. Indonesia is trying to find a solution. In a letter dated August 17, 1954, Indonesia requested that an item entitled "The Question of West Irian (West New Guinea)" be included in the provincial agenda of the IXth UN MU which opened in September of that year as well. The UN General Committee discussed Indonesia's request in its meeting on September 22, 1954. By a ratio of 7 votes in favor, 3 in favor, and 5 abstentions, the General Committee decided to propose the inclusion of the West Irian issue into the agenda of the IXth General Assembly of the United Nations. In accordance with the UN MU Code of Conduct, the General Committee's proposal was discussed again in the MU plenary session. At the time of the vote the proposal was accepted by a ratio of 39 votes in favor, 11 in favor, and 10 abstentions.

Once it is accepted to be included in the UN MU agenda, the discussion of the West Irian issue must first be carried out by the First Committee which deals with politics and security. In the debate that took place within Committee I, Indonesia's stance was supported by the delegates of Afghanistan, Argentina, Bolivia, Burma, Byelorussia, Czechoslovakia, Ecuador, Egypt, El Salvador, Greece, India, Iraq, Lebanon, Liberia, Pakistan, Poland, Saudi Arabia, Syria, Thailand, Ukraine, Soviet Union, Yemen, and Yugoslavia. The delegates who supported the Netherlands were the delegations of New Zealand, England, France, Belgium, the Dominican Republic, and China.

As a suggestion for a solution to the West Irian problem, the Indonesian delegation submitted a draft resolution recorded as Document No. A/ C.1/ L. 109. In the draft, it is requested that the Indonesian and Dutch parties continue negotiations in the shortest possible time, in order to resolve the West Irian dispute by peaceful means, as specified in the KMB Agreement and in

accordance with the principles of the UN Charter (Lantang & Tambunan, 2020). In addition, a draft joint resolution sponsored by 8 countries consisting of Argentina, Costa Rica, Ecuador, El Salvador, India, Syria, and Yugoslavia were also submitted, which is recorded in document No. A/C.1/ 760. This draft reads as follows, among others.

Having considered item 61, "The Question of West Irian (West New Guinea)";

Recalling that by the agreements reached at the Hague in 1949 between Indonesia and the Netherlands a new relationship between the two countries, as sovereign independent States, was established but it was not then possible to reconcile the views of the parties on West Irian (West New Guinea) which therefore remained in dispute,

Recalling the dedication of the parties to the principle of resolving by peaceful and reasonable means any differences that exist or arise between them,

Realizing that cooperation and friendship between them is the common desire of both parties,

- a. Expresses the hope that the Governments of Indonesia and the Netherlands will pursue their endeavors in respect of the dispute that now exists of the Charter of the United Nations;
- b. Requests the parties to report progress to the General Assembly at its tenth regular session.

The draft 8-nation resolution gets priority for a vote. The result was that the draft resolution was received with 37 votes in favor, 2 against, and 18 abstentions. Subsequently on December 10, 1954 the issue of West Irian was discussed in the plenary session of the P BB, including the Resolutions approved by Committee I above. On that day there was also a vote on the Resolution, which was conducted on part by part of the Resolution. The results are as follows.

The Preamble section was rejected with a ratio of 34 votes versus 21 pro votes and 5 abstention votes. Operative Paragraph I was rejected by a ratio of 34 to 23 votes and 3 abstentions. The Operative II section was also rejected with 33 to 23 votes and 4 abstentions. Thus the draft Resolution as a whole was deemed to have been rejected by the UN plenary session, as none of its parts had the support of the necessary 2/3 vote (Country, 1971). With the rejection of the draft resolution on the explanation of the Irian Bar at issue by the UN plenary session (Awom, 2015), Sudjarwa Tjondronegoro, on behalf of the Indonesian Delegation uttered a speech that, among other things, read as follows.

"But this is the reality of politics – in the world of today. I t is not easy to fight for freedom; it is not easy to fight against colonialism, even in this August body of the United Nations. They have succeeded in blocking a resolution but they will not be able to stop the cause of freedom for the people of West Irian.

My government, of course, has not been merely seeking a resolution, it seeks a solution, a way for the peaceful solution of the problem through the United Nations. But wity or without a resolution, that is to say, with or without any peaceful encouragement from the United Nations,

my Government is obliged to continue and will naturally continue to seek the satisfactory solution of the dispute". (Makkelo, 2018)

In other words, Indonesia at that time still saw the prospect of completing the status of West Irian. Indonesia's struggle was further continued through the Asian-African Conference in Bandung, the Indonesia-Netherlands negotiations, and also at the UN MU Session. But these efforts until 1960 continued to fail. Even on August 17, 1960 the Republic of Indonesia severed diplomatic relations with the Netherlands.

Meanwhile, the Dutch government came under pressure from the US Government, which wanted the West Irian dispute to be resolved peacefully. Furthermore, the UN Secretary-General, U Thant, appointed Elsworth Bunker as his personal envoy to conduct informal talks between Indonesian envoys, Adam Malik and Sudjarwo Tjondronegoro with Ambassadors Schuurmann and van Royen from the Netherlands which took place in Middleburg, near Washington. Convolved negotiations had already taken place, and Bunker's proposed compromise received attention. The Dutch were willing to accept Bunker's proposal with the provision that the right of self-determination of the people of West Irian be guaranteed (Makkelo, 2018).

In the unofficial talks, Bunker proposed several principles or points of dispute resolution regarding West Irian as follows.

1. The Indonesian and Dutch parties will each separately or jointly sign an agreement signed to the official UN Secretary-General.
2. The Netherlands agreed to the handover of West Irian to a Provisional Executive Board under the United Nations which would appoint the Interim Government and be approved by both parties to the dispute. The administration of such government will last no less than 1 year, but not more than 2 years. His task was to take care of the eventual Dutch government in West Irian. In a short time, the government will be replaced by Dutch officials with non-Dutch and non-Indonesian officials working on the basis of a short 1-year agreement.
3. In the second year the government began to be replaced by Indonesian officials, so that by the end of the second year the power had been in the hands of Indonesia, except that special engineering personnel from the UN would remain in their position as advisors.
4. Indonesia agreed to give the people of West Irian the opportunity to declare their choice freely, no later than 7 years after the government was in the hands of Indonesia. The implementation of this activity was assisted by the United Nations.
5. Indonesia and the Netherlands agreed to jointly cover all costs incurred for the formation of an interim UN government.
6. After the agreement is signed, both parties will reopen their diplomatic relations.

The Indonesian side stated that it accepts these principles (Prasetyo, 2015). As a "document resulting from the achievement of diplomatic work that respects the will that is satisfactory and accepted by both parties" (Adler-Nissen, 2012), on August 15, 1962, the New York Agreement was successfully signed between (Viartasiwi, 2018) Indonesia and The Netherlands. The points of agreement consist of the following :

1. No later than October 1, 1962 the envoy from the United Nations will take over the Government of West Irian from the Netherlands. On 1 October the Dutch flag will be lowered and replaced with the UN flag.
2. The UN ruler will mobilize the Indonesian workers together with the tools that already exist in West Irian including the people of West Irian.
3. Indonesian troops will remain in West Irian under UN rule.
4. The Dutch Army will gradually be repatriated to the Netherlands.
5. Between West Irian and other areas of the Republic of Indonesia there will be free traffic.
6. On December 31, 1962 the Indonesian flag will be flown in West Irian next to the UN flag.
7. On May 1, 1963 the Government of Indonesia will officially take over the Government of West Irian from the United Nations.
8. In 1969 a vote will be held to determine whether West Irian will remain in or will leave the RI.

The most important part of the agreement was the matter of the handover of administration in West Irian from the Dutch rulers to UN officials, and for that purpose the United Nations Temporary Administrative Authority (UNTEA) was established on 1 October 1962 under United Nations General Assembly Resolution No. 1752 (XVII) (Assembly, 2021), which had the task of handing over power to Indonesia on May 1, 1963. For the purposes of identity in traveling, "The UN has issued a passport for these West Irians. Some countries recognize this UN-issued passport as an official travel document." (Lanotte, 2004) In addition, "taking into account heritage and cultural diplomacy that not only transcends the use of local culture, but also still reaches international political and public relations" (Dissanayake, 2017) UNTEA employs employees provided by Indonesia in subsequent necessary positions.

In the implementation of this provisional government lasted between October 1, 1962 and May 1, 1963 (seven months). The objectives of UNTEA as an interim government can be broken down into three kinds. First, accept the surrender of the West Irian region from Belanda. Second, it organized a provisional government in West Irian. Third, cede the territory to Indonesia. On May 1, 1963, the Indonesian government officially took over the government from the Dutch government. Furthermore, there 14 July-4 August 1969 UNTEA organized a Determination of People's Opinion (Pepera) to determine whether the inhabitants of West Irian chose to remain in or out of Indonesian. The result of Pepera was that the people of West Irian

chose to join the republic of Indonesia. The results of the Act were justified in General Assembly Resolution No. 2504 (XXIV) on November 19, 1969 (Ismail, 2021). Based on this Resolution, Papua is part of the Unitary State of the Republic of Indonesia.

Conclusion

UNTEA was formed with the function of organizing a provisional government in West Irian. In relation to the duties it performs, UNTEA has certain powers. First, maintain security and order. Second, promote people's education, eradicate illiteracy and advance social, cultural and economic development. Third, announcing and explaining a broad range of provisions in the New York Agreement and notifying the residents of West Irian of the surrender of the territory to the Government of Indonesia.

During his administration UNTEA made earnest efforts to launch a full handover at a predetermined time. With the appointment of Indonesian officials as deputy heads of departments and divisions, the smooth handover can be realized. At the end of his reign UNTEA seconded Indonesia officials as deputy leaders in each department and division. The aim is to create the best possible conditions for the smooth handover of West Irian to the Government of Indonesia. In an effort towards the surrender of the government, on April 16, 1963, Indonesian troops gradually replaced the duties of Pakistani forces as security forces. Dutch officials were replaced by Indonesian officials no later than 31 March 1963. Administrators and other high-ranking UNTEA officials left West Irian on May 1, 1963, which subsequently resulted in the complete handover of government over West Irian from UNTEA to Indonesia.

The choice of the Papuan people to become part of Indonesia - as a result of the Pepera which lasted from July 14 to August 4, 1969 - was Justified by General Assembly Resolution No. 2504 (XXIV) on November 19, 1969.

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