

**SOLVING THE POLITICAL PROBLEM OF  
WEST PAPUA BY PEACEFUL MEANS**

Prepared for Act of Free Choice Seminar

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This paper is dedicated to Jenny Keyser  
(Bunbury, Western Australia) and to  
Ned Byrne (Analia-Yakomina Foundation)

This is a 5,000-word essay prepared by Jacob Rumbiak for the Act of Free Choice Seminar, at the Institute for Dutch History in the Royal Library in The Hague on 15 November 2005.

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## 1. INTRODUCTION

On 1 October 1962, the Netherlands Government transferred the administration of the territory of West Papua to the United Nations. Six months later, on 1 May 1963, the administration of the territory was then transferred to the Republic of Indonesia. At the time the Indonesian government claimed it wanted to free Netherlands New Guinea from Dutch colonization, and promised to develop West Papua in all aspects. However, the fundamental rights of the indigenous West Papuans—their human rights, their civil rights, their political rights, their economic rights, and their environmental rights—have been severely compromised since 1962-63. For instance, the Indonesian military has caused the death or disappearance of more than 400,000 West Papuans since 1962-63. An innumerable number of West Papuan women have been raped, and thousands of political activists kidnapped and imprisoned in other parts of Indonesia. In short, the West Papuans have, for forty-two years, been victims of a genocidal terrorist regime that has consciously abrogated its responsibility to develop West Papua, and continues to maintain that the root of its failure is a social rather than a politico-legal issue.

Less than a year after the Indonesian occupation on 1 May 1963, West Papuans established the OPM (Free Papua Organization) to defend their rights, and to counter the effects of Indonesia's neo-colonial policies and practices. The organization has political, diplomatic, and intelligence wings, and a military wing called the West Papua National Liberation Army.

This paper sets out to establish whether the long-standing conflict between the Indonesian authority and the indigenous people of West Papua has roots in the 'social' arena, as the government maintains, or in the politico-legal domain as West Papuans have always asserted.

The paper concludes with suggestions for strategies that need to be recognised and promoted by key actors to combat the human rights abuses and genocidal policies and practices perpetrated by the Indonesian government on the indigenous Melanesians of West Papua.

In writing this paper, I am assuming that:

- The Indonesian people and the international community cannot afford to let the conflict between Indonesia and West Papua continue.
- It is possible for two countries to devise a peaceful political solution to a long-standing conflict (Yesaya 43:4, Alkitab, Lembaga Alkitab Indonesia, 1974:793) when there is a commitment to recognise and understand the roots of the conflict.
- The government of a nation is motivated by its peoples need for justice and peace, and therefore endeavours to comply with basic human rights principles.
- The internal harmony of a country can only be maintained if government legislation and practice derives from good intentions and a desire for justice and peace (Pembukaan UUD 1945/Par 4, Preamble to Indonesia's 1945 Constitution).
- A government is respected by its people when it faces problems and derives solutions for just and harmonious outcomes through peaceful means.

I believe the conflict between Indonesia and West Papua can be solved if the international community promotes processes to deal with it, and the government of the Unitary Republic of Indonesia respects the value of truth, justice, human rights and dignity.

## 2. KNOWING AND UNDERSTANDING THE ROOTS OF THE PROBLEM

The Indonesian government manipulated historical facts to achieve control of Netherlands New Guinea, particularly about the relationship between the peoples of West New Guinea and the tiny sultanates of Tidore and Ternate, the extent of the Majapahit Empire, and Dutch colonialism.

### The Sultanates of Tidore and Ternate

When the huge Dutch trading company (Vereenigde Oostindische Compagnie/Dutch East India Company) tried to expand its region of influence to (what is now) North Maluku and West Papua, the Sultan of Tidore claimed rights along the north coast of West Papua. An agreement was reached in 1872, when the Sultan issued trading rights in West Papua to the government of the Royal Kingdom of the Netherlands (which took over VOC holdings after the company collapsed in 1800).<sup>1</sup> In 1945, during discussion about the border of an independent Indonesia, Sukarno's adviser, Professor Mohammad Yamin, included West Papua, citing ancient hongi relationships between islands off the north and west coasts of West Papua and the tiny sultanates of Tidore and Ternate. The nationalist academic lawyer supplemented his argument with the geological premise that Papua was part of Maluku before the seas rose at the end of the last ice age.<sup>2</sup>

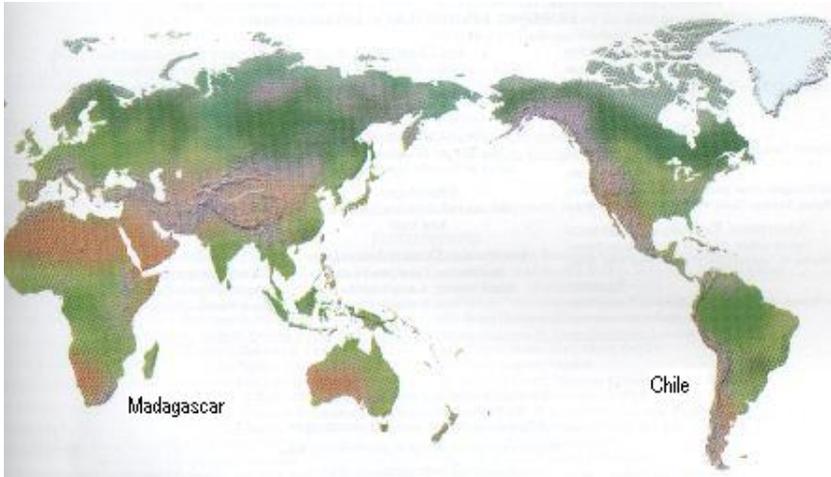


### Majapahit Empire

<sup>1</sup> Lagerberg Kees, *West Irian and Jakarta Imperialism*, London, Hurst, 1979:16.

<sup>2</sup> Risalah Badan Penyelidik Usaha Persiapan Kemerdekaan Indonesia (BPUPKI), Panitia Persiapan Kemerdekaan Indonesia (PPKI), 28-22 Agustus 1945, Sekretariat Negara Republik Indonesia, Jakarta, 1995:50-51.

The Indonesian government also claimed that West Papua was part of the Majapahit Empire based in East Java between the 12th century and 15th century, and that the Hindu-Buddhist maritime empire, although always more concerned with commercial enterprise than territorial aggrandizement, extended from Madagascar Island (Malagasy Republic) off the coast of Africa, to Pass Island off the coast of Chile.



### The Dutch East Indies

During negotiations with the Japanese military in 1945, Sukarno's adviser, Professor Yamin, proposed that West Papua be included in the Indonesian Republic.<sup>3</sup> On 22 March 1963, three weeks after the United Nations formally handed the administration of West Papua to Indonesia, President Sukarno proclaimed "Irian Barat was together with the Indonesian red and white flag six thousand years ago".<sup>4</sup>

### The Linggarjati and Renville Agreements

On 15 November 1946, a year after Sukarno proclaimed the independent republic of Indonesia, a delegation of Dutch officials met members of the independence movement in Linggarjati, in the regency of Kuningan West Java. The meeting was to discuss the Indonesians' demand for Dutch recognition of the Republic of Indonesia which Sukarno had proclaimed on 17 August 1945 and the consequent transfer of all Dutch-Indies territory, including Dutch Nieuw Guinea. The Dutch authority rejected both demands, but agreed to meet again in Jakarta on 25 March 1947 to sign the Linggarjati Agreement. Article 1 of the Linggarjati Agreement stipulated that the Royal Kingdom of Netherlands government recognize the de facto reality of the Indonesian State to consist of Java, Madura and Sumatera. Article 2 stipulated that the Dutch government and the young Indonesian government work together to build a dignified state, based on the principle of democracy, in the form of a federation (RIS).

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<sup>3</sup> Risalah Badan Penyelidik Usaha Persiapan Kemerdekaan Indonesia (BPUPKI), Panitia Persiapan Kemerdekaan Indonesia (PPKI), 28-22 Agustus 1945, Sekretariat Negara Republik Indonesia, Jakarta, 1995:51.

<sup>4</sup> *Buatlah irian barat satu zamrud yang indah*, Departemen Penerangan RI 1964:265-6.

Privately, however, Indonesia's political elite believed that Articles 1 and 2 of the Linggarjati Agreement contravened their BPUPKI (National Investigation in Preparation for the Independence of Indonesia) and the recommendations made by PPKI (Committee Preparing for the Independence of Indonesia). These had decided that "the territory of Indonesia is Sumatera, Malaya (now Malaysia), Borneo (now Kalimantan), Java, Celebes (now Sulawesi), Sunda Kecil, Maluku, and New Guinea".<sup>5</sup> Indonesia therefore declared war on the Netherlands. The UN Security Council passed a resolution urging the combatants to desist, and the UN Commission for Indonesia set up a Commission of Three States (Komisi Tiga Negara) to broker talks. The three states, Australia (nominated by Indonesia), Belgium (nominated by the Netherlands) and the United States of America (nominated by Australia and Belgium) brought about the Renville Agreement.

The Renville Agreement was signed on the Dutch warship Renville on 14 January 1948. Like its predecessor, the Linggarjati Agreement, it concluded that "dignity would be maintained by using democratic principles to develop a federation and a constitution". Indonesia considered the Renville Agreement a disaster, and a few months later declared war on the Dutch again. International pressure eventually brought both parties to a UN-sponsored Round Table Conference in Den-Haag, and on 27 December 1949, the Netherlands transferred sovereignty of the Dutch East Indies, from Sumatra to Ambon, to the Federal United States of Indonesia. Both parties agreed to negotiate the status of Nederlands New Guinea over the next twelve months.<sup>6</sup> However, by 27 December 1950, no agreement had been reached, in part because by May 1950 Sukarno had supplanted the Federal Republic with a 'Unitary Republic of Indonesia', whose application for membership had been accepted by the United Nations in September 1950..

### Uti Possidetis

In arguing its case for sovereignty, Indonesia called on the legal principle of Uti Possidetis, whereby emerging States that had been colonies inherited colonial borders. However, uti possidetis was not consistently used in the break-up of (colonial) states, or in treaties, and was just one of a variety of ways of delimiting a boundary. Uti possidetis is in fact a pragmatic confused device, which, because of its inconsistent use, has never become part of customary international law.<sup>7</sup>

### The United Nations

Indonesia tried, but failed four times (1954, 1955, 1956, 1957) to have its claim of sovereignty over West Papua recognised by the United Nations. (The 1957 motion was considered by the First Committee at eight meetings but still did not secure a two-thirds majority!). After the 1957 failure, President Sukarno appointed Dr. Soebandrio, former Minister of Foreign Affairs and Director of Indonesian National Intelligence, to lead a munitions-buying delegation to Moscow where he acquired 15 ADRI warships, 30 Tupolev aeroplanes, and six submarines. The buying spree continued (a cruiser, eight anti-submarine patrol vessels, 20 missile boats, several motor torpedo boats, gunboats, armored and amphibious vehicles, helicopters and bombers). By

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<sup>5</sup> Risalah Badan Penyelidik Usaha Persiapan Kemerdekaan Indonesia (BPUPKI), Panitia Persiapan Kemerdekaan Indonesia (PPKI), 28 Agustus 1945, Sekretariat Negara RI, Jakarta, 1995:48.

<sup>6</sup> Pasal 2, Piagam Penyerahan Kedaulatan, Konferensi Meja Bundar 1949.

<sup>7</sup> Annette Culley, 2016 *West Papua: Decolonization, Boundaries and Self Determination; A summary of modern West Papu's legal history and future prospects*, West Papua Women's Office-Docklands, Federal Republic of West Papua.

1961 Indonesia was the most powerful military power in Asia outside China. In 1962 there were 3,000 Russian troops in Jakarta wearing Indonesian military uniforms and carrying Indonesian identity cards.<sup>8</sup>

In the meantime, West New Guinea, UN Non-Self-Governing Territory since 1950, continued developing under Dutch Administration within the parameters of self-determination. On 5 April 1961, the Nieuw Guinea Peoples Representative Assembly (Nieuw Guinea RAAD) was launched: a unicameral body with eighty percent indigenous membership. It shared responsibility for framing legislation and the budget with the governor and departmental heads. Members held rights of petition, interpellation, amendment, and parliamentary immunity. Its prime responsibility was preparing the decolonisation program.

The RAAD legislated that the Papuan State extended from 1 deg 19 min North—10 deg 45 min South, and from 128 deg 45 min—141 deg 48 min West, with the Pacific Ocean marking the north border, the Arafura Sea the southern border, and the Halmahera and Ceram seas the western border. The eastern border was the Non-Self-Governing Territory of Papua and New Guinea, which was administered by Australia. In October 1961 the RAAD legislated that the emerging state would be identified by the Morning Star flag, an anthem ('Hai tanah ku Papua'/Papua is my homeland), an emblem (Victoria Crowned Pigeon/Goura victoria), a motto ('One people, one soul'), and a coat of arms. On 1 December 1961, in ceremonies across the territory, the Morning Star flag was raised alongside the Netherlands flag, the two national anthems were played, and the Papua Volunteer Korp (PVK) marched alongside the Netherlands Army. On 19 December, President Sukarno ordered the Indonesian military to prepare for a full-scale military invasion.

### **3. LAWS CREATED FOR INDONESIA'S 'LEGAL' ANNEXATION**

#### New York Agreement, 1962

Indonesia's continuing military incursions, bolstered by Soviet military training and arsenal, alarmed and galvanised the United States. After the UN General Assembly refused to recognize West Papua's right to self-determination in November 1961, the Kennedy administration forced the Netherlands to transfer administration of the UN Non-Self-Governing Territory to Indonesia via an UN 'peace treaty'. In an attempt to stamp the transfer legitimate in terms of international law, the New York Agreement was tied, via Article 1, to a UN resolution, passed five weeks later, on 21 September 1962. UNGA Res. 1752 (XVII) approved UN control over the transfer despite no consultation with West Papuans, meaning, ultimately, that Indonesia was able to distend its republic with 421,981 square kilometres of traditional Melanesian land.

Melanesian Papuans believe the Agreement was an opening for the evil politics of colonisation. They were not consulted during the drafting process, were not present when it was signed on 15 August 1962, nor when it was sheeted through the UN General Assembly on 21 September 1962. Article V11 allowed for the presence and employment of Indonesian soldiers already in West Papua (on incursion missions up to the day the Agreement was signed) during the UN's six-month administration of the transfer between 21 September 1962 and 1 May 1963. Article XIV stipulated that after the transfer on 1 May 1963, Indonesia could enact new laws and regulations, which it did immediately with three Presidential Decrees: the first closed West Papua to the international community, the second classified West Papua an operational military zone

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<sup>8</sup> Aleksej Drugov & Genadi Melkov, Volskran, Netherlands, 10-13 February 1999. Melkov was Commander of Russian Army in Jakarta in 1962, and Drugov was his interpreter.

(Daerah operasi militer), and the third (No. 11/PNPS/1963) re-activated an old Dutch subversion law. Most of the UN experts, designated by Article XV1 to remain in West Papua to help prepare the people for the act-of-free-choice, left the day after the transfer. Article XX provided for an 'act of self-determination', but gave Papuans the choice of 'remaining with Indonesia', or 'severing ties with Indonesia' rather than the proper legal choice between independence, integration, or free association with another state.

#### The 1966 Election Regulations (*Peraturan Pemerintah tahun 1966*)

The 1966 election regulations formed the basis of Suharto's authoritarian military regime, from 1966 after he deposed President Sukarno, until he himself was overthrown in 1998. The regulations required voters to state their loyalty to the government, the Indonesian Constitution, and Pancasila (the state ideology: belief in God Almighty, in a just and civilized humanity, the unity of Indonesia, democracy guided by the wisdom of representative deliberation, and social justice for all Indonesians). The military that managed New Order Indonesia manipulated these laws to incriminate communists, muslims; and in West Papua--where, for example, 'democracy guided by the wisdom of representative deliberation' was used to white ant the 'act of self-determination to be carried out in accordance with international practice' (New York Agreement, 1962).

Major-General Suharto's foray into West Papua was by appointment of President Sukarno on 19 December 1961, to "overthrow the puppet government in Dutch New Guinea, raise the Indonesian flag, and implement Indonesia's authority". (The 'puppet government' being the New Guinea RAAD (nascent parliament) in the UN Non-Self-Governing Territory). His fastidious war plans (with USSR but also USA military hardware and training) were necessarily downgraded (to continuing small-scale military incursions) after the JF Kennedy administration converted Sukarno's bellicose commands to a duplicitous United Nations-sponsored 'peace' treaty that transferred administration of the Non-Self-Governing Territory from the Netherlands to Indonesia (until an act of self determination). It was a machiavellian move: the Papuan indigenous owners of the territory, were not consulted; and Indonesia, the Administrating Power was able to use its own regulations to control civil, cultural, political and economic life; even, in 1967 issuing Freeport, an American mining corporation, exploring and extraction rights (+ generous tax exemptions) on Amungme tribal land.

West Papuans understood they were as vulnerable to mass murder as the Indonesian Muslims, Chinese, and Communists were in 1965-1966 when Indonesia butchered 1-2 million of its own citizens in Java, Sumatra and Bali. That purge was described by the CIA (which helped facilitate it) as "one of the worst mass murders of the 20th century, along with the Soviet purges of the 1930s, the Nazi mass murders during the Second World War, and the Maoist bloodbath of the early 1950s". Two years later, Suharto sent the manager of the purge, Brigadier-General Sarwo Edhie Prabowo, to West Papua to lead the Indonesian Army during the act-of-free-choice (the vote that wasn't a referendum). Article XVIII of the New York Agreement had allowed for 'Consultations (*musjuwarah*) with representative councils on procedures and appropriate methods'. Indonesia interpreted this to mean military officers selecting 1026 Papuans (0.01% of the population), isolating them for six weeks, assembling groups of them in eight different locations, in front of military officers, and told to raise their hand if they supported integration with Indonesia.

#### PAKET 5 political laws, 1985

Paket 5 (UU Parpol 1985) was a bundle of political laws presented as 'parliamentary reforms' but actually designed to institutionalise state structures and control, ensure the supremacy of Pancasila, suppress ideological dissent, and discipline social organisations.

PAKET 1: Regulation No. 1/1985 tightened New Order control over national and regional electoral processes.

PAKET 2: Regulation No. 2/1985 solidified the military's political role in the People's Consultative Council, Legislative Assembly, and Provincial Assemblies. These bodies made the government appear representative, when, in fact, the government pre-determined appointments to them, including of West Papuans, which divided families and clans over support for the resistance.

PAKET 3: Regulation No. 3/1985 embedded the position of Indonesia's three official political parties: the United Development Party (PPP), Indonesian Democracy Party (PDI); and the Golkar Party for civil servants. It outlawed any party formed by West Papuans as subversive ('makar' is a serious crime in Indonesia).

PAKET 4: Regulation No. 5/1985 among other restrictions, legislated that the referendum system was not known, or valid, in Indonesia This protected Indonesia against allegations that the act-of-free-choice was fraudulent, and against any attempts by West Papuans to agitate for another.

PAKET 5: Regulation No. 8/1985 was a list of restrictions for all social and mass organizations, including that they adopt, as their sole foundation, the state ideology of Pancasila. This obviously led to the suppression of indigenous cultures, languages, and traditional practices.

#### Implementing the act-of-free-choice, 1968-1969

Citing the New York Agreement and its own government regulations, the Indonesian military selected 1,026 West Papuans to participate in the act-of-free-choice: four hundred traditional leaders, three hundred regional representatives, two hundred and sixty-six representatives of political and social organizations, sixty Christian church and Islamic representative (Table 1).

**Table 1. West Papua Representative Council**

<b>Constituent Type</b>	<b>Number of Members</b>
Traditional leaders	400
Regional representatives	300
Political/social organizations	266
Christian church and Islamic	60
<b>Total</b>	<b>1,026</b>

*Publication: PEPERA di Irian Barat, Departemen Penerangan RI, 1969.*

#### Assembling the Population to Vote

Indonesia created counterfeit democratic conditions by appointing representatives from the eight regencies to 'vote'. So 175 represented 141,373 Papuans in Merauke (0.12%); 175 represented 165,000 Papuans in Jayawijaya (0.10%); 175 represented 156,000 Papuans in Paniai/Nabire (0.11%); 75 represented 38,917 Papuans from Fak Fak (0.19%); 110 represented 86,840 Papuans from Sorong (0.12%); 75 represented 53,290 Papuans from Manokwari (0.14%); 131 represented 93,230 Papuans from Cenderawasih (0.14%); 110 represented 81,246 Papuans from Jayapura (0.13%). The Melanesian population in 1969 was 816,896.

**Table 2. Representation in the Consultative Assembly**

Consultative Assembly	Population in 1969	No. appointed representatives	Percentage of population
Merauke	141.373	175	0.12
Pegunungan Jayawijaya	165.000	175	0.10
Paniai/Nabire	156.000	175	0.11
Fak-fak	38,917	75	0.19
Sorong	86.840	110	0.12
Manokwari	53.290	75	0.14
Teluk Cenderawasih	93.230	131	0.14
Jayapura	81.246	110	0.13
<b>Total</b>	<b>816,896</b>	<b>1,026</b>	<b>1.07%</b>

*Publication: PEPERA di Irian Barat, Departemen Penerangan RI, 1969.*

The voting 'style' demanded by Indonesia for the act-of-free-choice, and accepted by the United Nations, was for several Papuans in each Assembly to stand up in front of Indonesian military officers and say if they wanted to stay with Indonesia, and proclaim allegiance to the nation, its flag, constitution, and government. Then the rest were told to stand if they agreed. As Table 3 shows, of the 175 Papuans in the Merauke Assembly, 20 spoke for integration; of the 175 in Jayawijaya, 18 spoke; of the 175 in Paniai/Nabire, 28 spoke; of the 75 in Fak-Fak, 17 spoke; of the 110 in Sorong, 16 spoke; of the 75 in Manokwari, 26 spoke; of the 131 in Cenderawasih, 24 spoke; of the 110 in Jayapura, 26 spoke. That is, of the 1,026 'representatives' only 175 'spoke for' integration. The other 851 merely stood up when the Indonesian officer asked if they agreed.

**Table 3. Number of Assembly who 'spoke' for integration**

Consultative Assembly	No. appointed representatives	No. who 'spoke'
Merauke	175	20
Pegunungan Jayawijaya	175	18
Paniai/Nabire	175	28
Fak-Fak	75	17
Sorong	110	16
Manokwari	75	26
Teluk Cenderawasih	131	24
Jayapura	110	26
<b>Total</b>	<b>1,026</b>	<b>175</b>

### The 'time factor' in the act-of-free-choice

For East Timor's referendum, the agreement signed by Indonesia Portugal and the United Nations on 5 May 1999, stipulated the ballot take place on one day (30 August 1999). This internationally-recognized practice helped to foil Indonesia's plans to subvert the process. Compare that with the act-of-free-choice in West Papua that took place over nineteen days, from 14 July to 2nd August 1969.

**Table 4. Voting days for the act-of-free-choice**

No.	Consultative Assembly	Voting Day
1	Merauke	14 Juli 1969
2	Pegunungan Jayawijaya	16 Juli 1969
3	Paniai/Nabire	19 Juli 1969
4	Fak-Fak	23 Juli 1969
5	Sorong	26 Juli 1969
6	Manokwari	29 Juli 1969
7	Teluk Cenderawasih	31 Juli 1969
8	Jayapura	2 Agustus 1969
	<b>Total</b>	<b>19 days</b>

*Publication: PEPERA di Irian Barat, Departemen Penerangan RI., 1969.*

### Discrepancies between two reports presented to the United Nations

There are discrepancies about the number of Papuans who 'voted' in the act-of-free-choice between the Indonesian government's Report and the Secretary-General's Representative Ortiz Sanz's Report.

**Table 5. Discrepancies between two reports presented to the United Nations**

Consultative Assembly	No. of Assembly Present Ortiz Sanz / Indon. Gov.	No. of speakers for Integration Ortiz Sanz / Indon. Gov.
Merauke	<b>174 / 175</b>	20 / 20
Jayawijaya	175 / 175	<b>17 / 18</b>
Paniai/Nabire	174 / 174	28 / 28
Fak-Fak	<b>175 / 75</b>	17 / 17
Sorong	110 / 110	16 / 16
Manokwari	75 / 75	26 / 26
Cenderawasih	130 / 130	24 / 24
Jayapura	109 / 109	<b>27 / 26</b>
<b>Total</b>	<b>1022 / 1023</b>	175 / 175

*Figures tabulated from UNGA Official Records, Annexes, 24<sup>th</sup> Session, 1969: Document A/7723 Annex I (Report by Secretary-General's Representative in West Irian) and Annex II (Indonesian Government Report).*

#### 4. CORRECTING THE HISTORICAL RECORD

##### West Papuan relations with the Sultanate of Tidore

In 1660, the Sultan of Tidore told the Dutch East Indies Company (VOC) that West Papua territory was under his control. Four centuries later, President Sukarno, in his quest to colonise Netherlands New Guinea, repeated the Sultan's claim, ignoring the fact that in 1679 the Dutch governor of Banda Island, Mr Keyts, suggested that the Sultan's claims should not be taken seriously. Sukarno also ignored public statements by Captain Thomas Forrest in 1775, and the Dutch governor of Ternate in 1778, that the Sultan of Tidore had no power in West Papua and no claim over the territory. Sukarno also ignored the writings of Dr Freerk Kamma, a Dutch priest and anthropologist who worked and studied in West Papua, who claimed that the Biak-Numfoor warrior hero, Kurabesi, married the Sultan of Tidore's daughter, and that such a marriage could only have resulted from a successful invasion by Kurabesi of the Sultan's territory. (Some Biak-Numfoor people, like my mother, still have land in Tunuwo in Ternate-Tidore).

##### West Papua was never a part of the Majapahit Empire

With its headquarters in East Java, the Majapahit Empire (1292-1478) included two thirds of Java Island, a small part of South Borneo and of South Celebes, Bali, the Lesser Sundas and Central Moluccas. There is no evidence that the Majapahit conquered any area of New Guinea; and despite the claims in all Indonesian documents, including current school curricula, it did not include Madagascar off the south-east coast of Africa, or Pass which they claim is off the coast of Chili.

##### West Papua not automatically part of the Indonesian Republic

Although Indonesian politicians in the 1950s and 1960s claimed West Papua (as part of the Netherlands colonial realm, and the Dutch East Indies in particular) they never referenced other Dutch colonies with a history of slaving, like Dutch Guiana in South America (independent Suriname since 1975), or Caribbean islands like Aruba (a constituent country of the Kingdom of the Netherlands since 1986), or Curaçao and Saint Maarten (constituent countries of the Kingdom of the Netherlands since 2010).

'Indonesians' under the Dutch were slaves for hundreds of years, and were prepared to wage a violent war to advance their independence aspirations. West Papuans, however, were barely touched by Dutch traders and military. They were influenced, after 1855, by Dutch and European Protestants with welfare and education practices embedded in their missions. The early, and continuing influence of Christian nuns, priests, pastors, and brothers means West Papuans think and behave very differently to regular Indonesians who constitute the biggest Muslim nation in the world.

##### West Papuans not included in the structuring of the Indonesian state

Given President Sukarno's obsession with winning sovereignty over West Papua, it is striking how isolated West Papuans were from the development of the Indonesian state between 1945 and 1949. No West Papuans were invited to any resistance, nation-making, or peace meetings whether hosted by Republik Indonesia, Netherlands Government, Federal Consultative Assembly, or even the United Nations.

**Table 6: The isolation of West Papua from Indonesian state formation**

INDONESIA	WEST PAPUA
The name of the territory of Indonesia under Dutch control was Dutch Hindie or Netherlands Indiche, and the centre of administration was in Batacia (Jakarta).	The name of the territory of West Papua under Dutch control was Netherlands Nieuw Guinea, and the centre of administration was in Hollandia (Jayapura).
Indonesians were enslaved for 350 years.	Dutch were the colonial power in West Papua (1898-1950) and Administrator of our Non-Self-Governing Territory (1950-1962).
1928, Congress of Indonesian Youth, Batavia (Jakarta)	No West Papuans invited.
1945, BPUPKI (National body of Investigation for Independence). Hosted by Japanese military. Deveoped a draft constitution, and Pancasila as the ideological basis of the state.	No West Papuans invited.
1945, PPKI (National committee for preparation of Independence). Set up Indonesian National Party (PNI) and People's Security Agency (BKR, forerunner of Indonesian Armed Forces) and partitioned Indonesia into 8 provinces.	No West Papuans invited. The 8 provinces: West, Central and East Java, Sumatra, Kalimantan, Sulawesi, Maluku, Lesser Sundas (Bali, Lombok, Sumbawa, Flores, Sumba, Timor, Alor , Barat Daya Islands, Tanimbar) <i>but not West Papua</i> .
1945, Proclamation of indonesia, Jakarta, 17 August 1945.	No West Papuans invited.
1946, Malino Conference, hosted by Netherlands: formation of <i>federal</i> United States of Indonesia.	1 West Papuan, Franz Kaisiepo invited to Malino Conference. He was a well known integrationist, and proposed the name 'Irian'.
1946, Linggadjati Conference, mediated by Britan. Republik Indonesia agrees to join <i>federal</i> United States of Indonesia.	No West Papuans invited.
1946, Den Pasar Conference, Bali, hosted by Netherlands: fixed laws for State of East Indonesia, which was listed as North Celebes, Central Celebes, Timor, South Sulawesi, Moluccas, Bali-Lombok and nine smaller constitutions.	No West Papuans invited. West Papua not listed in federal State of East Indonesia.
1946, Negotiations in London about Indonesia's independence declaration. Organised by UN Security Council	No West Papuans invited.
1948, Parliamentary Mission. State of East Indonesia visits Republik Indonesia.	No West Papuans invited.
1948. Federal Consultative Assembly, Created provisional gov't for federal United States of Indonesia. Representatives from all Nederlands-Indië.	No West Papuans invited.
1949, Council of Rajas, Organised by State of East Indonesia.	No West Papuans invited.
1949, Inter-Indonesian Conference, Jogjakarta. Republik Indonesia and Federal Consultative Assembly draft constitution for (federal) United States of Indonesia.	No West Papuans invited.
1949, Inter-Indonesian Conference, Jakarta.	No West Papuans invited.
1949, UN-sponsored Round Table Conference, The Hague. Concluded with Transfer of Sovereignty.	No West Papuans invited. West Papua not included in Transfer of Sovereignty.

## 5. CRIMES AGAINST HUMANITY IN OCCUPIED WEST PAPUA?

Indonesia was poised to invade West Papua in 1961, with its own military power as well as Russian soldiers, military trainers and advisers, arms and war machinery. West Papuans believe that this, in addition to several questionable legalities in the New York Agreement, and the violent abuse of their political, human and economic rights since 1963, constitute reason enough for a list of Indonesian presidents to face the International Criminal Tribunal at the Hague. International legal experts and human rights organizations include in their allegations state-sponsored violence, racial discrimination, the suppression of self-determination, extrajudicial killings, systematic torture, disappearances, and a campaign of violence against the indigenous population.

## 6. PEACEFUL SOLUTION OF THE POLITICAL CONFLICT

The political conflict in West Papua can be resolved peacefully when those involved in the transfer of West Papua to Indonesia (the UN, the USA, the Netherlands and Indonesian governments) take responsibility for solving the problem in terms of:

- Insisting on the withdrawal of the Indonesian military from West Papua
- Facilitating independence and self-determination talks between Indonesia and West Papua under the auspices of a third party

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