

Irian Jaya: Historical Developments
Embassy Of Indonesia
Canberra, Australia
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The first records of the Indonesian archipelago date back from the period of the kingdom of Sriwijaya in South Sumatra, which lasted to the 12th century and ruled over many parts of the archipelago. At about the same time, the kingdom of Majapahit (1292-1521) ruled over East Java. During this period, West Irian was called Djanggi.

In all the records dating from this time onwards, Djanggi was unquestionably considered a part of Indonesia, which at that was named Nusantara. In a monumental book on national history, compiled and published by the statesman Gajah Mada in 1356 and written by the court-writer, Prapanca, we find that Indonesia was divided into western and eastern parts which included the present-day West Irian.

Prior to the arrival of the Dutch, the Indonesian islands constituted a field for competition between the two rivals - Portugal and Spain. They reached an agreement which partitioned Indonesia into two halves - the western half was to be frequented only by the Portuguese and the eastern half, including West Irian, by the Spanish. Soon after, the name of Nveba Gvince (New Guinea) was invented by a Spanish sailor, while the Portuguese had earlier referred to the big island in the east by the name of Ilha de Papoia.

When the 80 years' war between Spain and Holland ended in favour of the Dutch, they concluded the Munster Pact (1648) by which the Dutch obtained privileges and gained complete monopoly over all the Indonesian islands. This Pact was reiterated and reinforced by the Utrecht Agreement (1714) and by the Agreement of St. Ildefonso (1797). Henceforth, it was the Dutch who exclusively carried on trade with the Indonesian islands, including West Irian.

The northern part of West Irian at that time was under the Sultanate of Tidore which was extended through Government Acts by the Netherlands in 1814, and to cover finally the whole western part of the island in 1848, as far as 140 degrees east longitude in the north and 141 degrees east longitude in the south. The Sultanate of Tidore in North Moluccas was used by the Dutch to establish their power in Irian because of the striking similarities in customs between Tidore and several parts of West Irian. The Dutch scholar, Vollenhoven, recently confirmed this fact.

Afterwards, Dutch policy was aimed at gradually disassociating West Irian from the Sultanate and at bringing the region under their direct control. The first step was taken in 1905 by granting the Sultan 6000 guilders per annum in exchange for his rights to the southern part of West Irian. The second step was directed towards the remaining part - the northwest of Irian. But in this, the Dutch Government met with strong resistance even from among the Dutch themselves. Dr. Hovenkamp, a former commissioner for the residency of Ternate, said: "It is a pure misconception to presume the absence of practical ties between Tidore and the northern and north-western Irian. There have always been close ties, but they have been weakened by our Government, who should have strengthened them for the benefit of the people".*

In the international context as well, West Irian had long been acknowledged as an integral part of Indonesia. During the war between England and Napoleon's France, the Indonesian islands fell into the hands of the British. At the conclusion of the war, the colonies were returned to the Dutch according to the London Agreement (1814-1824). In the sixth article of that Agreement, special mention was made of the eastern islands, including West Irian. Thus, 141 degrees east longitude was accepted without question in history and in international agreements as the eastern boundary of

* The outbreak of the Second World War brought an end to the dispute. In July 1949, the Dutch made use of an agreement signed in 1909 between some Sultanates in East Indonesia and the Netherlands-Indies Government, in which the Dutch had managed to obtain the right of bringing under their direct control any of the self-governing territories at any time

Indonesia. Another confirmation is to be found in the English Parliamentary Letters of July 1886, the "Correspondence respecting New Guinea" which gave detailed particulars regarding the boundary of the Netherlands New Guinea.

Prior to the Second World War, West Irian was included in the Dutch East Indies administration as the Government (province) of Moluccas with the town of Ambon as the seat of the Governor. This Government (province) was sub-divided into two residencies, the residency of Ambon, to which belonged the southern part of West Irian, and the residency of Ternate, to which belonged the northern part of West Irian. As the world knows, the Moluccas, with the towns of Ambon and Ternate, are and has always been part of Indonesia. So is the territory of West Irian, which was never mentioned apart from the Netherlands East Indies. It was and always has been looked upon as part of the Netherlands East Indies, and thus, also a part of Indonesia.

In sum, the claim that the people of West Irian are different in civilization and culture from Indonesia would not only be a ludicrous distortion of history but also a tendentious half-truth. For, inter-linkages between Indonesia and West Irian can be traced as far back as the pre-historic period. During that time, tribes originating from South-East Asia moved in a southern direction in several waves. Part of these migrations went through Indonesia and some reached Irian. Similarities in customs, manners, civilizations, culture and language strongly point to this truism. In modern times, the West Irianese use the national language of Indonesia - Bahasa Indonesia - as their lingua franca with their brethren from other parts of the country. This language is also used by the West Irianese to communicate with people from different linguistic groups within their territory. Regardless of ethnical, cultural and linguistic differences, people in different parts of the islands call themselves Indonesians. Indonesia is their nationality and they all live in the territory once governed by the Netherlands as a single entity known as the Netherlands East Indies, of which West Irian was an integral part.

Embassy of Indonesia

Canberra, Australia

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Facts On Indonesia's Sovereignty Over Irian Jaya

Questions and Answers

1. *What was the nature of the Irian Jaya issues?*

Was this issue a case of decolonisation or incomplete decolonisation of Indonesia?

Irian Jaya was a bilateral matter between the Netherlands and Indonesia regarding an incomplete process of decolonisation of the Netherlands East Indies. Irian Jaya was neither a separate entity nor a non-self-governing territory detached from the Netherlands East Indies. The problem arose when the Netherlands insisted on maintaining its presence in the western half of New Guinea. At the beginning, there was no international dimension to this problem until Indonesia brought the issue to the United Nations in 1954 after all bilateral means had been exhausted. Therefore, it would not be relevant to draw a comparison between East Timor and Irian Jaya as the crux of the problem is totally different. East Timor was recognised by the United Nations as a non-self-governing territory, with Portugal as the administering power, while Irian Jaya remained a resolved question of decolonisation of Indonesian territory of what was once the Netherlands East Indies. It was the disruption of the Dutch decolonisation process in 1949 that led to a struggle of more than a decade by Indonesia to consolidate its territorial integrity and sovereignty over Irian Jaya.

2. *Did the Dutch renege on its earlier agreements with Indonesia?*

The Dutch reneged on a series of commitments made prior to the Round Table Conference of 1949 in Den Haag. For before that time, there was never any doubt in the negotiations between the Dutch

and the Indonesians on the status of Irian Jaya. This is reflected in several agreements concluded between Indonesia and the Netherlands :

- The Linggadjati Agreement of 1947 explicitly stated "The United States of Indonesia shall comprise the entire territory of the Netherlands East Indies".
- The Renville Agreement of 1948 further underlined "Sovereignty throughout the Netherlands Indies is and shall remain with the Kingdom of Netherlands until, after a stated interval, the Kingdom of the Netherlands transfers its sovereignty to the United States of Indonesia", and
- The Roem-Van Royen Agreement of 1949 which in sum stated that the "United States of Indonesia shall comprise of the entire territory of the Netherlands East Indies in accordance with the terms of the Renville Agreement".

Two other documents prove in an unmistakable way that it had never been the intention of the Dutch to separate West Papua from the rest of the East Indies colony. These were the Netherlands Constitution of 1948 and the Netherlands Report on its colony to the United Nations in 1949.

Later, the Round Table Conference of 1949 settled the conflict between the two countries, resulting in the full recognition and acceptance by the Netherlands of the independence and sovereignty of Indonesia. It did not however settle the conflict in a comprehensive manner as it left out the territory of West New Guinea. In Indonesia's view, this constituted a case of incomplete decolonisation. For, it left out the unsettled question of West New Guinea was to be resolved within a period of one year after the transfer of sovereignty to Indonesia through peaceful negotiations between the Governments of Indonesia and the Netherlands.

3. On what basis did Indonesia claim sovereignty over Irian Jaya?

As far as Indonesia was concerned it was the legal successor to all territories, which during colonial times were called the Netherlands East Indies, in accordance with the provisions of agreements concluded between the two countries as well as by established international legal principles. Thus it viewed Irian Jaya as an integral part of the Republic of Indonesia at the time of proclamation of independence on August 17, 1945. In this regard, it should be emphasised that the international principle of "uti posseditis juris" asserts that the boundaries of nascent post-colonial countries conform to their pre-sovereign ones. For whatever reasons, in principle and logic, the issue of title ends there.

4. Why did Irian Jaya become an issue at the United Nations?

The bilateral question became an issue at the United Nations because Indonesia brought up the matter before the UN General Assembly at its ninth session in 1954 as no progress had been made to resolve this matter in the bilateral talks and therefore there was a need to solicit international support. Such support was further obtained at the Bandung Conference of 1955 and was incorporated into the final communiqué requesting the United Nations to help the two sides reach a peaceful solution. The United Nations General Assembly discussed this item from the years 1954 to 1957 and then again in 1961 but a peaceful solution proved elusive.

5. What were the background developments to the New York Agreement in 1962?

For eight long years, the General Assembly had been unable to assist the parties in finding a solution. In light of the breakdown of relations between the two countries, Indonesia therefore availed of the initiative of the United Nations Secretary-General to join the Netherlands in informal discussions. Both the Indonesian and Netherlands Governments agreed to the intermediary of the Secretary-General U Thant and Ambassador Eilsworth Bunker of the United States of America. Largely due to their tireless efforts, and coupled with the desire of both Governments, a bilateral settlement was reached between Indonesia and the Netherlands, with the conclusion of the New York Agreement.

6. *What was the role of the UN with regard to the question of West Papua? Who were the parties to that Agreement?*

The role of the United Nations was limited to an intermediary one. In this regard, it should be noted that Article XVII of the New York Agreement stated "Indonesia will invite the Secretary-General to appoint a Representative who, together with a staff made up, inter alia, of experts referred to in Article XVI, will carry out the Secretary-General's responsibilities to advise, assist and participate in arrangements which are the responsibility of Indonesia". It is also pertinent to note that the limited role of the United Nations is reflected in the fact that the financial expenses incurred by the Secretary-General were borne by the Indonesian and the Netherlands Governments in equal shares. Nothing was to be paid for by the United Nations. From the outset, the UN's involvement was aimed at finding a solution to bilateral matter through dialogue and peaceful means.

7. *What is the salient feature of the New York Agreement?*

The central feature of the agreement was provision for an initial transfer of administration of this territory from the Netherlands to an interim UN authority (United Nations Temporary Executive Authority (UNTEA) effective 1 October 1962 and then for a final transfer from UNTEA to Indonesian control after 1 May 1963.

In addition, it was stipulated that an act of free choice would take place before the end of 1969 in order to determine whether or not the West Papuan peoples wished to remain subject to Indonesian jurisdiction, the arrangements of which were to rest solely with the Indonesian Government. It is important to stress that the Agreement was clearly a bilateral one and not called for by a resolution of the United Nations or by any other mandate of the General Assembly.

8. *Were the transfers of authority in Irian Jaya from Dutch to the UN and later from the UN to Indonesia in line with the terms of the Agreement?*

The transfer of administration from the Netherlands to the UNTEA (United Nations) took place on 1 October 1962, in accordance with Article V and VI of the New York Agreement, in a ceremony when the UN flag was raised and flown side by side with that of the Netherlands. Later, on 31 December 1962, the Netherlands flag was replaced by the Indonesian flag and flown next to the UN flag. In line with the provisions of Article XII of the New York Agreement, the Administrator of UNTEA, transferred full administrative control to Indonesia on 1 May 1963. The transfer of administration from the Netherlands to UNTEA and thereafter to Indonesia was achieved peacefully and without incident. The population was prepared for the changes to be brought about by the Agreement. The disruption of essential public services was avoided and continuity in employment was maintained.

9. *What were the grounds to pronounce that the act of free choice in 1969 was internationally acceptable and valid?*

The act of free choice was final, legal and irrevocable as Article XVII of the Agreement was implemented whereby the representative councils of Irian Jaya were consulted on the appropriate procedures and methods to ascertain the will of the people. Indonesia's proposal was accepted and the enlarged councils, which included a total of 1026 members, pronounced themselves, unanimously on behalf of the people of Irian Jaya to remain with Indonesia. Considering the specific difficulties of the terrain and the condition of the population at that time, the modalities of consultations with the representative councils on procedures and methods were the best option to ascertain the free will of the people. This position was also reflected in the Secretary General's report to the General Assembly in 1969 in which he quoted his Representative's conclusion of the implementation of the act of free choice by stating that "... 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...". It is also noteworthy to point out was that this episode marked a significant event for the United Nations, considering its participation in such an activity for the first time.

In sum, it is an indisputable fact that the people of Irian Jaya exercised their right of self-determination through an act of free choice conducted from 14 July to 2 August 1969 in accordance with the relevant provisions of the 1962 New York Agreement.

10. *Was the UN successful in mediating the bilateral conflict between Indonesia and the Netherlands? Why did the United Nations General Assembly only take note of the result of the New York Agreement?*

Bearing in mind the limited role of the United Nations in this conflict, it can be concluded that the Organisation was successful in acting as a mediator by bringing to an end the long-standing bilateral dispute between Indonesia and the Netherlands. Indeed, the United Nations had completed its task in finding a lasting and peaceful solution to a question, which could have posed a real threat to regional security and stability of South East Asia. In affirming the successful outcome of this act of free choice, UNGA resolution 2504 (XXIV) only took note of the result of the New York Agreement in light of its bilateral nature while acknowledging with appreciation the fulfilment of the Secretary-General and his representatives of the tasks entrusted to them under the Agreement of 1962 between the Republic of Indonesia and the Kingdom of the Netherlands.

In reflecting the overwhelming support of the international community, the latter resolution was adopted with 84 members voting in favour, none against and 30 abstentions, as the entire process had met the requirements of the New York Agreement. It should be recalled in this context that the earlier UNGA 1752 (XVII) had taken note of that instrument when authorising the Secretary-General to carry out the tasks entrusted to him. The UNGA took note of the Agreement as envisaged in the article 1 of the Agreement which says that '... Indonesia and the Netherlands will jointly sponsor a draft resolution in the United Nations under the terms of which the General Assembly of the United Nations takes note of the present Agreement.

11. *Is the claim of the Second Congress of Papua in June 2000 that Irian Jaya has been independent since 1 December 1961 true?*

Such a claim is without foundation as the act of free choice had already been conducted in line with the provisions of the New York Agreement and all parties, including the United Nations, played their respective roles and fulfilled their responsibilities. In this regard, it should be reiterated that the UN General Assembly had noted the results of the act of free choice through resolution 2504 (XXIV) and thus consideration of this question cannot be renewed. The Dutch never recognised Irian Jaya as a sovereign entity, a fact which was confirmed in the proceedings of the New York Agreement 1962. Neither did they as the other party to the bilateral agreement challenge its outcome. Today, Irian Jaya as an integral part of Indonesia occupies a status equal to the other provinces, its people join political parties, participate in elections and send representatives to the Indonesian Parliament.

12. *Considering the historical evolution and contemporary developments, what is the most appropriate solution to the issue?*

The issue of Irian Jaya has to be put in the right perspective that is that Irian Jaya was an integral part of the Netherlands East Indies during the Dutch colonialism, the Japanese occupation from 1942 to 1945 as well during the proclamation of Indonesian independence in 1945. The restoration of Indonesian sovereignty through the transfer of authority from United Nations Temporary Executive Authority (UNTEA) to Indonesia and the conclusion of the act of free choice solidified Indonesia's territorial sovereignty over Irian Jaya. Therefore, any solution to the issue must be within the framework of the unitary state of the Republic of Indonesia.

It is important to stress that Indonesia is a multi-ethnic and multi-cultural and multi-linguistic nation with "unity in diversity" as its motto. It is therefore important to find common ground to bridge differences among its peoples as differences are common in democratic societies throughout the world. One such way is to accord greater autonomy to provinces, including Irian Jaya at the regional level so that the people can improve their lives and be assured access to the Government.

Indeed, regional autonomy is destined to emerge as a unifying factor of a diverse, united and democratic Indonesia.

Problems arising from the province of Irian Jaya have to be dealt with on a national basis and the Government would view any attempt to disrupt Indonesia's sovereignty over Irian Jaya as interference in the internal affairs of a sovereign state.