

## **The Undeclared, Declassified: West New Guinea and The 1969 Act of Free Choice**

### ***Tidak Dinyatakan dan Diklasifikasikan: Papua dan Pepera 1969***

**Greg Poulgrain**

Adjunct Professor of History, University of Malang  
Adjunct Fellow of Law and Society, University of the Sunshine Coast, Australia  
E-mail: [ypoulgrain@gmail.com](mailto:ypoulgrain@gmail.com)

#### **ABSTRAK**

Artikel ini membahas tentang ‘Penentuan Pendapat Rakyat’ (Pepera) di mana Indonesia secara resmi mengambil alih kendali atas Papua Nugini di bawah naungan Perserikatan Bangsa-Bangsa (PBB). Peristiwa itu sendiri terjadi pada tahun 1969 sebagaimana yang telah ditetapkan dalam ketentuan Perjanjian New York pada bulan Agustus 1962 yang dibuat oleh diplomat Amerika Serikat, Ellsworth Bunker. Baik dalam Perjanjian 1962 maupun KMB 1969, Adam Malik adalah peserta utama dari Indonesia; dan dalam kedua perjanjian tersebut, menurut laporannya pada tahun 1969, peran PBB tidak lebih dari sekedar pengamat. Namun, otoritas PBB-lah yang pada akhirnya memberikan persetujuan atas kedaulatan Indonesia sebagai hasil KMB. Bagaimana hal ini bisa terjadi dapat dilihat dari telegram-telegram yang telah dideklasifikasi oleh Amerika Serikat dari tahun 1966-1999. Ada dua pertanyaan utama yang muncul: yang pertama berkaitan dengan motivasi berbagai diplomat AS yang terlibat, seperti Bunker, Marshall Green (Duta Besar AS untuk Indonesia 1965-1969) dan Henry Kissinger, yang memiliki kaitan dengan kepentingan pertambangan Rockefeller yang berfokus untuk mendapatkan akses ke tambang emas terbesar di dunia di Papua Nugini; dan yang kedua berkaitan dengan hak-hak rakyat Papua sebagai penghuni wilayah yang bersangkutan. Dalam kata-kata dan pendapat tertulis dari orang-orang yang benar-benar terlibat dalam persiapan dan pelaksanaan PEPERA, sering kali tidak ada kesengajaan untuk mengabaikan prinsip-prinsip PBB, tetapi ada kemauan untuk menggunakan otoritas PBB sebagai penengah keadilan internasional.

Kata Kunci: Pepera, Green, Kissinger, Suharto, Malik

#### **ABSTRACT**

*This article deals with the ‘Act of Free Choice’ (AFC/Pepera) whereby Indonesia officially took control of West New Guinea under the auspices of the United Nations (UN). The event itself took place in 1969 as preordained in the terms of the New York Agreement of August 1962 drawn up by US diplomat, Ellsworth Bunker. In both the 1962 Agreement and the 1969 AFC, Adam Malik was the principal Indonesian participant; and in both, according to his 1969 Report, the role of the UN was really no more than a bystander. Yet it was the authority of the UN which ultimately provided approval of Indonesian sovereignty as the outcome of the AFC. How this came about is evident from a close inspection of US declassified telegrams from 1966-1999. Two principal questions arise: the first pertains to the motivation of the various US diplomats involved, such as Bunker, Marshall Green (US Ambassador to Indonesia 1965-69) and Henry Kissinger, who were linked to Rockefeller mining interests focused on gaining access to the world’s largest gold mine in West New Guinea; and the second pertains to the rights of the Papuan people as the inhabitants of the territory in question. In the written words and opinions of the persons who were actually involved in the preparation and execution of the AFC/Pepera, there is often no compunction in disregarding UN principles, and yet there is a willingness, when it suits, to utilize UN authority as the arbiter of international justice.*

*Keywords: Pepera, Green, Kissinger, Suharto, Malik*

## INTRODUCTION

When the Hague was forced to grant Indonesian independence in 1949, the known potential of natural resources in Netherlands New Guinea was a motivating factor in the decision not to relinquish sovereignty of the remote territory. In 1936, the Dutch geologist Jean Jacques Dozy (1908-2004) had identified, sketched and named an immense primary deposit of gold, high in the alpine region of the western half of the island of New Guinea. He discovered two locations at either end of a magnificent alpine meadow, only a few minutes' walk from each other, the Ertsberg and the Grasberg which today is the world's largest gold mine. The concentration of gold in the samples he brought back to the Netherlands was unprecedented. However, the Dutch public remained uninformed about this gold discovery, nor was Indonesia's first president Sukarno privy to this crucial economic intelligence, but it was known by two parties who became rivals to gain access to the gold.

The first party was linked with the Rockefeller Oil empire because the person who formed the pre-war company NNGPM<sup>1</sup> which found the gold was then the Rockefeller top lawyer, Allen Dulles (1893-1969). Subsequently, Dulles was post-war Director of Central Intelligence (DCI) and had a key role in forcing the Dutch to relinquish sovereignty of the New Guinea territory. While Rockefeller companies were primary beneficiaries, the event which was the culmination of Dulles' planning over three decades, ironically, occurred shortly after Dulles himself had passed away in January 1969. This event, from 14 July to 2 August 1969, became known as the Act of Free Choice or Pepera. It led to Indonesia under President Suharto (in office 1966-98) officially attaining control of the territory. Firmly pro-US, Suharto provided an unfettered framework for US mining interests, finally, to access the gold. This article will examine US declassified telegrams relating to the period preceding the 'vote' that confirmed the takeover, which in Indonesia was regarded as resuming what was rightfully part of Indonesia's sovereign territory.

<sup>1</sup> Netherlands New Guinea Petroleum Maatschappij (company) was centred in the Netherlands, staffed mostly by Dutch nationals, but ultimately was a US company.

The other party was the Dutch political hierarchy surrounding the royal family, a result of the Rockefeller company NNGPM which found the gold being 60% US and 40% Dutch. The leading spokesman for this party was the Dutch Foreign Minister, Joseph Luns, (in office 1954-71). In the 1950s and early 60s, the Dutch decision to retain the territory posed a serious threat to the political outcome that eventuated. Various reasons were given initially for the retention of Netherlands New Guinea, such as resettlement of displaced persons with mixed Dutch-Indonesian heritage and the preparation of the Papuan inhabitants of the territory for an act of self-determination. Yet the territory itself was described as bereft of natural resources in order to keep the gold deposit concealed and not be a factor in the overt dispute which developed between the Netherlands and Indonesia. Nor was the contentious issue of who would gain ultimate access openly discussed. Luns tried to resolve the question of access by secretly offering a 50/50 deal with Rockefeller mining interests, but his proposal was rejected (Poulgrain, 2020:31-32). Meanwhile, the focus of Indonesian anti-colonialism, in ousting the Dutch from the territory, was led by President Sukarno and his Foreign Minister Subandrio (in office 1957-66) supported by both the Indonesian communist party (PKI) and the Indonesian army. In Indonesia in 1958, CIA intervention led by Allen Dulles had resulted in the Indonesian army for the first time in history having a strong centralised command (Poulgrain, 2020:31-32). Two former Indonesian foreign ministers, Soenario Sastrowardoyo (1953-1955) and Roeslan Abdulgani (1956-1957), informed me<sup>2</sup> that the Indonesian army secretly received US funding (from either Rockefeller or CIA sources) to promote anti-colonialism.

<sup>2</sup> Professor Soenario was still lecturing in Law when I met him in 1991. Arranging for him to visit Australia for guest lectures proved too difficult because of his advanced age, in his late 80s. He had important archival documents in cardboard boxes in his private house when I interviewed him in Jakarta. Roeslan Abdulgani also interviewed 1991, when he was in charge of Panca Sila.

There had been a Dutch presence in the Indonesian archipelago for over three-and-a-half centuries but not in New Guinea. The Dutch had only a nominal presence there, interspersed by occasional expeditions, the most important being the gold discovery in 1936. The 20<sup>th</sup> century belated interest was an attempt to ward off foreign interest in the vast territory, more than three times the size of Java. Until the Second World War brought an end to the Dutch colonial era, the Netherlands Indies without New Guinea had remained the Dutch milch cow. The Papuan people were largely ignored. This is most clearly stated in statistical terms: only 5 per cent of the territory, shortly before the Japanese invasion, was under colonial administration, according to the Dutch mining engineer/historian, W.C. Klein (1937). Once the Japanese occupation began in 1942, control of Netherlands New Guinea was under Admiral Maeda. His subordinate, Nishijima Shigetada (1911-2006) whom I interviewed in Tokyo in 1983 (Poulgrain, 1993), was the top naval intelligence officer responsible for including Netherlands New Guinea in soon-to-be-declared independent Indonesia which occurred with the Proklamasi on 17<sup>th</sup> August 1945.

He had done this between the time of the historic meeting (10-11 July 1945) of the BPUPKI group of Indonesian nationalists and the later PPKI group<sup>3</sup> which sealed the deal, both under the leadership of Sukarno. When the BPUPKI's 66 members voted on the territory to be included in 'new Indonesia', the result was: 39 wanted to include the Malay Peninsula, North Borneo, Papua, and Timor; 6 wanted to include the Malay Peninsula but not Papua; and 19 voted for the former territory of the Netherland East Indies. Agus Salim, an eminent realist, said the Papuans should decide for themselves whether or not to be included. He spoke dismissively of Yamin's claim about the 14<sup>th</sup> century poet, Prapantja, who mentioned a location on the Papuan coastline as proof of the extent of the Majapahit empire.<sup>4</sup> The

Dutch-trained lawyer, Mohammad Hatta, who had spent one year in 1935 in exile in Papua, was the strongest speaker in the group against the inclusion of Papua, describing the claim as exhibiting imperial ambition. Subsequently, the PPKI group confirmed the inclusion of Papua without other territories, but this decision had been made in the interim under the supervision of Nishijima. Both Sukarno and Yamin were disappointed that Japan did not want to hand them the occupied territories (especially the Malay Peninsula as it would have meant sole control of the Malaka Straits which had long been one of the world's main thoroughfares for international trade). Nishijima's comment on Sukarno's reaction when only Papua was included was that he said: "If you want to give it to us, we'll accept." The point is: Nishijima played a key role in convincing the Indonesian nationalists led by Sukarno, against the advice of Vice-President Muhammad Hatta, to include West New Guinea. While Nishijima shared the anti-colonial fervour of the Indonesia nationalists, he did not share his awareness of the remarkable natural resources of the vast territory. The inclusion of Netherlands New Guinea as part of Indonesia was a step towards its ultimate removal from Dutch control. But this was a Japanese strategy, not a priority of the Indonesian nationalists.

After the tumult of war, when the Dutch resumed their presence in Netherlands New Guinea, the decade of the 1950s brought bountiful changes. Millions of Dutch guilders were spent on education and civic development, all too late. The greater the Dutch colonial presence became, the louder the Indonesian demands that it should end. The contrast between Indonesian nationalist priorities in 1945 and 1955 is stark: new political pressures had emerged, domestically and internationally; and others, not-

(rather than the later rounded *myristica fragans* variety from Banda) has been found in Rome, showing that nutmeg trading from Papua was conducted in Roman times, more than a millennium before Majapahit. A trading link, however, does not imply control of the territory, three times the size of Java. See: Roy Ellen, *On the Edge of the Banda Zone, past and present in the social organization of a Moluccan Trading Network*, University of Hawai'i Press. 2003.

<sup>3</sup> Investigation Agency for Indonesian Independence Preparatory Efforts (BPUPKI) and Indonesian Independence Preparatory Committee (PPKI)

<sup>4</sup> Majapahit was doubtless involved in nutmeg trading from Papua. Archaeological evidence of the distinct *tomandin* variety of nutmeg from Papua

so-visible, were also working to oust the Dutch. The Papuans themselves were not included in the diplomatic struggle which ensued over the sovereignty of their territory and their wider political fate. Indonesia brought the dispute to the United Nations (UN) in 1954, 1955 and 1957, each time failing to gain a two-thirds majority. US Secretary of State John Foster Dulles (in office 1953-59) made sure it failed, having privately agreed with Foreign Minister Luns to support the Dutch position in Netherlands New Guinea. A controversial 'defence treaty' was signed on 1st October 1958 in Washington D.C. during a dinner party at the residence of Dutch Ambassador Herman van Roijen – 'controversial' because it was signed on a dinner-party napkin, as Luns informed me when I interviewed him in NATO headquarters in 1982 (Poulgrain, 2020:31-32). When John Foster Dulles died in May 1959, this agreement expired as well. His younger brother, CIA Director Allen Dulles was already in the process of implementing 'regime change' in Netherlands New Guinea – ousting the Dutch – and during his one-year term in the Kennedy administration (1961-63) was covertly undermining presidential directives. Only thirty months later on 30<sup>th</sup> Sept 1965 Sukarno himself was facing his own political demise, although he took a month or so to realise he'd been dealt the same fate.

In 1958, Allen Dulles had initiated moves to oust Sukarno by helping to foment civil war in Indonesia, known as the Outer Islands Rebellion, alias PRRI-Permesta (1958-61). This resulted in the Indonesian army, formerly under disparate commands spread around the archipelago and often engaged in smuggling to Singapore, being transformed into a strong, central command. This had prompted Luns to seek a written rather than verbal defence agreement with John Foster Dulles six months before his death. Behind Allen Dulles' strategy were short- and long-term goals. A strong army command provided viable political opposition to the rising power of the Indonesian Communist party (PKI). While the political aims of the top army officers and the leaders of the PKI were increasingly divergent in the early 1960s, in their anti-Dutch stance they coalesced. However, after 1958, the army command held the reins of

the anti-colonial struggle against Netherlands New Guinea (NNG). In the long-term, sections of the Indonesian army closely allied with the US and/or Japan became the political vehicle, if not the *deus ex machina*, for achieving regime change: two-thirds of the officer corps had received US-training when this finally occurred in the mid-1960s (Ransom, 1970: 40-49).

## INTEGRATION INTO INDONESIA

After a decade of stalemate in the Dutch-Indonesian sovereignty dispute over NNG, suddenly in 1961-62 everything changed. In the words of the Dutch historian of the Netherlands New Guinea dispute, Pieter Drooglever (1941-2017): "An operational command [Mandala] was formed, in which the Indonesian army, navy and air force were to co-operate in the conquest of Dutch New Guinea. The chief of this command was Major-General Suharto" (Drooglever, 2009: 442). Pressed into action by President Sukarno's tirades against the continuing Dutch colonial presence, the sovereignty issue culminated with the New York Agreement, 15 August 1962. While this has been plentifully recorded in history, the contest between the Dutch colonial presence and Rockefeller Oil interests to gain access to the immense bonanza of natural resources has remained a hidden struggle. Nor has the Dutch government ever officially admitted its post-war motive for retaining the territory, despite the fact that former Foreign Minister Luns (when NATO sec-general) admitted quite openly that he was aware of the gold. Indeed, Drooglever himself informed me (when we last spoke in the archives in The Hague, in 1985) that official documentation, confirming the presence of rich natural resources in NNG, was steadily becoming available in the archives. But I was mistaken when I assumed Drooglever would include some reference to this in his monumental work on the Act of Free Choice, the outcome of 20 years of Dutch government-sponsored research grants.

The 1962 New York Agreement was a Cold War solution to the sovereignty dispute arranged by US mediator, Ellsworth Bunker (1894-1984), a long-time friend and associate of the Dulles

family. In the early 1950s, Allen Dulles had asked Bunker to be deputy-head of the CIA, but he declined on the grounds that he would be more helpful 'outside'. His role in the New York Agreement was substantial evidence of this astute move. Mindful of both the NATO alliance with the Netherlands and the need to have Indonesia 'on side' in the Cold War, JFK opted to support Sukarno to avoid conflict with Moscow which had agreed to arm Indonesia with ships and planes to end Dutch colonial rule. Despite Indonesian weapons-buying from Eastern bloc countries, a telegram to Washington (Doc. 330) from Robert Collier (US attaché at the US embassy in Jakarta) explained that the Indonesians would return home immediately if only the US were willing to supply them the arms they were seeking (McMahon et al., 1957). Their desperate bid to have the US supply the weapons as requested was a clear indication of their actual political affiliation, but this was before John Foster Dulles had passed away, when the deal with Luns was still in place. The arms deal with Moscow took place in the time between Kennedy's election 8 November 1960 and his inauguration 20 January 1961, just when Allen Dulles' plan to oust the Dutch was gathering momentum. Showing his Machiavellian strategizing, even Adam Malik who from 1959 to 1963 was the Indonesian ambassador in Moscow presiding over the 1960 arms deal, was a 'CIA asset' - but not until a decade after his death in 1984 did this become public knowledge.

President Kennedy, on his first day in the White House, was presented with two emergencies. One was the situation in Cuba, and the other was the problem created by the Soviet arms deal with Indonesia and both had been choreographed by Allen Dulles. Kennedy opted to avoid conflict over the sovereignty dispute but intended a massive US aid program for Indonesia which might well have proved successful had not Allen Dulles intervened again during Kennedy's presidency. Both Allen Dulles and Dutch Foreign Minister Luns were aware of the immense natural resources awaiting exploitation but neither Sukarno nor Kennedy was let into the secret. Nor for that matter was UN Secretary-General Dag Hammarskjöld (in office 1953 until his assassination in September 1961.)

He was unaware of the immense gold deposit in West New Guinea when on the verge of having the UN intervene in the sovereignty dispute in October 1961 (UN Report, 2022).

In late 1962, when Dutch settlers in the territory hurriedly left, filled with regret, the Papuan people soon realised that the decade of Dutch largesse was about to end. And it did, abruptly. Incoming Indonesian troops (Tentara Nasional Indonesia TNI) stripped the towns of any property that could be used or resold in Java. Shops were emptied; vital dockyard equipment on the wharves was stolen, making the loading docks unusable; hospitals were looted of medical equipment; children's bicycles were stolen from private homes. Even a plantation of rubber trees that had been planted by the Dutch for the local Papuan population to provide export income was destroyed. Clearly the TNI was an invading army seeking vengeance against the recently ejected colonial power which had amassed great wealth from its 350 year-presence in the Indies. But this was the land of the Papuan people where the inhabitants were Christian, not Muslim, the land where Dutch colonial control before WW2 had extended over a meagre five per cent of the territory and that mostly in the peripheral coastal districts not in the resource-rich interior with its gold and copper deposits. This is surprising considering anti-colonialism was perceived as the actual basis of Indonesia's stance against the Dutch. A core of discontent was embedded in the newly arrived army after the decade-long sovereignty dispute, compounding centuries of being treated as racially inferior 'inlanders (natives)' to the white Dutch overlords who referred to their colonial subjects as 'little monkeys' (*de kleine aap*). Now the racism was transferred onto the Papuans who were seen as lackeys of the Dutch; but more than this, they were Melanesian - black skinned people - as if living proof that discrimination was justified.

From the start of 1963, when Indonesia's red-and-white flag was alongside the United Nations' blue-and-white emblem, the incoming Indonesian army showed only discrimination and disdain for the Papuan people. One of the first recorded fatalities was a young boy, on the small

island of Dom just off the coastline of Sorong, even before the Dutch flag had been officially lowered. The killing occurred under the very eyes of the UN troops supervising the transfer from the Netherlands to Indonesia. The UN 'Temporary Executive Authority' (UNTEA) supplied 1500 troops from Pakistan, although there was a mysterious absence of paperwork to show how this was arranged (Higgins, 1970). A handful of UNTEA officials from various countries did not fulfil the requirement for a multi-national force. Pakistani troops joined with 1500 Indonesian troops to match the 3000 Dutch-trained Papuans intended to police the transfer. Both Pakistani and Indonesian troops were Muslim, isolating them from the Papuan Christian contingent. Both the Papuan battalion and their religion were a legacy of Dutch rule.

### ACT OF FREE CHOICE 1969

Soon after the sleight of hand known as 'Supersemar' (Surat Perintah Sebelas Maret) on 11 March 1966, when President Sukarno reluctantly bestowed additional political power on 'Lt. General Suharto, Minister, Commander of the Army,' there was a display of firepower unsurpassed in Indonesian history. While in 1961 the Indonesian army, navy and air had been under Sukarno's overall command, against the Dutch in NNG, but now for the first time they operated together in action, in 1966, against the Papuan people. By this action, in effect re-assembling the Mandala Command on his own initiative, Suharto co-opted presidential authority and bore full responsibility for its long-term political implications.

The location of the joint operation was Manokwari, 3000 kilometres east of Jakarta in the territory known as West Irian, the western half of the island of New Guinea. Restricted access made it one of the most remote places in the world, so the action in 1966 by Indonesian armed forces is hardly known – although reported in US State Department telegrams. In May the following year, the State Department was informed there were clashes occurring in three other areas – around the newly-named capital, Sukarnopura (post-1968

Jayapura), the South-west coast and the region of Fak-Fak (US Embassy Jakarta, May 1967). Because the Indonesian army has remained the dominant force in the territory, the unstable situation is basically unchanged today for the Papuan inhabitants. Access is still an arbitrary decision made by the military which, at various times, has denied entry to international journalists and to human rights representatives of the United Nations.

The Manokwari massacre in March 1966 and others, such as those in the highlands in 1977 when many thousands were killed,<sup>5</sup> have scarred Papuan-Indonesian relations for more than half a century. The crucial point is that it occurred in 1966, more than three years before the territory 'officially' became part of the unitary state of Indonesia via the 'Act of Free Choice'. Against the indigenous people of Papua, Indonesian armed forces used modern weapons when West New Guinea/West Irian was a UN Trust territory or non-self-governing territory, so if blame is to be apportioned for the subsequent secrecy about the carnage that occurred while under the aegis of the UN - it must be said - Indonesia does not bear sole responsibility (King, 2019: 59-81).

Thousands of Papuan people in Manokwari, the capital of Netherlands New Guinea before World War Two, had been goaded into rebellion against the contemptuous way the Indonesian army was treating them. It goes without saying these were tumultuous times in Indonesia. Suharto was supervising killing of his own people on a far grander scale – up to one million were killed – so the Manokwari massacre pales in comparison. But from a Papuan perspective it was still a massive trauma.

The rebellion in 1966 led by Lodewijk Mandatjan created an emergency response from the Indonesian military. After occupying the city for three days, Papuan troops and the inhabitants of Manokwari had been forced to retreat into the jungle. According to a Report dated 20 July 1967, accessed by Drooglever, "most of the deaths

<sup>5</sup> I was in Jayapura in 1978 when killing in the highlands was still occurring but was prevented from visiting Wamena. A Dutch doctor in the hospital there later told me, from hospital records, 75% of one tribe was annihilated. The overall death toll was in the tens of thousands.

[estimated to be 3000] occurred after injured people had fled into the forest” ( Drooglever (2009: 655). Warplanes operating from Biak Island bombed the city, while Indonesian warships entered the harbour to bombard the city. At the same time, large numbers of troops fought to regain control in street fighting after paratroopers had been dropped. Mandatjan had served with the US marines in the Pacific War and US submarines had supplied him weapons. He had been awarded a Purple Heart medal for bravery by General Douglas MacArthur for the defeat of the Japanese in the battle for the Kabar Valley in the Vogelkop (the western portion of New Guinea, shaped like a bird’s head).

Instability in the Manokwari area had actually started in 1965 but skirmishes with Indonesian troops grew into a rebellion. Indonesian authorities blamed foreigners for causing the Papuans to stand up against the oppressive army. In particular, they accused an American missionary, Harold Lovestrand (born 1926-2019) for helping to incite the Manokwari rebellion (Interview with Lovestrand, 19985; Lovestrand, 1967). He was imprisoned for many months in Jakarta where his cellmate was the leader of the rebellion in Maluku, Dr Soumokil<sup>6</sup> who was a Dutch-trained Doctor of Laws and fluent in four European and four Indonesian languages. Although Lovestrand was clearly innocent of fomenting rebellion, he was kept in Cipinang prison until shortly after 30<sup>th</sup> September 1965. He was visited by US Ambassador Green (1916-98; in office 1965-69) who on the pretext that his diplomatic position precluded any political initiative, let him remain in prison under terrible conditions. He was lucky not to have died

after contracting tropical malaria. Lovestrand’s prolonged incarceration became a token symbol of Marshall Green’s unwillingness to be seen in any way as an influence on Indonesian internal affairs before 30<sup>th</sup> September, 1965.

What started as isolated skirmishes in the Manokwari area resulted in a heavy-handed response by the TNI which in turn led to full-scale rebellion organised by Mandatjan and his brother, Captain Barends Mandatjan. A US Department of State telegram dated 4/27/67 reported that when Mandatjan’s resistance army, the Papoea Vrijwillgers Korps (PVW) was brought under control, “mopping up operations have netted 1000 World War II weapons along with documents purportedly showing links with Operasi Papua Merdeka (OPM)” This was described as the ‘Free Papua Movement’ which “capitalized on widespread local resentment directed against Indonesians.” Even before Mandatjan finally handed himself over to Indonesian custody in 1969, the rebellion was under the control of another Papuan, Sergeant Fery (Fritz) Awom – who was captured in 1967 and died in prison two years later.

Ambassador Green in the US embassy in Jakarta informed his State Department superiors, May 19, 1967: “(The) local population resents arrogance of Indonesian military and blames Indonesia for drastic shortages of goods and poor living standards now prevailing. GOI [government of Indonesia] now fully aware that it has major problem on its hands in Irian... It remains to be seen whether results will be big enough and soon enough to dampen insurgency.”

Green’s words “soon enough” were referring to the requirement in the 15 August 1962 New York Agreement that the Papuan people be given an opportunity, before the end of the decade, to express their desire whether or not to remain part of Indonesia. Green’s words convey an air of expectation that it will be done “soon enough” to facilitate a desired outcome, without mentioning other stakeholders, such as oil and mining companies. Their interests were not served by delay or an unsuitable outcome and they were already chafing at not having immediate access to the territory. In March 1966, Freeport, the

<sup>6</sup> When the 1951 rebellion in Maluku was quashed, Soumokil had escaped to Ceram until his capture in December 1963. On Suharto’s orders, he was executed on April 12, 1966, a month after Supersemar. Soumokil as president of breakaway Maluku was aware that Prince Bernhard (acting on behalf of DCI Allen Dulles) had helped to start the rebellion by arranging for CIA weapons to be channelled through Netherlands New Guinea from the Philippines. When the CIA then informed Sukarno of the source of the weapons, Sukarno’s determination to oust the Dutch from Netherlands New Guinea was fired-up even more.

Rockefeller Oil subsidiary, had some technicians ready to start mining operations, to bring into production the massive deposit of gold discovered three decades earlier (Simpson, 2008: 82). But still the phenomenally high 15 grams/ton concentration was not being publicly revealed (Poulgrain, 2020).

Many thousands of Papuan lives were taken by the Indonesian army before the Act of Free Choice in 1969 and the lives taken in quelling the Manokwari rebellion in 1966 were merely a curtain-raiser for the organised carnage that occurred before the Act of Free Choice – an outpouring of blood of which both the UN and the State Department were well aware. For reasons of Cold War diplomacy, the US government opted to turn a blind eye. This was largely the work of Henry Kissinger, National Security Advisor (in office 1969 -75) in the presidential administrations of Richard Nixon and Gerald Ford, a post that later was combined with Secretary of State for Nixon from September 1973, and then Ford.

Kissinger's influence on US policy (in the case of the Papuan people) was determined by his close alliance with Rockefeller Oil interests who had Kissinger on their payroll. Kissinger later became a member of the board of directors for the mining company, Freeport Indonesia (now Freeport McMoRan). Two years before the Act of Free Choice, then Freeport Sulphur, it already had a contract for the gold and copper deposit located in the rugged central mountain range of West Irian.



Pen at the ready, Robert C. Hills (president Freeport Sulphur) signs Indonesia's first foreign contract with Ir. Slamet Bratanata, Indonesia's representative under Acting President Suharto Jakarta, April 7, 1967. Seated next to Hills is Freeport geologist/manager, Forbes K. Wilson, and standing behind is U.S. Ambassador Marshall Green. The contract for the 'Ertsberg copper mine' did not mention gold. (AFP).

When Marcus Kaisiepo (1913-2000) visited the State Department on 12 December, 1967, he stated that around 2000 followers of Mandatjan had been killed by the Indonesian army (not including those who fled into the forest). Kaisiepo was described as 'President in Exile of the Government of West Papua' in the transcript of the Memorandum of Conversation. The Indonesian government, it was noted, disagreed with the 2000 figure stating that "40 persons had died, but later admitted that there were at least 1000." This death toll when publicly admitted tallied with the number of World War II weapons captured, which had already been announced, but still did not take into account the death toll from the naval bombardment of Manokwari, Indonesian air force bombing raids and the street-by-street mopping up operation conducted by the Indonesian army.

Kaisiepo was asking the United States government "as the mediator which brought the Netherlands and Indonesia to agreement in New York as well as a nation which respects democracy" to play a greater role in ensuring "the New York Agreement is implemented fairly." Kaisiepo was advised that he and his colleagues "should look to Holland in the first instance." To which Kaisiepo replied that the Dutch would "insist on implementation of the New York Agreement and the holding of a referendum," but no more. He was correct, insofar as Dutch policy was under the influence of Joseph Luns. As recorded in the Memorandum, he explained "they [the Dutch] had taken no steps to insure [sic] that such a referendum was fairly conducted, or that the Papuan people had the means for freely expressing themselves."

The absence of clearly stated instructions in the New York Agreement was, in effect, a built-in escape-clause for the benefit of attaining Indonesian sovereignty, and it was deliberately done by the US mediator, Ellsworth Bunker. The Dutch negotiator was seasoned diplomat, Herman van Roijen, who then was the Dutch ambassador to the UK and Iceland (in office 1960-70). He complained bitterly but to no effect, especially when his superior, Joseph Luns, was urging him to agree to the terms which the Agreement eventually contained. Van Roijen and Luns never



spoke again after the New York Agreement was signed. Luns had already realised, after a decade as Dutch Foreign Minister, that the best that the Netherlands could hope for, in terms of future exploitation of natural resources and continued business with Indonesia, was to play 'second-fiddle'. As mentioned above, he had even asked for a 50-50 arrangement but was told "by the Americans", by which he meant the relevant US mining company, that they wanted it all, and would get it once the Dutch were out. The New York Agreement achieved this. Luns, who had been trained in Berlin as a diplomat before WW II, saw the writing on the wall. Now it was just a matter of tying up loose ends, awaiting the outcome of the 1969 plebiscite. Luns' reward was the position of NATO Secretary-General which he held for a record 13 years (1971 -1984).

In April 1967, Ambassador Green informed the State Department that Indonesian air force bombers were still being used over Manokwari against "dissident tribesmen". One insurgent leader named Melkianus Salossa had been shot "allegedly while trying to escape". Green also referred to an Indonesian press conference designed to quell international journalists who were asking questions about events in the former Dutch territory. The Cendrawasih (Papua) regional military commander, Brigadier-General (post 1971, Major-General) *Raden* Bintoro, (1924-86; in post, 1966-68) gave a press-conference together with the Indonesian foreign minister, Adam Malik (in office, 1966-77). In Green's opinion, they gave a "good performance designed to kill public speculation on Irian developments but failed to satisfy reporters completely." Bintoro had attempted to downgrade the level of Papuan dissent and dissatisfaction with the conduct of the Indonesian armed forces by announcing there was "no foreign subversion", as though it might have been an underlying reason for Papuans rebelling against Indonesian repressive rule. Papuans generally were clinging to the belief that justice would prevail, and they would be given an opportunity to express their wishes in an Act of Free Choice, which became known in Indonesian terminology as 'Pepera', '*penentuan pendapat rakyat*' [determining the opinion of the people]. Malik, who saw his role as re-assuring both the

Papuans and international observers, stated: "One day [the New York Agreement] will be fulfilled by giving Irian an opportunity to declare its position with regard to staying in the Republic of Indonesia or not. That is a commitment. That is definite."

In February 1968, Green informed the State Department again, about a three-hour meeting between Adam Malik and the Minister of the Interior, Bazuki Rachmat (1921-69, in office, 1966-69) on the matter of preparing for Pepera. To create a more favourable impression regarding the political instability in Irian Jaya that was continuing, it was suggested that an announcement be made regarding the withdrawal of half of the 10,000 Indonesian troops. The official reason was that their presence was no longer required and the cost of keeping them there "overstrained (the) West Irian economy [because] they devote no time to helping people but merely attend to their own wants and comforts." After a US Consular official visited West Irian with his wife, in January 1968, his lengthy report contained an incident about Indonesian army engineers that showed their capability under pressure. A flash flood had destroyed a bridge on the road between the provincial capital, Sukarnopura (aka Koya Baru, pre-1964 Hollandia; post-1968 Jayapura) and the town's airport at Sentani. The destruction of the bridge had occurred so quickly that a caravan of cars, enroute to the airport, was cut in two. In the cars were high officials including Indonesia's famously incorruptible Police Inspector General Hugeng Imam Santosa (1921-2004; in office, 1968-71) who had just installed a new police chief for West Irian. The engineers repaired the bridge in record time.

Although Malik had said troops were to be withdrawn, they were not. When Pepera took place in 1969, there were 16,000 Indonesian troops in Irian Jaya (US Embassy Jakarta, 1969, July). Because a few Papuans were unable to attend on the day, the total number of representatives numbered 1022: that is, for each person 'chosen to vote' unanimously in favour of Indonesia, there were more than fifteen soldiers.

Foreign Minister Malik<sup>7</sup>, a civilian, was aware of both domestic and international public perception regarding these excessive troops numbers. He was also concerned whether the 1969 vote could be construed as conforming to international standards yet still win Pepera for Indonesia. He proposed that the “best way to determine the will of the tribal peoples is through their chiefs” and recommended “careful groundwork” to gather about 60 chiefs. Various “favours” should be offered to them. In May 1968, a C-130 was loaded with clothes, flashlights, tobacco, bead necklaces, tin goods and sago to be distributed to the tribal leaders. Malik suggested these leaders be brought to the capital, Sukarnopura, “one by one for discussions.” Papuan leaders from non-tribal areas should also be contacted. Despite the attempt to downplay the political urgency and the military emergency, the overall estimate of the situation in Green’s summary contradicted what was being told to the press. “The current situation is far from satisfactory and deteriorating,” he told his superiors in Washington.

Green contacted Malik in April 1968 “about [an] item appearing in local news service dated April 25”. It stated bluntly that the “people of West Irian will reject Act of Free Choice as provided in the New York Agreement.” It should be noted that Green and Malik had very close political ties, from the time the Ambassador first arrived in Jakarta just prior to the bloody events of 30<sup>th</sup> Sept 1965, the cataclysmic change in Indonesian history when Indonesian army head, General Ahmad Yani (1922-65) and five other top Indonesian generals were slain. It was this tragic event which led to Suharto, then commander (panglima) of the Indonesian Army’s Strategic Reserve, KOSTRAD (in office 1961-65) stepping up as army head and blaming the Indonesian communist party (PKI) for the slaughter of the generals. So as not to be seen communicating with Suharto at this time, Green met secretly with Adam Malik who passed messages back and forth between Suharto and Green who later described

these meetings with Malik as ‘clandestine’ (Poulgrain, 2020: 214). They continued for nine months while Suharto was supervising – with Green’s assistance – the physical elimination of the PKI and its top cadres. Thanks to Malik’s good offices, Green said he “had a very clear idea what Suharto thought.”

Green’s telegram to the State Department on 28 April, 1968, (also sent to Canberra, The Hague and Tokyo) contained two main points. Firstly, he was passing on information from Malik who claimed ‘ex-military Japanese adventurers’ were assisting Papuan rebels in their fight against the Indonesian military. The implication was that the Japanese may influence Pepera. Green issued a reminder about how preponderant pro-Papuan support was, after a conversation with Moses Weror (c.1934-2004), a Papuan who had just returned the previous year from working in the Indonesian embassy in Canberra. “His most interesting observation,” quoted Green,” was that ‘99% of the Papuan population favors independence from Indonesia, and Mr Weror himself apparently is with the majority.’” Both snippets of information were relevant for the State Department as US policy opposed a pro-Papuan outcome on the grounds that it might destabilise current Cold War conditions by adversely influencing Suharto’s pro-US stance.

This distorted analysis and misinformation was the work of Henry Kissinger who had been closely associated with the Rockefellers for the previous fifteen years. Both Kissinger and Green knew full well that Suharto was firmly ensconced within the US orbit. Indeed, Suharto owed much to Green for the assistance given in ousting Sukarno. There was no possibility that Suharto’s political affiliation would suddenly revert to either a pro-Moscow or pro-Beijing position, if the Papuans were to vote not to be part of Indonesia. Yet this disinformation was spread to secure the pro-Indonesia outcome in 1969. Indonesian nationalistic fervour was also openly claiming Irian was part of the motherland, so much so that a pro-Papuan outcome would not be interpreted by Indonesia as fulfilling a legally entitled right to reject Indonesian rule, but a political slap in the face.

<sup>7</sup> I interviewed Malik in his house in Jakarta shortly after he retired as Vice-President in 1983. The interview took a surprising turn, at Malik’s initiative, to focus on the impact of the Sino-Soviet conflict on Indonesia, 1965-66.

Green's real fear was that a pro-Papuan outcome would adversely affect Rockefeller Oil interests. Although the territory was not yet part of Indonesia, Freeport (as mentioned above) had already landed exploration equipment on the southern coastline. There were ten Freeport employees already at work, it was reported in a US Airgram sent to the State Department on 10 May 1968. They had begun preparatory work for the massive mining operation in anticipation of the 1969 outcome. The New York Agreement had been deliberately worded by Ellsworth Bunker to implement Rockefeller interests by favouring Indonesia. Bunker's wording conveyed the impression that the intention was to hold a plebiscite, without mentioning the word itself. John Saltford (2000:74) has stated:

The New York Agreement [Article XVIII] referred to an opportunity to "exercise freedom of choice," and of consultations with "representative councils" on procedures and methods to be adopted for "ascertaining the freely expressed will of the population." At no point were the critical words "referendum" or "plebiscite" mentioned. Nonetheless, Article XVII of the Agreement states that all adults from the territory were eligible to participate in the act of self-determination, "to be carried out in accordance with international practice." Although no definition of what this meant was given, the phrase is of central importance when considering whether or not the terms of the agreement were ever legitimately fulfilled.

The New York Agreement paved the way for Indonesia, not the UN, to be the principal party to conduct the Act of Free Choice. The democratic intent of the words in the New York Agreement seemed to ring as clear as the Liberty Bell – "the eligibility of all adults...to participate in the act of self-determination." But nothing could have been farther from the truth, as confirmed in the aforementioned 10 May 1968 US Airgram: "It is the opinion of most observers in the area that Indonesia will not accept independence for West Irian and will not permit a plebiscite which would reach such an outcome."

The second point in Ambassador Marshall Green's telegram to the State Department on 28 April 1968, after speaking with Malik, also focused on the 1969 vote. Malik had informed

him the West Irian Regional Legislature had sent a resolution to Jakarta "about West Irian already belonging to the Republic of Indonesia and that [an] Act of Free Choice (plebiscite) [was] unnecessary." Green explained to the Department that the Legislature had been appointed by Sukarno and that Malik and he agreed it was "scarcely representative of feelings of Irianese." In other words, Green and Malik were blaming Sukarno for this irregularity. It is ironical that less than two weeks later the State Department was informed (in a confidential Airgram from Jakarta, summing up the political situation in West Irian) that the Cendrawasih (Papua) Military Region commander, "Brigadier-General *Raden* Bintoro made it obvious that he is, in fact, the government of West Irian." (emphasis added). He also placed himself as the head of the University which catered mainly for the children of government employees.

The notion of 'already belonging to the Republic' had been aired before, and officially quashed, as it was counter to legal requirements to fulfil the New York Agreement. Besides, Malik himself had already promised that the Papuans would be given their chance to express whether or not they wanted to remain part of Indonesia. Green's real purpose was to confirm that the 1969 vote would proceed but the outcome was almost *fait accompli*. It seems the only people who did not realize that the outcome was already decided were the Papuan people themselves. Their faith that the UN, and the USA, would see justice done, not a travesty of democracy, led to the bulk of the Papuan people living out a tragic existence bequeathed by the super-power of the day. A Department of State 'Intelligence Note' (August 9, 1968) pinpointed the dilemma:

Convinced on the one hand that no Indonesian government could survive the political trauma resulting from the loss of West Irian and faced on the other hand with considerable popular discontent in the territory, the Indonesian government faces the delicate task of designing a form of "self-determination" which will ensure its retention of West Irian and yet not appear as a flagrant violation of its international obligations and of the rights of the Papuan inhabitants.

The 'Intelligence Note' added that the Indonesian government intended "to devote considerable effort to wining and dining" tribal chiefs, in Jakarta, "to mollify local Papuan opinion. Indonesia evidently hopes to exercise some control over the selection of all the representatives." Furthermore, it noted that the Netherlands wanted "US leverage brought to bear on Indonesia, in the hope of preventing too blatant manipulation of the 'Act' and thereby heading off possible public outcry in Holland damaging to Indonesia-Dutch relations.... *Should Indonesia's fixing of the 'act' appear too blatant, substantial public opinion might also be aroused on humanitarian grounds.*" (emphasis added).

### ORTIZ-SANZ

The role of Fernando Ortiz-Sanz (1914-2004), the Bolivian Ambassador to the UN who was appointed by Secretary-General U Thant on 29 March 1968 to oversee the West New Guinea (West Irian) 'Act of Free Choice', was discussed in the 'Intelligence Note'. Ortiz-Sanz had been a journalist, history professor, novelist and poet. A significant landowner in Bolivia, his only previous diplomatic experience was as Bolivia's Ambassador to the Vatican.

The 'Intelligence Note' advised that Ortiz-Sanz who first visited Papua on 22 August 1968 had already voiced his suspicion that Indonesia had little interest in a free election. Warning bells were being rung when the 'Note', referring to Ortiz-Sanz, said that "unless he could assure the residents of the area a completely free election, he would resign rather than 'preside over a farce.' .... [and continued] it still remains doubtful that Ortiz would feel he can go along with the arrangements Indonesia is now contemplating." Insurgent activity was continuing in the territory, it was noted, but "Indonesian troop strength in West Irian is sufficient to contain the insurgency."

This 'Intelligence Note' makes no mention at all of Suharto's tyrannical rule in Indonesia which was then emerging from a time of horror and mass-murder. Hundreds of thousands of political prisoners were still languishing in Indonesian jails and the overall death toll topped a million. Even the CIA called Suharto's anti-communist

pogrom "the largest mass murder in post-war history". He was still busy eliminating his political opponents. The 'Note' states that unless the outcome of the 1969 vote favoured Indonesia, "it could set in motion trends which would unseat this [Suharto] government ....and possibly spark vicious cycle leading to outright military regime." It was in effect ruthlessly calling for the military regime in power to ensure the outcome was anti-Papuan despite previous State Department communication showing it had been apprised that an overwhelming majority of Papuan people wanted a pro-Papuan outcome.

The threat posed by the Papuans, both the continuing insurrection and their obvious intention to vote to be separate from Indonesia, was not as immediate as the threat posed by Ortiz-Sanz to resign. This was one year before the 1969 vote. Kissinger dealt with this problem just when the Bolivian diplomat was due to make his first visit to Indonesia, taking him aside for a week to outline world realities of the Cold War in terms of the reaction in Indonesia. The success of this briefing was evident in the sudden, conciliatory approach adopted by Sanz. He arrived in Jakarta with his wife after a one-month orientation visit to West Irian in September 1968. In a US Airgram from Jakarta to Department of State, it was reported that he "handled his role adroitly" (US Embassy Jakarta, October 1968).

"West Irian (West Papua) is like a cancerous growth on the side of the UN," Ortiz-Sanz said, "and my job is to surgically remove it." <https://hughlunn.substack.com/p/the-dark-side-of-the-moon>



Ultra-nationalist opinion in Jakarta had expressed apprehension that Ortiz-Sanz was coming to Indonesia “to ‘interfere’ in Indonesia’s internal affairs.” Either blinded by their own nationalist fervour or simply unwilling to grant the Papuan people the right to choose their own destiny, many persisted with the belief that the territory was already part of Indonesia. The Airgram read: “This reflects the fairly widely held view in military and other circles in Indonesia that West Irian is a sovereign part of Indonesia and that therefore there is no need for any determination of popular wishes.” Again, it blamed Sukarno as the person responsible for launching this idea, yet the apportioning of blame was selective bias as adherence to Sukarno-ism was often being lumped together with the PKI and eliminated. Ortiz-Sanz diplomatically announced that he was in Indonesia “solely to assist the Indonesian government in fulfilling the obligations it had undertaken under the New York Agreement”. Privately, however, perhaps the influence of Kissinger, Ortiz-Sanz’ opinion took on a slightly different aspect. He now admitted his awareness of the importance of “oppositional elements, principally concentrated in the Indonesian military” and that he was “sensitive to the political pressures that will be brought against Suharto and the Foreign Minister in the critical year to come.” He was in effect saying that he was aware of the need for political stability in Indonesia and that it depended on a pro-Indonesia outcome in the 1969 vote.

Ortiz-Sanz’ political understanding of the situation in Indonesia was that there were two ‘centres of influence’ with distinctly different approaches to the Act of Free Choice. On the one hand, consistent with his own wishes that the vote should be held according to the democratic precept outlined in the Agreement, he was supported by both President Suharto and Foreign Minister Malik; while on the other hand (he was led to believe) were the Indonesian military who regarded as “irrelevant” any “further determination of the people regarding their future.” The level of duplicity on the part of Suharto and Malik, in maintaining this guise of pursuing a policy in opposition to that of the army, simply shows how Sanz had been duped by

Kissinger in the Indonesia briefing shortly before he arrived in Jakarta. At this same time, an even greater degree of duplicity is evident in the stance adopted by Marshall Green who had contributed to the 31 December 1968 National Intelligence Estimate which began: “The government headed by General Suharto and supported by the army is in effective control of Indonesia (Foreign Relations 1964-1968, N.A).” Ortiz-Sanz’ initial intention of ascertaining the will of the Papuan people *in toto* by applying the principle of “one man one vote’ was undergoing a transformation: in the highlands he now acceded to a process of ‘musjawarah’ (the Indonesian term used to describe a process of ‘reasoning together toward a consensus’).

### **SPECIAL OPERATION BY INDONESIAN INTELLIGENCE**

A visiting US Consular official summed up the dilemma. In the “relatively developed and sophisticated areas ...the major coastal towns such as Sukarnopura, Biak and Manokwari on the North [coast], Sorong and Fakfak on the West [coast], and Merauke on the South [coast]... (it is generally believed that the separatists will not accept permanent union without a struggle... Political arrests of suspected rebels in Biak are an almost daily occurrence ...”

The conclusion that ‘violence was inevitable’ was blandly stated alongside reference to ongoing ‘B-26 bombing forays and mortar attacks’ employed in Manokwari. Because of the obvious outcome of the intended ‘vote’ and the inevitability of violence, the Consular official stated that it was “immaterial whether Indonesia rigs the outcome of a plebiscite or rigs the outcome of an election by seducing the most backward elements of Irian’s populace.”

When Suharto realized the inevitability of the outcome would be pro-Papuan, he opted for a massive shake-up in the army staff by activating a special intelligence unit called ‘OPSUS’ (Operasi Khusus, founded 1962) with his trusted aide, Ali Murtopo, (1924-84) in charge. Bintoro was replaced by Brigadier General Sarwo Edhie Wibowo (1925-89; in office 1968-70) whose

reputation preceded him. During the horrific killings in Java in 1965, his bloodthirsty style had earned him the sobriquet, ‘The bloodhound of Central Java’. The US government was also informed in a telegram dated September 20, 1966, about “gory accounts of execution of unreliable elements carried out personally by Colonel Murtopo.” In this same telegram, information received by an Indonesian intermediary, one of the CIA’s key contacts with the Indonesian army in the 1958-65 period, the Manado-born Colonel, Jan Walendouw, was also conveyed on “general matters relating to rehabilitation of US/Indo relations...[including a note that] Suharto had spoken of his admiration for job well done by Ambassador Green”. US assistance of US\$500 million was being arranged. Walendouw was not in Suharto’s inner circle (because in the 1958 Outer Islands rebellion, unlike Suharto, he had chosen the anti-Sukarno side) so this may have been behind the comment attached to the 1966 Airgram which said some of his stories – such as the claim that 1.2 million communists had been killed - had the “plausibility of a three-dollar bill”.

The idea that US-Indonesian relations might be jeopardized (in the event of Ortiz-Sanz insisting on one man-one vote, because it could lead to a rupture between Suharto and the army) is clearly nonsense as shown by Suharto’s reshuffle of army command. The initial reason for Ortiz-Sanz to agree to some adjustment in international voting procedure came after he was bombarded (both from the US and Indonesia) with suggestions that highland people did not understand democratic voting procedure. Papuan highlanders, it was claimed, were incapable of expressing their opinion even when no more than a ‘Yes’ or a ‘No’ was required. It goes without saying that Papuan highlanders already knew the Indonesian military regarded them as less than human and killed indiscriminately – and sadly the situation half a century later seems to have changed little (Saltford, 2000: 77). The traditional ‘koteka’, a gourd covering the penis, seemed to symbolize the cultural rift between Indonesian and the tribal Papuans who continued their traditional agricultural lifestyle. Although it received much publicity, the stark contrast in lifestyle

was not the essential problem as evidenced by the fact that coastal Papuans (in western dress and urban housing) were treated the same way, namely as lackeys of the recently-departed Dutch colonialists. This would seem to indicate that the perceived political challenge was more significant than the cultural. Perhaps because the incoming Indonesian military had only two or three years earlier been part of one of the worst massacres of the 20<sup>th</sup> century, especially in Central and East Java, they readily resorted to the same ruthless methods in the land of the Papuan people. Overall, cultural dissimilarity – even now with fifty years’ hindsight – seems merely to have compounded the problem.

The operational changes that occurred when OPSUS was introduced brought a new level of violence. In the troubled territory, Sarwo Edhie and Ali Murtopo immediately resorted to increased military suppression of Papuan opposition to Indonesian rule. It was clear to many Papuans that Pepera would inevitably usher in not just more effective Indonesian rule but also Indonesia sovereignty over their land. Suharto’s first foreign contract was with the Rockefeller subsidiary, Freeport, in 1967. This contact was made in anticipation of Pepera in July-August 1969. Indonesia was expected to snaffle the territory from the Papuans, despite UN observers and the world looking on. In the final count, “only sixteen UN staff members were employed, and these included administrative personnel,” so the UN presence was scant to the point of absurdity (Saltford, 2000: 82). Ortiz-Sanz personally ignored human rights infractions that occurred right in front of his nose. From his initial stance of ‘one man, one vote’ Ortiz-Sanz had conceded his position time and again, under the relentless pressure from both Indonesian and external sources, the US in particular. The procedural deficiencies which Saltford has highlighted reach to the very top of the UN leading him to conclude that “either Ortiz-Sanz himself chose to mislead the UNGA [UN General Assembly] deliberately, or he was told to do so by U Thant. Whoever was responsible, it is a clear illustration of the UN leadership’s collaboration with Indonesia to legitimize the Indonesian takeover of West Irian, at the expense of the Papuans, who thereby lost

political rights guaranteed in the Agreement (Saltford, 2000: 84).”

## COLLECTING WEST PAPUAN REPRESENTATIVES

The method finally utilised by Indonesia was to hand-pick representatives, both from the highlands and urban areas around the Papuan coastline, in order to satisfy the requirement in the Agreement referring to the “eligibility of all adults...to participate in the act of self-determination.” The reason for dispensing with different methods for highland and coastal regions simply came down to OPSUS identifying ‘chosen representatives’ to vote according to instruction. As time was running out before Pepera had to be completed in 1969, Ali Murtopo and Sarwo Edhie resorted to violent coercion. This is why the vote in favour of Indonesia was unanimous. Eventually the fate of the Papuan people came down to 1022 persons, in several different locations across the territory, raising their hand when requested to do so. Under army supervision, they had even rehearsed their words of approval for staying part of Indonesia. Many persons had already been killed for expressing their unwillingness to comply with the final farce, and the families of the representatives who participated were threatened in case of any last-minute protest. Theys Eluay (1937-2001), who became a leader of the Papuan people in the early post-millennial period before he was assassinated by the Indonesian army, was a representative in 1969. He spoke scathingly of the threats issued by Indonesia military if anyone were to express the wish not to join with Indonesia. The promise to cut out a person’s tongue, if that person showed separatist sympathies, was one of the common threats, according to Theys (Interview with Theys Eluay, 1999).



Mulinabua (1999): the author and Theys Eluay (Papuan leader assassinated Nov. 10, 2001). The poster of JFK and Sukarno was in his house in Sentani, Papua.

In various areas, open rebellion continued until quashed, particularly in the highlands in 1969 when tens of thousands of Papuans protested. “On 27 April, a plane carrying General Sarwo Edhie, the territory’s Indonesian military Commander, was hit by gunfire as it flew over the area. Two passengers, including a police inspector, were wounded. In response, the General ordered planes, including at least one B-26 bomber, to strafe Enarotali, and on 30 April, Indonesian paratroopers from West Java were flown in (Saltford, 2000:84).”

Although the Indonesian military had first employed bombers against indigenous Papuans in 1966 and were still doing so just prior to the Act of Free Choice in 1969, a UN spokesperson answering questions from the Press on 23 May 1969, replied: “Mr Ortiz-Sanz said no rockets or bombs had been used in killing Papuans.” Two weeks earlier, a UN spokesman in New York, Mr Powell, had struggled to answer questions put to him about West Irian. He confirmed that 100 or so Papuan students had demonstrated outside the UN building in Jakarta but could not say if Ortiz-Sanz had responded to the protest. Mr Powell admitted that John D. Rockefeller III (1906-78) was having private consultations with UN Secretary-General U Thant, but when asked “*if the United Nations regarded what was happening in West Irian as an internal affair of a country,*” he could not answer. The correspondent persisted in asking for an answer and Mr. Powell said that was a matter that should be addressed to a competent United Nations organ. The correspondent asserted that the spokesman was a competent organ but the briefing ended as Mr. Powell confessed he

was an incompetent organ (UN Press Comments, 1969).” The injudicious reliance that existed between the UN Secretary-General, U Thant, and the Permanent Representative of Indonesia at the UN, Roeslan Abdulgani, (1914-2005; in office 1967-71) was brought to light when the UN Press officer stated:

*“Mr Abdulgani at his own request had discussed with U Thant matters pertaining to instability in West Irian ..[and] had undertaken to obtain a full account of the incidents and to convey it to the Secretary-General at the earliest possible time . The Secretary-General had stressed to him the necessity of maintaining in West Irian ‘an atmosphere conducive to the proper exercise of the act of free choice.’”*

Ortiz-Sanz in Jakarta displayed a similar diplomatic intimacy that tended to shield Indonesian human rights infringements or excessive use of force from UN censure. Both Kissinger and Rockefeller exerted their powerful influence on the West Irian issue but neither Ortiz-Sanz nor U Thant could have surmised how closely aligned the two were. Unhindered exploitation of the world’s largest primary gold deposit, now that Suharto was in control, required the Indonesian military to ensure that the Papuans were seen to ‘willingly’ transfer sovereignty of their land. Going through the motions to achieve this goal was aptly described in a 9 June 1969 US telegram to State Department: “The Act of Free Choice in West Irian is unfolding like a Greek tragedy, the conclusion preordained.” Replying to Press queries in Jakarta on 1st May 1969, Ortiz-Sanz had said: “On 1st May 1963 the United Nations had transferred full administrative responsibility to Indonesia, and that it was completely beyond his terms of reference to make any investigation regarding matters that fall within the jurisdiction of the Administrative Power.”

From the very start, the problem for Indonesia and the UN had been how to ascertain the will of the Papuan people in a way that ensured a pro-Indonesia result but was not blatantly rigged so as to fan international criticism. Indonesia, and now Ortiz-Sanz too, declared that the level of primitiveness of the people required special consideration, and this provided the excuse

for the eventual solution that was reached by arranging individuals who were able to claim they represented various Papuan social groups and communities, thereby fulfilling the requirement that “all adults” participated. In fact, the total number who voted – unanimously – was one tenth of one percent of the population.

This solution which U Thant approved not only employed unjust methods but was based on an unjust principle that was in stark contrast to the one introduced by his predecessor, Dag Hammarskjöld. (in office, 1953-61). On 14 December, 1960, General Assembly Resolution 1514 (XV) declared that colonial powers take steps to grant independence to all non-self-governing territories. “Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.” Hammarskjöld was within two weeks of applying this specifically to the Papuan population of West New Guinea when he was assassinated in 1961 (Poulgrain, 2020).<sup>8</sup>

### **‘NON SELF-GOVERNING TERRITORY’ NOT RESCINDED**

With the approach of ‘Pepera’ (Act of Free Choice), some radical nationalists in Jakarta declared that the land of the Papuan people had been Indonesian territory since 17 August 1945, while some others claimed it had been for centuries. This raised problems for UN spokesman, Mr Powell, when international journalists in New York asked about the legal status of the territory. One correspondent, noting that the United Nations had turned “full administrative responsibility” over to Indonesia, in accordance with the [1962] agreement, asked: “Did the administrative power not have to account to anyone for what it did in West Irian?” Both Indonesia and the UN would make reports after the Act of Free Choice, Mr Powell replied, not answering the question, only to be followed up by another pertinent point: “In the meantime,

<sup>8</sup> See the 2022 UN Report [A/76/892](#) pages 65-66, paragraphs 241-246. On 30 December 2022, the UN General Assembly passed Resolution [A/77/L.31](#) to renew the investigation into the assassination of UN Secretary-General Dag Hammarskjöld.



was West Irian considered ‘inside or outside’ Indonesia?” Was West Irian a non-self-governing territory? It was not, he said, within the mandate of the Special Committee of 24.

The Committee of 24 was referring to the Decolonisation Committee of the UN. The political status of West Irian was actually in hiatus – the Dutch had departed and Indonesia did not yet have sovereignty (until after the results of Pepera) but the land of the Papuans as a non-self-governing territory had not yet been rescinded. Potential conflict between Indonesia and the Netherlands had been resolved by means of the 15 August 1962 New York Agreement, but its status as a non-self-governing territory simply ‘evaporated’. This was an aspect of international law left unresolved by Ellsworth Bunker in the New York Agreement. The change in sovereignty that was expected to occur as a result of Pepera in 1969, cannot cover the interim: it was still technically a non-self-governing territory. Its status was never rescinded. This being the case, Indonesia broke almost every rule in the Charter in its handling of the situation up to the Pepera in 1969. Infringements of the Agreement broke international law, with the UN as an accomplice thus abnegating its duty under General Assembly Resolution 1514 (XV) to ensure that colonial powers take steps to grant independence to their non-self-governing territories.

Even today the UN website<sup>9</sup> obfuscates this important legal point (The United Nations, N.A). Under the heading ‘United Nations and Decolonisation – a list of former Trust and Non-Self-Governing Territories’, Netherlands New Guinea is included with the note ‘joined with Indonesia as Irian Jaya, 1963’. This is not correct: its situation, somewhat unique, might be described as ‘**extant colonial**’. Indonesia had its own reasons for claiming ownership of West Irian (and this will be examined more fully in a separate article). UN participation was driven by

<sup>9</sup> <https://www.un.org/dppa/decolonization/en/history/former-trust-and-nsgts> accessed July 20, 2022. The term ‘Irian Jaya’ was the name applied at a later date to West Irian, so the statement has two errors – the territory not officially part of Indonesia in 1963 (as this was the whole point supposedly of the Act of Free Choice) and the wrong name is used. West Irian was renamed Irian Jaya in 1973.

the belief that a pro-Papuan outcome would drive Indonesia against the West in the Cold War or stir an army mutiny against Suharto. This was nothing but disinformation. The injustice perpetrated in the name of the UN needs to be acknowledged.

Indonesia regarded the territory as its own, as soon as the Dutch had left in 1962-63. The disregard for the welfare of the indigenous inhabitants was evident in the comment made by Ali Murtopo who warned the Papuans before Pepera that “Indonesia was a great military power and would not tolerate dissent. If they wanted their own country, he mockingly suggested that they could ask the Americans for a piece of the moon” (Saltford, 2000:87). The timing of Pepera (14 July - 2 August 1969) overlapped the first moon landing (16 - 24 July 1969) and President Nixon’s visit to Jakarta (27 - 28 July 1969) arranged by Kissinger. Hugh Lunn (born 1941) one of two journalists who attended ‘Pepera’ claimed the timing of the Nixon visit was deliberate, so that the injustice would remain largely unreported.

Suharto and Malik managed to convince Ortiz-Sanz they were determined to see Pepera enacted in accordance with international rule, despite the army claiming that the territory was already part of Indonesia. But this was shadow play as can be seen from the moments when Suharto’s real persona was on display in his public statements. One such was reported by the US ambassador in Australia, William H. Crook (1925-97; in office 1969-69). An American preacher turned politician, he informed Washington by telegram (6 February, 1969) of Suharto’s statement three days earlier “that any decision by West Irianese to separate themselves from Indonesia would be treason.” The reality facing the Papuans, depicted by Crook, contradicted Ambassador Green’s account.

Crook thought the territory was bereft of natural resources largely because this had been so often stated publicly in the US and elsewhere to be the case during decade-long sovereignty dispute. Many like Crook were similarly deceived. In his opinion, creating an independent state for the Papuan people amounted to creating a ‘failed state’. He described a future economy for independent Papuans as “impossible” –

totally unaware, of course, that at that very time technicians were preparing to start construction of what turned into the world's largest gold mine. Crook's ethical approach, however, calling for strict UN supervision, was quite different to Green. "Indonesia has no moral, geographic, ethnic or historical right to claim West New Guinea as its property, except by a clear decision of the inhabitants," he informed Washington."

### **THE UN AND INDONESIA'S 'FULL ADMINISTRATIVE RESPONSIBILITY'**

Green referred to Papuans as 'stone age' – highlanders, coastal and island people – and this approach helped to undermine the resolve of Ortiz-Sanz to comply with the 'one-man one-vote'. Marshall Green was keen to paint the Papuans as too primitive to vote, as evidenced by Green's telegram to US embassy Canberra, 7 August 1968: "Ortiz [Sanz] still concerned re 'The Elections' as how to apply to primitive stone age people the 'international practices' called for in the Agreement."

Correspondents (9 May, 1969) were asking UN spokesman, Powell, pertinent questions about the administrative role assigned to Indonesia which was being used as if it had sovereignty already. "Was this not an interim arrangement which could be changed by the Act of Free Choice?" "Did the United Nations have nothing at all to say about whether it really was an act of free choice?" "Did the current ban on outsiders in West Irian also apply to United Nations officials?" Indonesia had banned the Press from visiting West Irian.

Mr Powell replied that the role of the United Nations Representative was to 'advise, assist and participate' in arrangements for the act of free choice. But if any question arose as to whether Indonesia was fulfilling the Agreement, who could bring it up, asked the international journalists? The United Nations? The Secretary-General? The Netherlands or some other Member State? Mr Powell (according to the UN summary) said he had no guidance on this point. Asked if the term 'full administrative responsibility' was equivalent to

'full sovereign rights' for Indonesia in West Irian, Mr. Powell said it was not possible for him to interpret the term. The Chief of Staff of the Indonesian Forces was quoted as having said that West Irian was an integral and inseparable part of Indonesia and that it could not be 'forced by any power to secede'.

Why the average coastal Papuan was averse to total Indonesian control, or even the prospect of having equal status as the average Indonesian, should have been obvious to the State Department when informed by African-American diplomat, Jack W. Lydman, 2 May, 1969. He reported that "Ambassador [Ortiz-Sanz] believed that the GOI [Government of Indonesia] was applying the same general restrictions on political activity, mass meetings, press freedom, direct voting, and other civil liberties in West Irian as are applied in other areas of Indonesia." Java had just experienced its worst mass killing in history and if Suharto was applying the same restrictions there as in Papua, they wanted nothing to do with it.

On 23 May, 1969, there was a UN statement regarding the question of bombs and rockets. "Mr. Ortiz-Sans had said he had been informed by Indonesia that such weapons had not been used." A telegram from the US embassy in Jakarta had already informed Washington on May 8: "In hurried questioning, 8 May, by press including [American] ABC that Indonesian military had indeed attacked troublemakers at Enaratoli airstrip with rockets fired from B-26 bomber, Malik [was now] asserting rockets contained only firecrackers and were designed to scare those who had seized airfield." The previous day he had dismissed reports that 30,000 Papuans were protesting.

The US embassy, Jakarta, informed Washington on 9 June, 1969: "The GOI [Government of Indonesia] cannot and will not permit any resolution [of the Act of Free Choice] other than the continued inclusion of West Irian in Indonesia...It [is] long known that outcome of AFC is predictable. GOI has no intention of allowing West Irian [to] choose other than incorporation into Indonesia. Separation is unthinkable."

General Sarwo Edhie had caused many deaths and arrests. He had rounded up demonstrators who were calling for ‘one-man one-vote’. The US government, the telegram concluded, has nothing to gain by interfering, but ought to “bring to GOI attention [the] need for credibility in AFC... [and] somehow message should be gotten across to GOI that world opinion regards GOI as having special commitment to stone-age Irianese.”

Papuan activist, Frits Kirihió (1934-2018)<sup>10</sup>, had been friendly with President Sukarno because of his intention to treat Papuans as equal citizens in the Indonesian republic. During one of the assassination attempts on Sukarno, Kirihió had been travelling with the president when the car in front of them exploded but neither was injured. The difference between Sukarno’s inclusivism, which initially had inspired Kirihió, and the murderous approach that occurred under Suharto, was a tragedy of epic proportions involving all Indonesians as well as the Papuan people. Frits Kirihió’s political perspective changed because of Sarwo Edhie. Killing and arresting Papuans was one way to reduce opposition but when 99% of the population (as Washington was informed) wanted Indonesia out, it was a recipe for disaster. Kirihió eventually had to flee for his life to the Netherlands where (from the University of Leiden) he was the first Papuan to obtain a PhD. A confidential three-page telegram (dated July 2, 1969) from the US embassy in Jakarta to Washington, reported on a conversation in the office of Ortiz-Sanz with First Secretary Robert Fleming Slutz (1894-1967). Ortiz-Sanz explained that he had urged Adam Malik to adhere to Article 22 of the New York Agreement providing for “the right of assembly and freedom of speech [to] be observed in West Irian but explained Malik’s response was “*the GOI would have to allow the same privileges and rights in other parts of Indonesia if it were to grant them in West Irian.*” (emphasis added) This was tantamount to saying West Irian was already a part of Indonesia. Then Ortiz-Sanz had said he “believes that if the Indonesian authorities wished to wipe out the rebellion it could be mopped up within three months, notwithstanding the difficult terrain, and

<sup>10</sup> Interviewed in Amsterdam, the Netherlands, in 1982 and again shortly before his death in Jakarta in 2018.

provided the Indonesians had the funds to support such a military effort.” Papuans were being killed as part of Sarwo Edhie’s “full administrative responsibility”, clearly a contradiction of UN ideals.

International correspondents were still plying the UN spokesman in New York, Mr. Powell, with questions. In response, ‘UN comments to the Press’ reported May 9, 1969, that Ortiz-Sanz repeated that “it was completely beyond his terms of reference to make any investigation regarding matters that fall within the jurisdiction of the administrative Power.” The terms of reference, it should be stressed, had been set by Ellsworth Bunker and were designed to ensure an Indonesian *Anschluss*. After the assassination of UN Secretary-General Dag Hammarskjöld on 18 September 1961, U Thant was only in an acting position. Apart from an opening statement, he played no significant role whatsoever in the New York Agreement on August 15, 1962. Bunker hastened the signing of the agreement by producing CIA photos taken from a U-2 spy-plane. The photos had been carefully orchestrated to show Indonesian vessels allegedly preparing for a large-scale invasion. A significant threat undoubtedly was developing but, at that moment in 1962, the real urgency was that the gold mining lease on the gold obtained by the Rockefeller subsidiary in 1958 (Poulgrain, 2020: 43-44) was about to expire. Had Dutch sovereignty of the territory been prolonged much longer, the mining lease would have reverted to Dutch government control (Poulgrain, 2020: 43-44).

## FINAL VOTING OF THE ACT OF FREE CHOICE

The final ‘voting’ took place after the formation of ‘assemblies’ in various areas of the territory, such as Biak, Manokwari, Merauke, Nabire, and several others. The members of these assemblies were the selected representatives, and their vote was to be taken on behalf of the entire population. Saltford wrote (2000:87):

*“In Merauke and elsewhere, the task of the Assembly members, as decreed by Jakarta, was to come to some form of collective decision using a vaguely defined Indonesian method for reaching*

*consensus, known as musjawarah (consultation/deliberation). What this meant in practice was that a number of senior Indonesian officials addressed the Merauke members telling them that they should, for a variety of reasons, remain with Indonesia.”*

A confidential US embassy telegram, received by State Department on 12 July 1969, explained how the members of these assemblies were chosen to ensure the vote would be unanimous. In one of the eight ‘voting’ centres, Wamena, a person who was in the process of becoming a ‘selected representative’ asked the head of the district “what would happen if he (the council member) voted against the continuation of Indonesian rule?” “The answer was simply, Why, the army will shoot you.” (emphasis added). The word is out, the US embassy telegram noted, “that only a ‘yes’ vote was acceptable.”

In the Jayapura region, Papuans faced the same choice, as noted in the same US telegram which quoted a speech from “an Indonesian army major [who] allegedly said: *I am drawing the line frankly and clearly. I say I will protect and guarantee safety for everyone who is for Indonesia. I will shoot dead anyone who is against us – and all his followers.*”

Fritz Kiriho was mentioned again in the US telegram. He stated that the Irianese were fooled into thinking that the New York Agreement guaranteed Papuan independence in 1970, as the Dutch had promised earlier. ... He remarked that if freedom of expression and freedom from reprisal could be guaranteed by the UN, all Irianese, including himself and ‘even the Governor’, would back the independence movement. But returning to reality he saw no chance that the UN might intervene and said in any case that Ambassador Ortiz-Sanz was ‘totally ineffective’.

It was noted that in Enarotali (with a population of 40,000, one of the more densely populated areas in the highlands) selecting suitable representatives had been difficult because “only one-eighth of the people had returned to the town” after Sarwo Edhie had resorted to using bombers and paratroopers against the local population. Even the UN staff under Ortiz-Sanz had become

disillusioned with the whole process because “the result of the AFC is a foregone conclusion.” One member of the UN staff, a member of the EOSG (Executive Office of the Secretary-General), Marshall Williams (in office, 1966-69) had “American negro antecedents”, the US telegram explained. He was actually the principal secretary and chief administrative officer, but the telegram omitted to say he was the top man under Ortiz-Sanz. Because of his colour he was mistaken for a Papuan, and racist Indonesian police had ejected him from the UN offices. This incident was noted as “a clear case of mistaken identity.” Williams and another UN member, James Lewis, also a US citizen, “condemn what they call the Indonesian ‘colonisation’ of West Irian. They claim 95 percent of the Irianese support the independence movement and that the AFC is a mockery.” Again, the US telegram neglected to say that Lewis was in Ortiz-Sanz’ staff as Chief Observer.

The Act of Free Choice coincided with a visit to Suharto by President Nixon. Kissinger advised him to “avoid any US identification with that act (Kissinger, 1969).” As a briefing for Nixon in preparation for his meeting with Suharto, Kissinger wrote: “The [Indonesian] government is under the control of a moderate military man, Suharto... [who] has achieved impressive results in his own way in cleaning up the mess left by Sukarno...The West Irian ‘Act of Free Choice’ will be underway during your visit. It consists of a series of consultations, rather than a direct election, which would be almost meaningless among the stone age cultures of New Guinea” (Kissinger, 1969). Kissinger told Nixon: “We believe West Irian will definitely decide to stay with Indonesia”, but at the same time he advised Nixon that the West Irian ‘act of free choice’ was one of the ‘points to avoid’ in conversation with Suharto. “All seems to be going well,” Kissinger concluded, “and we will await U Thant’s report to the General Assembly.”

## UN REPORT BY ORTIZ-SANZ

Ortiz-Sanz continually reminds the reader he was limited to ‘advise, assist and participate’ in the final act of ‘free choice’. He used this as his defence. The preordained conclusion took place, leaving the Papuan people under a new colonial regime at the mercy of the Indonesian military, and the audience went home. There were only two international journalists, one was Dutch, Otto Kuyk, and the other (who had not remained in Jakarta to cover the visit by President Nixon) was Australian, Hugh Lunn. He was a witness to the futility of peaceful protest by Papuans in their hundreds, in several locations (Interview, Brisbane, February 2023). He saw a Papuan offer a note to Ortiz-Sanz who refused to accept it. Papuans displaying placards that demanded ‘one man-one vote’ were loaded into trucks by the Indonesian military. In Manokwari, after Lunn had taken photos of a demonstration, he was threatened with a gun by an Indonesian, as recorded by Saltford. “He then ran inside to inform Ortiz-Sanz, but Ortiz-Sanz refused to intervene” (Saltford, 2000: 89). To avoid being arrested, Papuans surreptitiously handed Lunn notes, some of which were blood-soaked, pleading for the world outside to intervene to stop the nightmare.



Hugh Lunn: “I took a photo of one protestor being hit over the head by an Indonesian policeman’s baton at the same time as a soldier powerfully punched his jaw.”

The preamble of UN ambassador Ortiz-Sanz’ report can be read as if ‘voting’ had taken place without violence or coercion: “Indonesia

undertook, under article XXII [of New York Agreement] to guarantee fully the rights, including the rights of free speech, freedom of movement and of assembly, of the inhabitants of the territory.” At the time of his first arrival in West Irian in August 1968, his approach still contained a hint of UN idealism, as recorded in a US Airgram from the Jakarta embassy to State Department: “*Ortiz-Sanz is greatly interested in what US Ambassador Bunker had in mind in drafting the language which seems to leave full responsibility for the election in the hands of the Indonesians.*” (emphasis added.) On August 4, 1968, Ambassador Green noted: “*In view of the high stakes riding on Ortiz-Sanz’s mission and importance of his getting off on right foot, I believe we should do anything we can indirectly to make him aware of political realities.*”

From the start, Ortiz-Sanz was disadvantaged. UN staff were supposed to have been at work in the territory since the New York Agreement six years earlier, but they “had never, owing to well-known circumstances, taken up their duties” (UN, 1969, 6 November). Had six years of UN preparation preceded the one year that Ortiz-Sanz had in West Irian, his dismay upon arrival that his task was insurmountable may have been different. His initial ‘one-man one-vote’ approach may have indeed carried the day. But his mammoth task was made all the more impossible by international pressure from persons such as John Rockefeller, Henry Kissinger and Marshall Green (who was Assistant Secretary of State for East Asian and Pacific Affairs by the time the AFC result was announced to the UN General Assembly). Ortiz-Sanz’s appointment was, in fact, a political cul-de-sac. He was six years behind before he even started. It was reported he wanted to make “discreet personal contact with Ambassador Green during national holiday celebrations 17 August, [1968] but it was added that “he must avoid too much overt contact with American embassy but obviously looks forward to contact with and possibly suggestion from Ambassador Green.” He had nowhere to go but the lion’s den when he first started work on the Act of Free Choice, and when it was finished – despite his initial idealism - he had nowhere to hide

Because Indonesia failed to provide housing for the UN staff, the allocated staff of 50 for Ortiz-Sanz was reduced to 16, two of whom stayed in Jakarta. Ortiz-Sanz advised the Special Assistant to the Minister for Foreign Affairs [Adam Malik] for West Irian Affairs, Ambassador Sudjarwo Tjondronegoro (in office 1968-69) on 5 November 1968, that unless Indonesia ensured the rights of the Papuan people, “the international community would not be satisfied that a fair and truly democratic judgment” had taken place with the ‘vote’ in 1969.” The government replied (November 21) that the Indonesian constitution guaranteed the rights of the people of West Irian and all of Indonesia. The Indonesian solution was to block access to all foreign journalists. Ortiz-Sanz was beginning to realise the enormity of the task ahead and his approach was changing rapidly as shown in his comment: “There was freedom of speech to the extent of immunity from prosecution for all members of the representative councils.” As shown above, if a potential member of the representative council indicated his intention was to vote against Indonesia, he would be shot. No wonder the final vote was unanimous! In a letter from the Indonesian government on December 30, 1968, Ortiz-Sanz was informed that 50 Papuans had been released from custody, including the Papuan governor, Mr. E. Bonay (1923-90; in office, 1963-64). The UN representative was facing an uphill battle and the reputation of the UN, and his name, was at stake.

Because many Papuans had moved abroad after WW2, Ortiz-Sanz suggested that an effort be made (in accordance with the Agreement) to invite them back to participate in the 1969 vote. There was only one response; it came from Mr. Peter Bonsiapia and his family, who were living in Manus island in neighbouring PNG. The initial ‘one-man one-vote’ stipulation was soon watered down to being applicable only to coastal areas, so as to be “compatible with reality.” Worse was to come. Consultative assemblies were to be chosen to represent the entire population and they would reach a final decision through *musjawarah* which Ortiz-Sanz explained (after attending a meeting at Indonesian Foreign Affairs on 10 February, 1969) involved a “decision based on discussion, understanding and knowledge of a problem.”

The problem was that Indonesia was refusing to relinquish control of the territory. This made sufficient leeway for Indonesia to use coercion on the persons who comprised the eight consultative assemblies. This meant 1022 persons (on the day) or 0.01 per cent of the population decided the fate of the Papuan people. Ortiz-Sanz was being forced into ignominious retreat.

“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. [ie Ortiz-Sanz would not resign.] I will participate in the act of free choice but not in the responsibility of the Government” (UN, 1 969, 6 November).

Even before the official ‘voting’ began - 10<sup>th</sup> July to 5<sup>th</sup> August 1969 - one third of the Papuan members of the Assemblies made a statement that, even though they agreed to proceed with the ‘vote’, they thought it was unnecessary because West Irian had been part of Indonesia since 1945. They were participating, they said, because Indonesia had international obligations. Ortiz-Sanz was informed by the Government that the representatives in the assemblies came from “only those political groups which existed legally.” And in the same letter, he was informed that “those few people - possibly existing – not in favour of retaining the ties with the Republic of Indonesia are... not organised in legally existing political groups or parties in West Irian.” It was a home-made Catch-22 designed to achieve the desired outcome.

Green and Malik met a few days after the AFC result had been rushed through the General Assembly to avoid scrutiny. Several countries had complained that three days was insufficient time to consider the Report – Dahomey, Togo, Ghana and Ecuador. The official notice that the General Assembly ‘took note’ of the result simply meant in UN terminology that, at some point in the future this matter could once again be more closely discussed, but for the present it was let pass. The plethora of infringements even in relation to fulfilling the requirements of the 1962 Agreement, were let pass. So too

the legal quagmire of Indonesia's actions in the lead-up to 1969. At the basis of legal concerns was the unanswered question about the status of the non-self-governing territory which had also been shunted to the side, but never resolved. The victims of this continued neglect are the Papuan people. The UN was the protector on whom they had placed their hopes of the future, but the UN was basically prevented from implementing a just outcome by what was deemed at the time a larger Cold War concern. As noted above, even today the UN is arbitrarily excluded by Indonesia from freely visiting and observing conditions in the beleaguered land of the Papuan people.

In summary (paragraph 251 of his report) Ortiz-Sanz stated:

*"I regret to have to express my reservations 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."*

## EPILOGUE

The Indonesian Report presented to UN Secretary-General, U Thant, downplayed the role of the UN from the beginning. Foreign Minister Adam Malik began by praising the "distinguished and experienced American diplomat, Elsworth Bunker, who constructed the New York Agreement in August 1962. Malik participated in the negotiations and was regarded as a 'CIA asset' by Robert Martens in the US embassy in Moscow, 1960, when Malik was Indonesian ambassador in Moscow (in office, 1959-63) and also when Malik had returned to Jakarta he was similarly regarded by Marshall Green (who started as US ambassador in Indonesia in mid-1965). The New York Agreement, commented Malik, "*in its content and wording was juridically probably a rather peculiar document.*"

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 procedure 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 in West Irian. This was the real content and meaning of the relevant provisions as presented in the Agreement.

Lack of awareness of this content and meaning on the part of outsiders, Malik said, has caused some misunderstanding or misinterpretation of this bilateral Agreement (Department of Foreign Affairs, 1969). It was primarily a bilateral agreement, he stated. The UN had little to do with it, apart from designating Bunker to mediate the dispute. Apart from UNTEA<sup>11</sup>, the UN Temporary Executive Authority which was present in the changeover from the Netherlands to Indonesia, Malik was claiming the UN was superfluous. Malik is presenting an argument to excuse the inexcusable behaviour of Indonesia towards the UN during the 1969 period. He is saying that Indonesia was totally in control from the start of the six-year period leading up to the 1969 and that no international rules were broken because Indonesia set the rules. Malik was an exceptionally bright individual. He realised that, except for a few complaints from African countries, that the successful outcome of the Act of Free Choice had achieved the impossible: that is, '99 percent' of the Papuan people had wanted to break away from Jakarta rule, yet the sleight-of-hand result was a unanimous vote in favour of staying with Indonesia.

It was done by using unbridled Indonesian military coercion. But even that would not have been enough without highly placed individuals in the US administration using their influence to gain what they wanted. When I interviewed Malik in late 1983 shortly after he'd resigned as vice-president of Indonesia, his willingness to be interviewed had much more to do with his impending death from cancer which happened less than one year later. We talked mainly about his role during the independence struggle rather than New Guinea, I regret to say in hindsight.

<sup>11</sup> Mr Rolz Bennett from Guatemala was the UN administrator during the UNTEA period and played a prominent role under U Thant in 1969.

It was his role in the horrific killing that took place during the 1965-66 period which seemed to weigh heavily on his mind. His friend, Marshall Green, had been a driving force in eliminating the PKI - 'down to the roots', as Suharto said. Malik, years later, realised this had more to do with 'driving a wedge between Moscow and Beijing'. This was beyond the ken of Indonesian domestic politics at the time even though the fissiparous effect of the Sino-Soviet dispute was beginning to show within the PKI. When Malik's adjutant, Adhayatman, who was sitting next to him during the interview, tried to restrain Malik from speaking so frankly, Malik simply told him to be quiet. I think Malik saw the interview as a last-minute chance to unburden himself of this aspect of his role in history. His former Japanese mentor, Shigeetada Nishijima (1911-2006), the man who had helped Indonesian nationalists under Sukarno and Hatta, in July 1945, to include Papua in the territory of 'new Indonesia', had been the go-between in arranging the interview. Perhaps Nishijima himself knew that Malik was dying and that he had some regrets.

Malik was the man who helped restore Indonesian relations with the UN, after Sukarno had withdrawn from the international body, by heading an Indonesian delegation to the 21<sup>st</sup> UN General Assembly in October 1966. Had this not been done, international approval for Indonesia to gain sovereignty over former Netherlands New Guinea would have stalled. It was a step towards gaining full control of the territory. Nationalist ambitions were satisfied but very few persons were aware of the extent to which this outcome also satisfied Rockefeller mining interests: it enabled them to proceed 'legally' with exploitation of the natural resources they had already discovered in the land of the Papuan people.

Malik had promised that "Indonesia would uphold its obligations as stipulated in the New York Agreement." U Thant had sent Under-Secretary José Rolz Bennett in 1967 to resume talks on the proposed Act of Free Choice. This meant that the US\$30 million which had been allocated, the fund for UN development in West Irian, (FUNDWI) would be resumed. Did it result

in funding for UN officers, as stipulated, to be placed in West Irian to begin planning for the vote in 1969? No. As Ortiz-Sanz later reported, these vital years of preparation by the UN were lost because Indonesia did not provide any accommodation for UN officers in the intervening years. No prior planning at all was done before his appointment in the early months of 1968. This added significantly to the task confronting Ortiz-Sanz, making it much more difficult, if not impossible.

Time and again it was stated that lack of development, even lack of available food supplies, failure of electricity supply and general maintenance of infrastructure, was adding to Papuan dissatisfaction with Indonesia's administrative capabilities and method of government. Funding for development was snaffled up by the military. Providing housing for fifty UN staff, although intended for that purpose, would not even have been considered. Lack of accommodation for Ortiz-Sanz delayed his arrival by almost five months. Suppressing Papuan resistance, which morphed into an open rebellion, took priority.

As stated in paragraph 17 of the Indonesian report: "Due to the need for the necessary preliminary technical and administrative preparations, including accommodation 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." On 16 August, Ortiz-Sanz attended the Indonesian parliament when President Suharto delivered his Address to the Nation. "On the problem of West Irian", the Report stated, "[he] 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." The President recalled, the Report continued (paragraph 21) that "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."

There was "strong propaganda from abroad" that the Ortiz-Sanz Mission would have special



executive powers “beyond the limited duties prescribed in the New York Agreement.”. It was also stated that the Ortiz-Sanz Mission was provided “an office and living accommodation” in both Jakarta and Jayapura. But this was a pipe dream. Opposition to Indonesian plans came from the Free Papua Organisation [OPM] which was based in the Netherlands and New York, it was stated. Their propaganda made demands “in the worst possible way,” according to the Indonesian Report. The OPM was calling for “*withdrawing Indonesian troops from West Irian and replacing them with UN troops... that the Act of Free Choice should be implemented by a ‘one man one vote’ system.... executed by the United Nations* (which would be contrary to the letter and spirit of the New York Agreement).”

On the subject of armed rebellion, Malik said that it “flared up in the Manokwari area [and].. it was not always easy for the Indonesian Government to deal with this wicked propaganda and rebellion.” (Paragraph 31). “Happily, the ‘rebellion’ in the Manokwari area was tackled successfully by a policy of peace and clemency.” (Paragraph 33). In a significant admission that went to the heart of the matter, the Indonesian Report stated (paragraph 34, emphasis added): “*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 at the General Assembly.*”

The Report was claiming that Ellsworth Bunker, as a result of the wording of the Agreement in 1962, was the final arbiter of the fate of the Papuan people and all that followed subsequent to the 1969 ‘vote’ was merely ‘going through the motions’ in order for the *Anschluss* to have a democratic façade. The Papuan people were just collateral damage. Rockefeller mining interests proceeded with development plans apace. The gold-copper of the Grasberg deposit yielded in excess of US\$9 billion in fiscal year 2020-21 and, as a former vice-president informed me, there is enough there to continue mining for 200 years. The ultimate fate of the Papuan people was not that their land was too poor in

natural resources to consider granting them independence, but that it was too rich. When US Secretary of State, John Foster Dulles, suggested in 1957 that the Papuan people should be given independence, his young brother Allen quickly intervened to deactivate the proposal before it took shape. When UN Secretary-General Dag Hammarskjöld was assassinated in September 1961, it should be restated, he was within weeks of opening the door to Papuan independence with a planned announcement at the UN General Assembly (Poulgrain, 2020).

While gaining access to the natural resources of the territory explains the involvement of Rockefeller interests in the 1969 Act of Free Choice, it does not explain the nationalistic fervour expressed in Indonesia. As a significant factor in the 1969 outcome, this will be the focus of a separate article.

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