



UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL

A/7723 and Corr.1 \*  
6 November 1969

ORIGINAL: ENGLISH

Twenty-fourth session  
Agenda item 98

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

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

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

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

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

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

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

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

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

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

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ANNEX I

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

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## INTRODUCTION

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

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

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

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

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

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

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

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



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

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

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

ANNEX II

REPORT OF THE INDONESIAN GOVERNMENT TO THE SECRETARY-GENERAL  
OF THE UNITED NATIONS, CONCERNING THE CONDUCT AND THE RESULTS  
OF THE "ACT OF FREE CHOICE" IN WEST IRIAN, PURSUANT TO  
ARTICLE 21 OF THE NEW YORK AGREEMENT 1962

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