

Reflecting on the Act of Free Choice and the integration of West Papua into Indonesia

Last August, East Timor celebrated a decade since the United Nations vote which gave it independence from Indonesia. This year, too, many West Papuans have been remembering a UN sponsored vote, but many of them have been mourning how it denied them their independence. In 1969, in an 'Act of Free Choice' the UN gave West Papuans the choice between the same two options put before the Timorese in 1999: integration with Indonesia or full independence. But the conduct of the vote could hardly have been more different than that which took place 30 years later in East Timor.

Different histories

Most East Timorese and outside observers hailed the UN administration in East Timor and the conduct of the vote for self-determination as a success. Under threat of violence, but with the world watching, 78.5 percent of the Timorese voted for independence. The subsequent independence ended a bloody 24-year occupation by Indonesian forces.

For many West Papuans, the UN-sponsored vote legitimised the forced takeover by Indonesia in 1962 and the Indonesian annexation that continues today

Few people are aware that 30 years before East Timor, West Papua was the first ever UN administered territory and the first territory granted a UN sponsored vote. But for the Papuans, the process and outcome could not have been more different. The vote, conducted by Indonesia with UN supervision, is now widely acknowledged to have been a sham: only a handful of Papuans were allowed to participate, the few who could vote were forced to do so in public, in full view of Indonesian soldiers and without international observers, under threat of violence. Despite popular support for independence, the Papuans were coerced into voting for integration with Indonesia. Unsurprisingly, the Act of Free Choice is more popularly known to Papuans as the 'Act of No Choice'. For many West Papuans, the UN-sponsored vote legitimised the forced takeover by Indonesia in 1962 and the Indonesian annexation that continues today.

Remembering 1969

The fortieth anniversary of the Act of Free Choice provides an excellent opportunity for *Inside Indonesia* to reflect upon the events of that time and their continuing relevance today. The contested histories arising from that fateful vote – in particular concerning Papua's status as a part of Indonesia – are at the root of ongoing conflict in Papua. Yet, for many years there was little documentation or discussion of the events of 1969.

Inside Indonesia is thus pleased to present over coming weeks a series of articles that consider the Act of Free Choice, its legal consequences and the viewpoints of Indonesians and Papuans on the event and its implications for Papua's future.

The fortieth anniversary of the Act of Free Choice provides an excellent opportunity for *Inside Indonesia* to reflect upon the events of that time and their continuing relevance today

International lawyer [Melinda Janki](#) writes about the legal consequences of the conduct of the Act of Free Choice. Since 1969, Indonesia has represented the vote as signifying West Papua's exercise of its right to self-determination, offering it as justification for the territory's incorporation into the Indonesian state. After setting out the requirements for the legitimate exercise of self-determination in international law, she shows that the Act of Free Choice fell far short of those standards. As a matter of international law, she argues, the Act cannot justify Indonesian sovereignty over West Papua.

Professor Pieter Drooglever, author of an independent study of the Act of Free Choice commissioned by the Dutch government in 2000, provides an overview of his findings about the vote and the political circumstances prevailing at the time, considering the roles of the Netherlands, Indonesia, the US and the UN. He explains how his study focuses on Papuan sentiments on the transfer and gives voice to those views, and he reflects on the intense political controversy caused by his study and the criticisms he received in Indonesia.

The series then presents Indonesian and Papuan views on the Act of Free Choice. Jusuf Wanandi of the Centre for Strategic and International Studies in Jakarta was part of the team that organised the Act of Free Choice and he presents his recollections of and reflections on that period. It is rare for persons involved in these historic events on the Indonesian side to present their views on them to an international audience, and we are very grateful to Mr Wanandi for doing so. Next, Muridan S. Widjojo of the Indonesian Institute of Sciences represents a liberal Indonesian view. While recognising that differing interpretations of the history of the Act are at the root of conflict in today's Papua, he argues that it is feasible for the Indonesian government and the Papuan people to agree to pieces of historical truth that are acceptable to both sides. He asserts that this will build a foundation for repairing past mistakes and addressing Papuan grievances. Finally, an interview with Papuan leader in exile, Benny Wenda, explains Papuan views about what the vote and its 40 year anniversary mean to the Papuan people.

By offering Papuan, Indonesian and international perspectives on the Act of Free Choice, it is hoped that this series will aid a greater understanding of the conflicting perspectives on the history of Papuan integration in Indonesia, which will in turn assist *Inside Indonesia* readers to understand the current conflict in Papua and provide some background to the proposed negotiations between Jakarta and Papua over how to resolve that conflict.

ii

Jennifer Robinson (jkr.robinson@gmail.com) is an Australian lawyer and Rhodes scholar in London who worked on the first case to be heard through the permanent Human Rights Courts in Indonesia, as well as the trial of then political prisoner, Benny Wenda in West Papua. She is an editor of *Inside Indonesia* and Secretary of *International Lawyers for West Papua*.

Inside Indonesia 98: Oct-Dec 2009