Research Report

Leiden Model United Nations 2016
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Forum: *General Assembly Fourth Committee*
Issue: *Self-determination of indigenous people of Western New Guinea*

Position: *Chair*

Introduction

The United Nations has transferred control of West Papua from one colonial power (the Netherlands) to another colonial power (Indonesia). The people of West Papua, who were already on their way to external self-determination, were subjected to the Indonesian claim of becoming a part of the Republic of Indonesia, as proclaimed in 1963 by the then president Sukarno. Western New Guinea (West Papuan) culture has been repressed under the Indonesian rule since 1963. Not until 2001 Papua Province was granted special autonomy by the Indonesian government, opening the possibility of developing indigenous cultural production and arts venues.[1] The right of self-determination, the country's independence, and its international recognition are the things that the National Government of the Republic of West Papua and its people are seeking. The people of West Papua are engaged in a struggle for self-determination. The West Papuan people, as an ethnic unity, have the right to determine their own destiny according to point 2 of the decolonization-resolution 1514 (XV).[2] The New Guinea Council, partly elected by the West Papuan people in 1961, had already visualized how the Right of Self-Determination should be executed.

[1] http://www.newworldencyclopedia.org/entry/Western_New_Guinea
[2] http://www.un.org/en/decolonization/declaration.shtml

Definition of Key Terms

Self-determination:
The right of nations to self-determination is a cardinal principle in modern international law. It states that nations, based on respect for the principle of equal rights and fair equality of opportunity, have the right to freely choose their sovereignty and international political status with no interference.[3]

Indigenous people:
No United Nations-system body has ever adopted a definition of the concept of "indigenous people". The prevailing view today is that no formal universal definition of the term is necessary, given that a single definition will inevitably be either over- or under-inclusive, making sense in some societies but not in others. The working definition for practical purposes reads:
"Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system."[4]

Papua conflict:
It is an ongoing conflict between the Indonesian Government and parts of the indigenous populations of West Papua in the Indonesian provinces of Papua and West Papua on the island of New Guinea, where the Indonesian government has been accused of conducting a genocidal campaign against the indigenous inhabitants. Many West Papuans have been killed by the Indonesian military since 1969 and the Indonesian governance style has been compared to that of a police state, suppressing freedom of political association and political expression. The Indonesian Government restricts foreign access to the Papua and West Papua provinces due to sensitivities regarding its suppression of Papuan nationalism.[5]

General Overview

West Papua covers the western part of the island of New Guinea, comprising the Indonesian provinces of Papua and Papua Barat. 50% of its 2.7 million inhabitants are indigenous. The remaining 50% are Indonesian migrants, many of whom have been brought to West Papua by the Indonesian government's large-scale transmigration program. Within Indonesia, West Papua is a territory of extremes. On the negative side, it is the region with the lowest development index. Forty percent of its population is poor. However on the positive side, it can be reported that West Papua is the most geographically and culturally diverse of Indonesia's provinces, with more than 250 Melanesian indigenous ethnic groups. West Papuan forests cover 42 million hectares, 24% of Indonesia's total forested area and West Papua is home to 54% of Indonesia's biodiversity.[6]

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[3] https://en.wikipedia.org/wiki/Self-determination
[4] http://indigenouspeoples.nl/indigenous-peoples/definition-indigenous
[5] https://en.wikipedia.org/wiki/Papua_conflict
[6] http://www.iwgia.org/regions/oceaniapacific/west-papua

The people of West Papua have been fighting for self-determination for half a century – a struggle for liberation from an Indonesian military occupation that has seen as many as 500,000 Papuans killed. The West Papuan struggle for self-determination is unwavering despite five decades of Indonesian security forces brutally muzzling independence sentiments. ETAN, a group that advocated the independence of East Timor from Indonesian rule, acutely wrote that by branding all Papuans as enemies of the state, every time they try to exercise their right to freedom of expression and by continuing to commit gross human rights abuses, the resolve of the Papuan people to be liberated will grow stronger – Indonesia's fears will become a self-fulfilling prophecy.[7]

Indonesia does not regard the West Papuan people (or other communities) as indigenous and subordinates *adat* (traditional) law to the national interest. Thus it denies a fundamental feature of West Papuan life and identity, viz relationship with the land, and leaves the West Papuan people fundamentally defenceless in the face of development and transmigration policies, and absolves Indonesia of any obligations under international instruments and mechanisms.[8]

Amnesty International is extremely concerned. In August 2012 Amnesty announced that it continued to receive "credible reports of human rights violations committed by the security forces, including torture and other ill-treatment, unnecessary and excessive use of force and firearms and possible unlawful killings. Investigations into reports of human rights violations by the security forces are rare and only a few perpetrators have been brought to justice." For its part, the Indonesian government routinely denies such charges and claims that the actions of its security forces in West Papua are simply a necessary counterpoint to a criminal insurgency that threatens law and order, the safety of the population and the legitimacy of the state.

Over the last decade, however, the dynamics of this struggle have begun to change, with the emergence – alongside the armed struggle – of a new civic non-violent independence movement, the West Papuan National Committee (KNPB). Its membership has grown exponentially and it has bred a new generation of activists, who are focused on both organizing non-violent mass protests and making the outside world more aware of their plight.[9]

Major Parties Involved

Government of Indonesia

Indigenous peoples

Organisasi Papua Merdeka, OPM (Free Papua Movement): This is a decolonization organization established in 1965 in the West Papuan or West New Guinea territory. The movement is outlawed in Indonesia and, due to agitating for independence for the provinces, it has incurred charges of treason. Since its inception, OPM has attempted diplomatic dialogue, conducted Morning Star flag-raising ceremonies, and undertaken militant actions as part of the Papua conflict.

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[7] http://thediplomat.com/2014/01/the-human-tragedy-of-west-papua/1/
[8] https://intercontinentalcry.org/indigenous-peoples/papuan/
[9] http://www.aljazeera.com/programmes/peopleandpower/2013/01/201313018313632585.html

Timeline of Events

1962- present	*Papua Conflict*
30 September 1962	*Rome Agreement*, enabled Indonesia to rule West Papua for the next twenty five years
July- August 1969	*Act of free choice*, Western New Guinea population decided to relinquish their sovereignty in favor of Indonesian citizenship
November 2009	*Red Cross* is forced to close its office in Jayapura
May 2016	Mass demonstrations in support of the Free Papua Movement and its efforts to join the Melanesian Spearhead Group (MSG)

Previous Attempts to solve the issue

Respect for Papuan aspirations and a real chance to resolve the causes of conflict and injustice in Papua appeared possible after the downfall of the Suharto regime in 1998 — but only for a brief moment. Following the independence of East Timor in 1999, concerns about the fragmentation of the Indonesian Republic were high and the nationalist ideology of the Indonesian state proved too strong. Also many of the previously promised reforms have not been implemented, and special autonomy has not brought about any significant improvements in the welfare or dignity of indigenous Papuans.[10]

Following a Grand Consultation (MUBES) of tribal leaders in early 2000, the Papuans held their Second Papuan Congress in May-June 2000, attended by several thousands of people. It was during this congress that Papuan leaders first called on the government of Indonesia to engage in a dialogue mediated by a third, neutral party, but Jakarta ignored the call and has continued to do so ever since.[11]

The Lombok Treaty was signed in November of 2006, following a diplomatic crisis where Australia accepted 43 West Papuan asylum seekers. The security treaty covers various areas of cooperation including defence, law enforcement, counter-terrorism, intelligence, maritime security, aviation safety, and 'bilateral nuclear cooperation for peaceful purposes'. However the most important aspect for the context of West Papua is Article 2, point 2: "Mutual respect and support for the sovereignty, territorial integrity, national unity and political independence of each other, and also non-interference in the internal affairs of one another"[12]

[10] http://www.faithbasednetworkonwestpapua.org/history_of_west_papua
[11] http://www.downtoearth-indonesia.org/story/ending-conflict-west-papua
[12] https://westpapuabackground.wordpress.com/how/

Possible Solutions

As the situation of Western New Guinea since dozens of years is still deteriorating, time for action is now. The international communities must call on the Indonesian government to urgently:
- set up an independent commission, composed of persons of integrity, including Papuans
- investigate continuing acts of violence by security forces
- cease all acts of intimidation by security forces and drastically reduce their numbers
- permit a United Nations team to enter the province to investigate and monitor the human rights situation
- resume high-level talks with Papuan leaders with the aim of setting a timeline for a genuine act of self-determination[13]

For Indonesia and West Papua a third party, a mediator, is required, which the international community can provide or become. Indonesia should welcome the support from international communities, such as the MSG and the United Nations, as mediators in finding a resolution on West Papua. Because as for now Indonesia's solutions for West Papua are based on shallow reflections and fear of the West Papuan people. It also does not help that Papua's relationship with the outside world is heavily controlled. The Indonesian government makes it difficult for international journalists to cover Papua and bans international researchers from studying the region.[14]In order for this situation to improve, the outside world must be enabled to witness the history and help to build a future for indigenous people while fighting for their self-determination.

Useful documents

http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf

http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

https://www.cs.utexas.edu/users/cline/papua/core.htm

http://oppb.webs.com/Western_New_Guinea.pdf

https://www.freewestpapua.org

https://westpapuabackground.wordpress.com

https://www.ifad.org/documents/10180/a1fe61f8-837b-4d94-b1b7-da17c3543d14

http://minorityrights.org

[13] http://www.asiapacificmediationforum.org/resources/rumbiak-wainggai.pdf
[14] http://theconversation.com/finding-a-dignified-resolution-for-west-papua-58805

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