

Forum: Special Political and Decolonization Committee (GA4)

Issue: The question of self-determination in West-Papua

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INTRODUCTION

West Papua is the western half of the island of New Guinea, bordering the independent nation of Papua New Guinea¹. The region was colonized by the Dutch in 1898 and was an isolated and neglected area. The Dutch forces heavily exploited the island because of its rich natural resources and disrupted the environment and the ecosystem in the region because of these actions but also contributed to the development of the island and of its infrastructures. Later on, the island was occupied by Japanese forces during World War II until 1944 when the Allies recaptured it, and the complete control of the region was once again given back to the Netherlands. Around the 1950's the Papuan population began to express their demand for independence and self-determination and therefore after consideration the Netherlands started preparing the island for them and actually achieved that in 1961.

Nevertheless, the dream of independence died² when the Indonesian military occupied the region and began a conflict regarding the control of the island among the Netherlands and Indonesia. Then the United States acted as mediator and arranged a meeting among them in order to find a solution and after the agreement signed in 1962, called the New York Agreement, and after a referendum in 1969, named the Act of Free Choice, the region became the trust territory of Indonesia. The handover of the region to their new administering authority was not easy since the indigenous population was totally against it and for this reason created the "Free Papua Movement", which also included an armed wing in order to oppose the Indonesian rule and their violence.



Figure 1: Map of West Papua³

¹ Free West Papua. "About West Papua." *Free West Papua*, www.freewestpapua.org/info/about-west-papua/.

² Free West Papua. "About West Papua." *Free West Papua*, www.freewestpapua.org/info/about-west-papua/.

³ College of Asia and the Pacific. "Map of West Papua, Indonesia." ResearchGate, CartoGIS Services, http://www.researchgate.net/figure/Map-of-West-Papua-Indonesia-Source-CartoGIS-Services-College-of-Asia-and-the-Pacific_fig1_343883611.

Since then, numerous tensions between the Indonesian military and the Papuan movements and human rights abuses have been recorded from the Administering authority, Indonesia, and constant desire and demand for independence and self-determination has been shown by the indigenous population of the region. The international community is aware of this inhuman situation that is happening in the region therefore has tried to advocate for the human rights of the population but unfortunately not a lot of significant aid has been recorded since some countries prefer to maintain good diplomatic relations with Indonesia.

DEFINITION OF KEY-TERMS

Self-Determination

The right of a people living within a non-self-governing territory to choose for themselves the political and legal status of that territory. They may choose independence and the formation of a separate state, integration into another state, or association with an independent state, with autonomy in internal affairs. The systems of mandates and trusteeship marked a step towards recognizing a legal right of self-determination, but it is not yet completely recognized as a legal norm. It is probably illegal for another state to intervene against a liberation movement, and it may be legal to give assistance to such a movement.⁴

Autonomy

Free will; self-governing, ability of a person or a group to choose a course of action. Autonomy is a basic human right and is one of the principles of bioethics⁵

Administering Authority

The authority designated by a trusteeship agreement as being responsible for the administration of a U.N. trust territory, and which, under art. 81 of the Charter, 'may be one ...'⁶

Trust Territory

Any of the territories formerly under a League of Nations mandate, which after 1945 were placed under the trusteeship of the United Nations until ready for independence.⁷

⁴ Oxford University Press. "Self-determination." *Oxford Reference*, www.oxfordreference.com/display/10.1093/oi/authority.20110803100453230.

⁵ ---. "Autonomy." *Oxford Reference*, www.oxfordreference.com/display/10.1093/oi/authority.20110803095436282.

⁶ ---. "Administering Authority." *Oxford Reference*, www.oxfordreference.com/display/10.1093/oi/authority.20110803095351864.

⁷ ---. "Trust Territory." *Oxford Reference*, www.oxfordreference.com/display/10.1093/oi/authority.20110803105944449.

Referendum

A vote in which all the people in a country or an area are asked to give their opinion about or decide an important political or social question⁸

Genocide

The crime of intentionally destroying part or all of a national, ethnic, racial, or religious group, by killing people or by other methods⁹

Internally Displaced Persons (IDPs)

Internally displaced people (IDPs) have been forced to flee their homes by conflict, violence, persecution or disasters, however, unlike refugees, they remain within their own country.¹⁰

BACKGROUND INFORMATION

Historical Background

West Papua was first explored in the 17th century by the Netherlands which later on in the 19th century completely colonized the island by establishing control over it. Their main interest was to exploit the rich natural resources of West Papua that consisted of valuable commodities such as minerals and oil. During the colonization period, West Papua remained a largely neglected and isolated territory, as the Dutch focused on the practice of slavery and more resource-rich areas of the Dutch East Indies¹¹.

While the colonial authority first intended to use its colony for its own benefit, over time it began providing support in various areas. The Dutch founded schools to educate the population of West Papua, created the 'West New Guinea Council' in 1961 as a representative body so that the population could have someone responsible for fundamental political discussions that would influence the future of the region, such as the topic of independence, and contributed to the creation of a health care system that had limited access. Crucially, the Netherlands during the 1950s after they understood that West Papua was geographically, ethnically and culturally very

⁸ Cambridge Dictionary. "Referendum." @CambridgeWords, 25 Oct. 2023, <http://dictionary.cambridge.org/dictionary/english/referendum>.

⁹ "GENOCIDE | Meaning in the Cambridge English Dictionary." *Dictionary.cambridge.org*, dictionary.cambridge.org/dictionary/english/genocide.

¹⁰ "Internally Displaced People." *UNHCR*, www.unhcr.org/about-unhcr/who-we-protect/internally-displaced-people.

¹¹ Guild, History. "A Brief History of West Papua: Indonesia's Unwilling Territory." *History Guild*, 19 Mar. 2024, historyguild.org/the-home-of-languages-a-brief-history-of-west-papua-indonesias-troubled-territory/.

different to Indonesia¹² they eventually started preparing the island for the much wanted and needed independence, which they achieved in the end 1961.

Nevertheless, it didn't take long for the vision to unravel, since Indonesian troops quickly occupied the island and as result major conflict between the indigenous population, the Netherlands and Indonesia began in relation to governing the region. In 1962 the United States of America managed to arrange a meeting between Indonesia and the Netherlands, which resulted in the New York Agreement, a fundamental agreement that firstly made the United Nations responsible for the territory. However, one year later Indonesia became the administering territory of West Papua, which ultimately proved catastrophic for the island.

Political Scene in West Papua

The political scene in West Papua is characterized as unstable due to various factors. Since the resignation of the Indonesian dictator Suharto in May 1998, the population of West Papua has gained a kind of representation in local government but nonetheless this has not had any significant positive effect since the representatives often act in favor of the benefit of Indonesia instead of West Papua.

Currently, we can observe increased tensions between the Indonesian government which has tight control over West Papua and often prioritizes development instead of the wants and needs of the local political community and separatist movements such as The West Papua National Liberation Army (TPNPB), which is the armed wing of the “Free Papua Movement” that is fighting constantly for independence and goes against the Indonesian rule. The TPNPB has been labeled as a terrorist organization, from the Indonesian government, since they mostly express their beliefs and operate through violence and openly attacks and sabotages the Indonesian military.



¹² Free West Papua Campaign. “Free West Papua - History of West Papua.” *Freewestpapua.org*, 2012, www.freewestpapua.org/info/history-of-west-papua/.

Figure 2: TPNPB fighters¹³

The Indonesian government, in 2001, granted the area “Special Autonomy Status” which was initially intended to give greater power to the local governments in the Papuan region¹⁴ but nevertheless it did not satisfy the population and caused even more tensions after some changes that happened in 2021, that include mostly changes in local leadership appointments, increased oversight of the Indonesian government, especially in the spending of funds and increased security measures . The administering authority has heavily militarized the region and with its army, which is in constant conflict with the previously mentioned movement.

Humanitarian Impact

The Indonesian military has killed approximately 500.000 people since the 1960s, when Indonesia gained control of the region. These conflicts have had a major humanitarian impact on the population of West Papua and have created a fundamental humanitarian crisis. The Indonesian government has turned public facilities into infrastructure for their military and has limited access to basic services. The last few years there has been a major rise of internally displaced persons (IDPs) in the island mostly due to the tensions between the Indonesian military and the TPNPB and their violence.

As of October 2023, there were an estimated 76,000 IDPs¹⁵ in the region, with most of them not having the opportunity to return to their homes because of the Indonesian security forces. In addition to that the indigenous population is facing widespread violence, torture, extrajudicial killings, disappearances, rape, and sexual violence by Indonesian security forces¹⁶ every day that are also violating further human rights by forcing labor for their own economic benefit and, as mentioned before, by relocating them without their will.

The situation in West Papua has been characterized by some experts as a genocide and as a crime against humanity. Papuans are in urgent need of basic necessities such as food, shelter and healthcare but the government of Indonesia has limited the access to the island making it really hard for other countries and relevant organizations to observe the situation and provide humanitarian aid.

Current Situation

Human rights violations, continuous conflict and a demand for self-determination characterize West Papua's current situation. Ongoing tensions between the Indonesian security forces and the TPNPB are common and are putting a lot of innocent civilians in danger by involving them in their conflicts.

¹³ *Amazonaws.com*, 2024, substack-post-media.s3.amazonaws.com/public/images/629747ea-ff5f-407a-bbf1-320f640117f1_804x602.jpeg.

¹⁴ Bynum, Sindy Ajara, Laura Sorica, Elliott. “Papuan Independence and Political Disorder in Indonesia.” *ACLEDA*, 5 Oct. 2022, acleddata.com/2022/10/05/papuan-independence-and-political-disorder-in-indonesia/.

¹⁵ “Indonesia | ACAPS.” *Www.acaps.org*, www.acaps.org/en/countries/indonesia.

¹⁶ Brundige, Elizabeth, et al. *Indonesian Human Rights Abuses in West Papua: Application of the Law of Genocide to the History of Indonesian Control a Paper Prepared for the Indonesia Human Rights Network by the Allard K. Lowenstein International Human Rights Clinic Yale Law School*. 2004.

For example, in February 2023 the TPNPB kidnapped a New Zealand pilot, named Philip Mehrrens and accused him of violating a no-fly zone it had issued over the West Papua region¹⁷. As a return for his freedom, they asked for independence and self-determination but eventually compromised through diplomatic dialogue, which drew more international recognition, especially from the UN who acted as a mediator in this dialogue, on the humanitarian issue.

As mentioned before, there is currently a major humanitarian crisis happening which has resulted in thousands of deaths and violations of human rights. Unfortunately, the Indonesian government's policies are failing at addressing this issue and are in constant dispute with the indigenous population of the island and are constantly ignoring the concern expressed by the international community. West Papuans are continuously calling for self-determination and independence but without any change or progress on the Indonesian side.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

Indonesia

Indonesia gained full control of West Papua in 1963, after the United Nations named them administering territory of the island. Since then, it has abused numerous human rights and has also violated international law by not granting self-determination to its trust territory, which is a fundamental human right under international law since it allows people to choose their own political and socioeconomic status.

Furthermore, the Indonesian government has been exploiting the natural resources of the region for its own benefit by forcing indigenous people to labor and has done things such as the Act of Free Choice 1969, that should have been beneficial to the region but have turned against it.

The Netherlands

The Netherlands colonized West Papua during the 19th century and was its colonial authority since 1960. Even though the Dutch were colonizers and at first took advantage of the region by exploiting its resources, they still aided in its development, by creating a representative body, educating the population and most importantly by preparing the island to gain independence.

Moreover in 1962 they also signed the New York Agreement which led to the transfer of West Papua to the UN and later on to Indonesia. However, in the past years there has been no significant aid or advocacy from the Netherlands regarding the self-determination of its post-colonial territory.

¹⁷ Gao, Xiang. "Australia and New Zealand in the West Papua Conflict." *TheDiplomat.com*, 29 Apr. 2023, thediplomat.com/2023/04/australia-and-new-zealand-in-the-west-papua-conflict/.

Papua New Guinea

Papua New Guinea and West Papua share a border, have cultural and ethnic connections since they are both included in the Oceanian Subregion of Melanesia. Papua New Guinea has mostly helped its neighboring country through regional organizations such as the Melanesian Spearhead Group and the Pacific Islands Forum that are advocating for self-determination of the island. Moreover, it has provided home to refugees from its neighboring country that abandoned their homeland due to the human rights violations. Nonetheless due to the fact that Papua New Guinea has been facing post-colonial political conflicts and is not willing to have any direct tensions with the Indonesian military, it has not contributed significantly in any other way except from advocating.

United States of America

The United States of America, during the Cold War viewed Indonesia as a way to stop the spread of communism in Southeast Asia, making them a crucial ally in the Soviet-dominated area, therefore was mostly supporting it in the question of self-determination in west Papua. In 1962 they arranged a meeting among Indonesia and the Netherlands which resulted in the creation of the New York Agreement.

Additionally, the United States have supported wrong acts that Indonesia has conducted such as the Act of Free Choice, even though they were aware of its undemocratic background. However, in recent years the U.S. House of Representatives addressed the situation in West-Papua in their annual human rights reports.

West Papua

West Papua has been the trust territory of Indonesia since 1963 and since its indigenous people are suffering from human rights breaches by the military of its administering territory which is also continuously creating tensions. In between these years an agreement has been signed, a referendum has been created and a Special Autonomy Status has been granted but none of them helped in achieving the much wanted and needed independence and self-determination that the population has begged for.

Self-determination is fundamental for the Papuans not only because it is a human right under international law but also because they will be able to determine their own political, social and economic status. Thus, by being granted independence from Indonesia, the population could eventually escape from this inhuman and undiplomatic lifestyle that they have been trapped into from the Indonesian army.

Melanesian Spearhead Group (MSG)

The Melanesian Spearhead Group (MSG) was established during an informal meeting held in Goroka, Papua New Guinea on 17 July 1986 which was attended by the Prime Ministers¹⁸ of Melanesian Islands such as Papua New Guinea, Solomon Islands etc.

More broadly, the MSG advocates for the promotion of decolonization and independence of Melanesian regions. In the past it has also collaborated with the United Liberation Movement for West Papua (ULMWP) in order to amplify its voice on the global stage. In general, it has contributed in promoting the need for self-determination in West Papua, however because Indonesia has an associate membership in the MSG and also a significant amount of Melanesian population, some members of the MSG are not pushing directly for independence but instead for diplomatic dialogue.

TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
1898	Colonization of West Papua by the Dutch
10 February 1942	Occupation of West Papua by Japanese forces
1944	Recapture of West Papua by the Allies
14 December 1960	Adoption of The Declaration on the Granting of Independence to Colonial Countries by the UN General Assembly
5 April 1961	Creation of 'West New Guinea Council'

¹⁸ About MSG – Melanesian Spearhead Group Secretariat. msgsec.info/about-msg/.

End of 1961	Achievement of Independence for West Papua
15 August 1962	Signing of the New York Agreement in the UN Headquarters in New York
October 1 1962-May 1 1963	Establishment of UN Temporary Executive Authority (UNTEA) in West Papua
4 July- 2 August 1969	Elections of three “Act of Free Choice” in West Papua
17 July 1986	Establishment of The Melanesian Spearhead Group (MSG) in Goroka, Papua New Guinea
21 May 1998	Resignation of the Indonesian dictator Suharto
2001	Establishment of the “Special Autonomy Status”
2021	Amendments on the “Special Autonomy Status”
October 2023	Estimation of 76,000 IDPs in West Papua
7 February 2023	Kidnap of the New Zealand pilot by the TPNPB

RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

New York Agreement 1962

The 1962 New York Agreement, signed on 15th August 1962 in the UN Headquarters in New York, was an agreement that came as a result of a meeting by the United Nations between Netherlands and Indonesia regarding the future of West Papua. This agreement stated the transfer of administrative control over West Papua from The Netherlands to Indonesia awaiting an act of self-determination that would be overseen by the UN.

It involved the temporary administration by the United Nations Temporary Executive Authority¹⁹ followed by Indonesian control, with a pledge that the people in this region would be allowed to choose their own destiny through a plebiscite.

The agreement intended to tackle the territorial issues without violence and allow for democratic principles to be upheld in determining the political status of West Papua, though its implementation has been very problematic up to date since it is still argued among itself. The UN Temporary Executive Authority (UNTEA) from October 1, 1962, until May 1, 1963, in West Papua contributed to implementing the agreement by ensuring a peaceful transition and preparing the region for their administering territory.

UN Declaration on the Granting of Independence to Colonial Countries and Peoples

The Declaration on the Granting of Independence to Colonial Countries and Peoples was adopted by the United Nations General Assembly on 14 December 1960²⁰. This declaration reaffirms the United Nations' commitment to basic human rights, dignity, and equity highlighting the need for stability, welfare and peaceful associations founded on equal rights as well as self-determination.

It recognizes that people across the globe are determined to put an end to colonialism and therefore backs equality for all dependent nations to obtain their independence and freedom from foreign aggression including subjugation, domination or exploitation. It declares that there should be no political, economic, social or educational backwardness that can hinder or delay independence and calls for a stop of all repressive measures against dependent peoples²¹. It requires immediate actions on the transfer of power according to their will through adherence to national unity as well as territorial integrity.

In addition, it speaks of self-determination in West Papua by emphasizing the unalienable right of all people deciding upon their political status and freely pursuing their own development.

¹⁹ *West Papua at the UN*. 15 Oct. 2018, gdh-ghr.org/west-papua-project-ghr-wpp/west-papua-the-un/.

²⁰ McWhinney, Edward. "Declaration on the Granting of Independence to Colonial Countries and Peoples." *Legal.un.org*, 2008, legal.un.org/avl/ha/dicc/dicc.html.

²¹ United Nations. "Declaration on the Granting of Independence to Colonial Countries and Peoples." *OHCHR*, 14 Dec. 1960, www.ohchr.org/en/instruments-mechanisms/instruments/declaration-granting-independence-colonial-countries-and-peoples.

It calls for an end to any type of colonialism and repression while advocating for indigenous communities' assumption of power in line with many West Papuans seeking independence.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Special Autonomy Status (2001)

The Special Autonomy Status to West Papua was established in 2001 in order to address local grievances through granting more political and economic independence within Indonesia. Its main goals were establishing a separate regional government responsible for control over natural resources and local governance as well as safeguarding indigenous culture and rights among others.

Despite that, the implementation process was criticized for lack of fund allocation in order to enable genuine power transfer perpetuating dissatisfaction up to date. In 2021, an amendment was passed that allowed for an enlargement of autonomy provisions under the Special Autonomy Law increasing budget allocations from the central government.

Although these amendments aimed at improving infrastructure, education and healthcare systems, many West Papuans argued that these amendments were not enough because they lacked to respond properly to their prime demands on self-determination and land control that has made them feel distrustful towards the Indonesian government.

The Act of Free Choice 1969

Between 14 July and 2 August 1969, the Indonesian government held what it called the “Act of Free Choice” in West Papua²². This Act has severely affected the political scene and is a very controversial incident in the history of West Papua, when the political destiny of the area was apparently decided. Rather than a typical referendum, approximately 1026 chosen West Papuan representatives who were compelled and intimidated by the Indonesian military voted unanimously to remain with Indonesia.

Even if this process took place under the guidance of the United Nations, it is seen as a breach of self-determination by many experts. Many West Papuans and international observers argue that the Act of Free Choice did not genuinely reflect the actual wants of the indigenous population and instead manipulated them out of their independence wishes thus leading to continuous conflicts and demands for independence.

²² “West Papua and the Right to Self Determination under International Law - Melinda Janki.” *United Liberation Movement for West Papua (ULMWP)*, www.ulmwp.org/west-papua-and-the-right-to-self-determination-under-international-law-melinda-janki.

POSSIBLE SOLUTIONS

Internationally Supervised Referendum

Since the Act of Free Choice in 1969 dissatisfied the population of West Papua and did not express their actual demands, the UN, relevant organizations or even an unbiased third country could oversee the creation of a new, democratic and fairly voted referendum and later on supervise the election and implement transparency measures in order to prevent any corruption by the Indonesian government.

This time every Papuan would have the opportunity to vote and as to ensure that the party that would be responsible for monitoring the vote of this referendum could organize prior the election campaigns that would be responsible for informing the population about their right to vote and the importance of these specific elections. The results of this will represent the opinion of civilians on if West Papua should be granted self-determination or stay under the Indonesian authority.

Development Program

During all these years, because of the persistent tensions and military attacks, the living circumstances and infrastructures have worsened. In order to achieve the improvement of both of them funding is needed, which could be found through the collaboration with non-governmental organizations and agencies that are responsible for the development of countries.

With a satisfying amount of funds that could be provided from organizations such as the World Bank and more economically developed countries (MEDC's) that are willing to fund these programs in order to aid the Papuan population, fundamental infrastructures such as shelters, schools, hospitals and more could be built in order to ameliorate everyday life in West Papua.

However, these programs could also face challenges that could delay the development of infrastructures. For example, the indigenous population could be against them, since they could be afraid of getting their culture disturbed by foreigners. So as to prevent any misunderstandings and tensions the organizations and agencies that would oversee those programs should firstly build trust with the local community and ensure them that the only aim of this project is to aid the region.

Promotion of diplomatic dialogue and cooperation

Constantly the TPNPB and the Indonesian military are putting numerous civilians in danger because of their own tensions. Nevertheless, by promoting diplomatic dialogue and cooperation we could prevent further tensions and conflicts and protect the civil population from the constant threats that they deal with. In order to achieve that a mediator, which could be someone with knowledge in the field of international relations and law from another country, could supervise those dialogues and help at tackling those tensions.

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