The Organisasi Papua Merdeka (OPM) response to the call for submission by the Expert Mechanism on the Rights of Indigenous People on the study on Treaties, agreements, and other constructive arrangements between Indigenous people and states

**Introduction**

We take this opportunity with great interest to submit our political position to the United Nations Secretary-General and the United Nations Security Council through the Office of the Expert Mechanism on the Rights of Indigenous People (EMRIP) with regard to the unfinished business of decolonization for the indigenous people of West Papua. The Organisasi Papua Merdeka (OPM)/Free Papua Movement (FPM) is the political organization established by the indigenous people of West Papua in 1965 to fight for self-determination and independence for West Papua, born out of the events of 1961 through to 1963 in West Papua. The OPM remains the major organization fighting for political independence for West Papua through arms struggle and diplomatic means.

In support of the submission by the Solidarity for Indigenous Papuans (SIP) the leadership of the Organisasi Papua Merdeka OPM adds additional information on the “constructive engagement number one the establishment of the embryo nation of West Papua pursuant to the spirit of decolonization in the 1960s” between the Netherlands Government and the Indigenous People of West Papua. The founders of the Organisasi Papua Merdeka were the former members of the New Guinea Raad (New Guinea Parliament) who took part in the events of December 1st, 1961 declaration of the establishment of the embryo of the nation of West Papua. The declaration was symbolized by the raising of the Morning Star Flag alongside the Dutch Flag and the singing of the National Anthem of both countries witnessed by the West Papuans and the international community present in Numbai (Jayapura) at the time. West Papuans believe that this event was an agreement between the Netherlands and the indigenous people of West Papua that should have been fulfilled by the Dutch.

The promise of self-determination and independence for the people of West Papua within ten years starting in 1961 was promised to the indigenous people of West Papua in front of all the people who attended the event by Governor Platteel the then Governor of Netherlands New Guinea representing the colonial power at the time. West Papua people fixed to this promise and did not compromise their position on the ideas contained in the New York Agreement and the handing over of West Papua into the hands of Indonesia via the United Nations. All later constructive engagements with Indonesia were therefore deemed illegal in the eyes of the Indigenous people of West Papua. This submission briefly describes what transpired within the indigenous people of West Papua between 1961 and 1971 to achieve the promise of independence unfulfilled by the colonial power. We appeal to the United Nations to ensure our plea for self-determination and independence are heard and respected.

**The basis of the foundation of the nation of West Papua**

Pursuant to the United Nations Declaration on the Granting of Independence to colonial peoples and territories of 14th December 1960 West Papuan’s desire for ‘self-determination’ like other colonial territories was set in motion on 1st December 1961 but was forced to integrate with the Indonesian Republic resulting in the birth of West Papua conflict that still remains to this day an unfinished business of the United Nations Decolonization program in the Pacific as confirmed by Valmaine Toki a member of the UN Permanent Forum on Indigenous Issues 53 years later (see E/C.19/2013/12, para. 46 – 51).

There has been no genuine reason given by the administering authority apart from obviously stated reason being ‘primitive’, ‘stone aged’ people unprepared to run the country which was an outright insult to the West Papuans who were politically aware of what was happening at the time and were willing to run their own affairs. It was a complete disregard for the resolution 1514 (XV) of the United Nations that was meant to be upheld by the member states of the United Nations and fulfill the task enshrined in the resolution.

West Papuans as an ethnological unit were distinctively unrelated to Indonesians a different ethnological unit that had no racial, cultural, historical, ideological, ethical, geographical lingual ties and similarities throughout time immemorial and will never be realized in the years to come. Forced coexistence of the two units would result in one subjugating the other and that was what has been happening over the last 60 years of Indonesian occupation. Research on West Papua genocide have shown that there has been an ecocide and genocide on what they termed as a ‘slow motion’ occurring over the years in West Papua under Indonesian occupation.

The Western World notably Australia, the United States of America, and the United Kingdom including the Netherlands knew very well at the time that West Papuans had set up a nation with its symbols including the flag, anthem, and code of arms on December 1st, 1961 following UNGA Resolution 1514 (XV) yet refused to recognize because of the ideological and strategic tensions at the time including the business interests negatively painted Papuans as ‘stone aged’, ‘savages’, primitives and other derogatory terms to justify the illegal integration of the territory into Indonesia well assisted by the United Nations that bulldogged everything down West Papuans throat without considering the principles of justice, equality, fairness, democracy, and human rights pillars that made the cornerstone of the United Nations.

**The embryo of the nation West Papua**

The embryo of the nation of West Papua founded on the 1st of December 1961 is still intact under the leadership of Organisasi Papua Merdeka with its flag, anthem, and other state symbols (see attachment A-D). The Republic of West Papua has declared as an independent nation on the 1st of July 1971 in Markas Victoria liberated territory by the founders of the West Papua struggle in fulfillment of the promise made in 1961. Due to Indonesians’ advances, the OPM has been forced to operate in exile for the last 60 years. The Republic of West Papua has a constitution promulgated on 1st July 1971 alongside the declaration of independence that is still in existence to this day.

**The Legality of Indonesian Occupation of West Papua**

It was perceived at the time that the colonial power as a civilizing agent to the colonized peoples have to ensure what was best for the colonies should be decided in consideration with the views of the colonies as per UN Charter Chapter XI. The Netherlands government though claimed to have acted on behalf of West Papua people have never consulted the people of West Papua the idea of whether to transfer their territory to Indonesia via the UN could be a good idea. West Papuans were kept in the dark spreading false hopes that the UN will fight for the people of West Papua. All hopes went down the drain when the UN had no power to even fund its own operations in West New Guinea. Our people were forced to accept the terms given by Indonesia. The OPM took up arms to defend the dignity and pride of the indigenous people of West Papua and to break free from all colonialism from then on to this day and will continue until Indonesia is completely out of West Papua.

The OPM considers the Indonesian occupation of West Papua as illegal due to the fact that the people of West Papua were not involved during the New York Agreement. How can West Papuans’ future be decided by different people who are not even closely related to West Papuans? It was illogical that the same ‘stone aged’, ‘savages’, primitive peoples who occupy the same island on the eastern side that have the same level of development as that of West Papua were considered fit for decolonization, but West Papuans were forced into the hands of another colonizer.

West Papua people have not consented to accept Indonesia into West Papua and OPM’s position has always been to defend that position throughout the last 60 years. Since Indonesia has been an illegal occupant of West Papuans’ land, all the programs starting from the 1962 New York Agreement, 1969 act of free choice, Special Autonomy for Papua, and all the Indonesian legal and policy instruments implemented in West Papua from May 1963 up to present are illegal in the eyes of the indigenous people of West Papua.

**Conclusion and Recommendation**

The OPM leadership on behalf of the people of West Papua both in the homeland and in diaspora including those who gave their lives for our land over the last 60 years, those who are in the jungles, and those who will be born to continue the fight declare Indonesia as an illegal occupant of the land of West Papua. Our struggle for self-determination and independence is supported by UN resolution 1514 (XV), Article 3 of UNDRIP, and other related international conventions.

We hereby appeal to the United Nations in particular the UN Secretary-General and UN Security Council through the Office of UN Expert Mechanism on the Rights of Indigenous People;

1. to apply its Good Offices to encourage Indonesia to resolve the West Papua conflict through peaceful means applying Article 33 of the UN Charter
2. to reactivate the decolonization process for West Papua through the United Nations Committee of 24 by listing West Papua back on the UN Trusteeship list and take responsibility once again as per Article 76 (b) of the UN Charter.

The person signing hereunder is Mr. Jeffrey Bomanak Chairman of the Organisasi Papua Merdeka (OPM)/Free Papua Movement (FPM). Mr. Bomanak could be contacted via mobile phone Number: (+675)74238400.

Yours Sincerely,

 Port Moresby, January 25th 2022

Signature

Man in Charge



General Chairman

LET-JEN. TPN PB

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