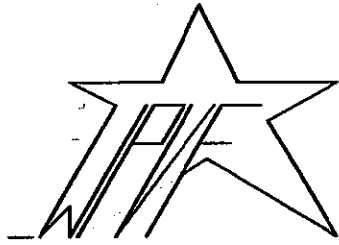


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STATEMENT CONCERNING :

**20 YEARS OF DENIAL OF THE RIGHT TO SELF-DETERMINATION
OF THE PEOPLES OF WEST PAPUA**

to :

**THE WORKING GROUP ON INDIGENOUS POPULATIONS
SEVENTH SESSION, AUGUST 1989**

Agenda item :

Madame Chairperson,

We thank you for giving us the floor to talk about the right to self-determination of the Indigenous Peoples of West Papua.

Madame Chairperson and distinguished members of the Working Group,

Together with the other Indigenous Peoples present today, we sincerely hope that the tools of the UN Working Group will effectively defend justice, peace and security and protect us, that the justified rights of the Indigenous Peoples may be really endorsed through a strong and determined Universal Declaration on Rights of Indigenous Peoples.

We hope that the United Nations may rightly carry its name by not only representing and defending the interests of the actually recognized States, but also the rights and interests of the Indigenous Nations.

We, the West Papuans have to say that such a Declaration may be needed as an instrument to be applicable to our case.

Since the 1812th Plenary Meeting of the UN General Assembly on 19 November 1969, we the peoples of West Papua experience that our country and our peoples are continued to be colonised in all its forms and manifestations, including discrimination and the exploitation by foreign and other interests of our economic and human resources.

We respectfully urge the distinguished members of the Working Group to look into our case and see if our rights can be defended and guaranteed through a Universal Declaration on Rights of Indigenous Peoples.

We want to express our concerns about the effectiveness of the present draft since we notice some shortcomings: the approach of Indigenous Peoples versus States. F.i. when States are violating any principles laid down in a Universal Declaration, are there any legal instruments at the disposal of the victimized Indigenous Peoples to charge the offending State?

As a contribution to the work of the Working Group and as an example of how States may decide upon the future and the status of Indigenous Peoples, we like to recall our experiences in the 1960's:



We, the peoples of West Papua were subjected to the New York Agreement of 15 August 1962 (NYA) between the Netherlands and Indonesia.

The New York Agreement was an agreement between two states . We the peoples affected were never consulted, yes even ignored.

Before 1962 the Netherlands did what it wanted, after 1963 Indonesia came and they act in the same colonial manner.

In the NYA both countries had promised to safeguard the right to self-determination of the West Papuans. Twenty years ago the Indonesian authorities undertook in West Papua a fraudulent "Act of No Choice": Between 14 July and 2 August 1969 , 1025 hand-picked inhabitants of our country complied with Indonesian wishes and choose to be part of the Indonesian Republic.

Among others we are discussing the contracts made and to be made between States and Indigenous Peoples. Regarding the New York Agreement of 1962 we criticise the fact that it was an agreement between two states concerning the Indigenous Peoples of West Papua without even consulting these peoples.

The NYA was very vague on the implementation and it paid no more than lip-service to the principle of self-determination.

While in the english version of the NYA the term "self-determination" is used, the Indonesian translation does speak of "pepera", an acronym for "the determination of the people's opinion". This equivocation affects the validity of the contract between Indonesia and the Netherlands.

In the sense of the Universal Declaration, the NYA lacks therefore any legitimacy; the consequently executed "Act of No Choice" can not be seen as a valid contract between the Indigenous Peoples of West Papua and the two colonial States.

Eversince, we the peoples of West Papua experience the negative impact of the NYA. We sincerely hope that the final Universal Declaration will provide more legal and political power regarding the right of the Indigenous Peoples.

Madame Chairperson,

In the past, States have made contracts with or concerning Indigenous Peoples; today many Indigenous Peoples come to Geneva to bring forward their sufferings.

Madame Chairperson, we are confident that the Working Group will be able to evaluate all the old and existing contracts in the light of the Universal Declaration.



We have often heard the United Nations condemning European colonialism and South-African racism, but it never seems to think of Asian colonialism and racism; and this is what is happening in our country West Papua, we as Melanesians are being discriminated and colonised by an Asian state: Indonesia.

The tribal Asmat peoples today are a clear example of our peoples being economically and culturally exploited and politically oppressed by Indonesia. They are denied the right to live according to their own beliefs and culture. Yet at the same time, Indonesia is making money out of their traditions by selling their handicrafts, by making the Asmat people perform for tourists, and even by bringing these people to Europe to show them to the Western public.

The Amungme people are still suffering from the first foreign company who signed a contract with Indonesia concerning our territory: Freeport Indonesia Inc. (FII) as part of the American Freeport Minerals, started its mining operations in 1967, still before the "Act of No Choice" which eventually could bring West Papua under Indonesian control. Since 1967 many transnationals got permission from the Indonesians to exploit our national resources.

At the end of 1988 the joint venture PT Astra Scott Cellulosa got permission for a 653.8 million US dollars investment which will turn 790,000 ha. into a eucalyptus plantation. The tribal landowners have never been consulted nor are their land rights recognised. So what will happen to the 15,000 Auyu-Papuan tribal people who inhabit the area; and what will happen to the vulnerable ecological balance which they have been able to preserve for many centuries?

On 14 December 1988 West Papuans again showed their determined aspirations of establishing an Independent Papua State. They had sent invitations to the Governor (civil authorities), Panglima (military authorities), Padapol (police authorities) and others for a ceremony of raising our national flag "the Morning Star". The Indonesian authorities did not react on the invitations and instead arrested many of the participants. The military forced the demonstrators to strip to their underwear and then beated and kicked them repeatedly. According to the latest report, 35 people are still in custody. They are to be tried on charges of inciting a riot.



Madame Chairperson,

In the spirit of the final Universal Declaration we the peoples of West Papua sincerely hope that:

- the UN takes clear note of the historic developments and the present situation of the indigenous peoples of West Papua;
- it is acknowledged that the peoples of West Papua have been denied their right to self-determination;
- the UN resumes its responsibility from which it withdrew twenty years ago on 19 November 1969, regarding the peoples of West Papua;
- a special rapporteur will be sent down to our country and investigate how our peoples' rights can be implemented.
- that you consider our demand for External Self-Determination by putting it forward into the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, or any appropriate body within the United Nations.

Concerning the Universal Declaration on Rights of Indigenous Peoples we hope the following tools can be made accessible to the Indigenous Peoples:

- Indigenous peoples should have the right in case of conflict to address directly the International Court of Justice;
- Indigenous Peoples should have the possibility for juridical and political assistance free of charge at any time needed;
- the UN Working Group should install a permanent fund to supply the indigenous peoples' representatives at any time needed; States and companies inflicting on Indigenous Peoples' territories should be obliged to make contributions to this fund.

PAPUA MERDEKA !

Thank you Madame Chairperson and members of the UN Working Group

Organisasi Papua Merdeka (O.P.M.).

West Papuan Peoples Front

Geneva, August 1989.

