

**WEST PAPUA REPORT TO UPR SESSION**  
**SUBMITTED BY WEST PAPUA INTEREST ASSOCIATION**  
**TO UNIVERSAL PERIODIC REVIEW WORKING GROUP 41<sup>ST</sup> SESSION**  
**GENEVA, OCTOBER – NOVEMBER 2022**

The following report about West Papua Human Right and Political Situation in the land of West Papua covering the Province of Papua and West Papua.

**I. WEST PAPUA ROAD TO INDEPENDENCE, INDONESIA GRANTING THE SPECIAL AUTONOMY.**

The indigenous peoples of West Papua realize that their rights to self-determination and independence in 1961 which being prepared by the Government of the Kingdom of Netherland for West Papua Independence through the election of the Nieuw Guinea Raad or West Papua National Council, the national congress and the national emblem, such West Papua flag , the national anthem was prepared in October 1961 and on 1 December 1961 for the first time in history West Papua flag was flew beside Dutch National Flag and West Papua National anthem was sung beside Willhelmus in Hollandia or today Jayapura the land of West Papua. However, this was failed due to Indonesia Trikora operation dismiss the preparations for the state of West Papua and Dutch Government under the pressure of United States, John F Kennedy Administration.

This struggle movement of West Papua for the independence continue, reject and protest the transferred of West New Guinea or West Irian administration from United Nations Temporary Executive Authority –UNTEA to join with the Republic of Indonesia in May 1963.

The demand for Independence continue since 1961 to 1963, 1969 the Act of Self-Determination or Act of Free Choice until the year 2000. Many Indigenous West Papuan have been sacrifice and lost their life, became refugees in Papua New Guinea.

To answer the demand of West Papua aspiration for Independence, Indonesia Government granted the Special Autonomy in October 2001 under a law that provided for wide-ranging economic and political rights for the West Papuan people and the creation of a special council, the *Majelis Rakyat Papua* -Papuan People's Assembly - which was composed entirely of West Papuan indigenous.

Special Autonomy or in Indonesia language *Otonomi Khusus (OTSUS)* for Papua and West Papua Province is a win-win solution to the question of the demands of West Papua's independence. And the Special autonomy is given to reduce the independent aspirations that are constantly being voiced by the West Papua indigenous peoples.

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<https://www.opendemocracy.net/en/december-1-1961-fly-flag-of-independence-west-papua-and-indonesian-empire/>

<https://wpik.org/Src/nyt-text.html>

<https://www.hrw.org/reports/2001/papua/PAPUA0701-03.htm>

<http://papuaweb.org/goi/otsus/files/otsus-en.html>

## **II. REJECT THE SPECIAL AUTONOMY AND CALL FOR THE RIGHT TO SELF-DETERMINATION AND INDEPENDENCE.**

Even Papua and West Papua Province on the land of West Papua have been granting the Special Autonomy Law No.21 of the year 2001, however the indigenous peoples continue protest and reject the Special Autonomy.

As frustration with Special Autonomy grew, West Papuans started demanding that the special autonomy law should be 'handed back to Jakarta'. At the same time, thousands of West Papuans have held peaceful demonstrations across the territory, flying the West Papua (morning star) flag.

Indigenous peoples of West Papua carried out the peaceful demonstration on August 12, 2005 returned the Special Autonomy Law to the central government through the Papua Parliament. The indigenous peoples walked as far as 12km from Abepura to Jayapura with a mass of 10,000 people. The indigenous peoples were disappointed, because the Special Autonomy Law does not provide any benefits.

West Papua Delegation to United Nations and indigenous people representative the West Papua Interest Association intervention at the United Nations Permanent Forum on Indigenous Issues in New York and the Expert Mechanism on the Rights of Indigenous Peoples rejecting the Special Autonomy Law and call for the Right to Self-Determination according to provision contain in UN Charter, ICCPR and ICESR and the UN Declaration on the Rights of Indigenous people Article 3 and 4 which states that Indigenous Peoples have the Rights to Self-Determination.

The Peaceful demonstration organized by AMP (Aliansi Mahasiswa Papua) Papua Student Alliance and AMPTI join with Front People of Indonesia for Free West Papua in several places in Java island such Jakarta, Surabaya, Jogjakarta and other place in Indonesia rejecting the Special Autonomy and call for West Papua Right to Self-Determination.

In Dogiyai Regency on 22 February 2021 thousand indigenous People of Dogiyai reject the expansion of Papua Province, reject special autonomy second period and reject Police Station (Polres) Dogiyai. The Peaceful Demonstration also organized by IMAPA at the Java Island, Jakarta, Malang and other place in Indonesia since February 2021 rejecting the Special Autonomy and the Province expansion.

The KNPB (Komite Nasional Papua Barat) *West Papua National Committee* the organization in West Papua, including student and indigenous peoples continue rejecting the Special Autonomy and call for the Rights to Self-Determination –Referendum and Independence.

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Kompasiana.com, 5 Oktober 2011 : Kenapa Rakyat Papua Menuntut Referendum  
<https://www.kompasiana.com/fajartimur/550dde14813311bd2cbc5ff4/kenapa-rakyat-papua-menuntut-referendum>

<https://www.downtoearth-indonesia.org/story/ending-conflict-west-papua>  
<http://papuaweb.org/goi/otsus/files/otsus-en.html>

Mahasiswa Papua Teriak Referendum di Seberang Istana,  
<https://www.cnnindonesia.com/nasional/20190822133304-20-423724/mahasiswa-papua-teriak-referendum-di-seberang-istana>

<https://www.suara.com/news/2020/12/01/205240/11-tuntutan-1-desember-rakyat-papua-referendum-hingga-cabut-omnibus-law>

West Papua Statement at UNPFII 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> & 16<sup>th</sup> Session, and EMRIP 5<sup>th</sup> and 6<sup>th</sup> Session  
( <https://wpiapapua.wixsite.com/wpia/international-forum> )

Warga Dogiyai Tolak Polres, DOB dan Otsus Jilid II, DPRD Setuju  
<https://suarapapua.com/2021/02/23/warga-dogiyai-tolak-polres-dob-dan-otsus-jilid-ii-dprd-setuju/>

KNPB: Masyarakat Papua Minta Penentuan Nasib Sendiri Bukan Otsus!

<https://www.ceposonline.com/2020/07/07/knpb-masyarakat-papua-minta-penentuan-nasib-sendiri-bukan-otsus/>

### **III. PAPUA PEOPLE PETITIONS (PETISI RAKYAT PAPUA /PRP) AND INDIGENOUS PEOPLES REJECT SPECIAL AUTONOMY SECOND PERIOD AND CALL FOR THE RIGHT TO SELF-DETERMINATION.**

Around 116 organizations that consist of Indigenous Peoples organization, Student Organization and Groups, Human Rights Activist, Community group, Women group and all tribes in West Papua join together in supporting the Petisi Rakyat Papua-PRP ( Papua Peoples Petition) Rejecting the Special Autonomy second period and call for West Papua Right to Self-Determination.

The indigenous peoples and the organization supporting Papua People Petition in year 2022 continue to reject expansion of province and reject new special autonomy law No. 2 of year 2021, this new law of special autonomy was discussed unilaterally without involving the West Papua indigenous peoples, the Governor of Papua, the Papua Peoples Assembly (Majelis Rakyat Papua/MRP), the legislative the Papua Province People House of Representative (Dewan Perwakilan Rakyat Propinsi Papua/DPRP) in Papua. Indonesia Government does not respect the Right of Free Prior and Informed Consent (FPIC) of indigenous peoples in UN Declaration on the Rights of Indigenous Peoples Article 19.

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<https://suarapapua.com/2020/07/28/tpnpb-hentikan-pembahasan-otsus-dan-berikan-hak-penentuan-nasib-sendiri-bagi-papua/>

Kompas.com-19/08/2019<https://regional.kompas.com/read/2019/08/19/11480021/ribuan-mahasiswa-papua-long-march-menuju-kantor-gubernur-dan-dprd-provinsi>

<https://www.rnz.co.nz/international/pacific-news/397812/thousands-of-papuans-occupy-governor-s-office-after-rioting>

<https://www.npr.org/2019/08/28/754276641/violence-follows-pro-independence-protests-in-indonesias-papua-region>

Sudah 102 Organisasi Nyatakan Sikap Dukung Petisi Rakyat Papua Tolak

Otsus<https://suarapapua.com/2020/11/27/sudah-102-organisasi-nyatakan-sikap-dukung-petisi-rakyat-papua-tolak-otsus/>

<https://jubi.co.id/petisi-rakyat-papua-serukan-aksi-nasional-tolak-pemekaran-papua-dan-otsus/>

### **IV.INDONESIA GOVERNMENT DID NOT RESPECT THE RIGHT OF FREE PRIOR AND INFORM CONCERN (FPIC) OF INDIGENOUS PEOPLES, UNDRIP ARTICLE 19.**

The limited meeting on 11 March 2020 in Jakarta regarding the Papua Special Autonomy Fund. In the introduction, President of the Republic of Indonesia said that the special autonomy policy for Papua and West Papua must be consulted with all components of society in Papua and West Papua Province.

Special Autonomy Law No.21 of the year 2001, Article 77 which states that: Proposed amendments to this Law can be submitted by the people of Papua Province through the Papuan People's Assembly (Majelis Rakyat Papua/MRP) and Papua People's Representative Council (Dewan Perwakilan Rakyat Papua/DPRP) to the House of Representatives or the Government according to statutory regulations.

On the basis of Article 77 of the Special Autonomy Law, the Papua People Assembly of the (Majelis Rakyat Papua /MRP) has scheduled hearings with all indigenous communities in several customary areas in West Papua. The Hearing Meeting of the MRP and indigenous peoples to hear the aspirations and desires of the West Papuan indigenous about accept or reject the Second Period Special Autonomy, but the Hearing Meeting could not be held because it was blocked.

The Indonesian government, namely the Central Government in Jakarta, held a meeting to revise the Special Autonomy Law unilaterally with the Special

Committee on Papua Special Autonomy (Panitia Khusus Otonomi khusus Papua /Pansus Otsus Papua) which consisting of Senators and members of the Indonesian Parliament from Papua and West Papua Province at the central level without involving the Papuan People's Assembly (MRP), the Papua People's Representative Council (DPRP) and the West Papua indigenous people. The revision of a number of articles on the Special Autonomy Law, namely the article on finance and the article on the expansion of the province in Papua, where the matter of expansion negates the authority of the Papuan People's Assembly (MRP) and the Governor regarding the approval and consideration of provincial expansion in Papua.

The revision of the Special Autonomy Law has unilaterally challenged the spirit of Article 77 of the law and the Government does not respect the Right of Free, Prior and Informed Consent -FPIC of indigenous people, UNDRIP Article 19. Before the State adopts legislative or administrative steps that can affect the indigenous people of West Papua, the State must notify, the State must inform in advance to obtain the free consent of the indigenous people of West Papua through their representative institutions before making revisions or wanting to extend the special autonomy.

Free, Prior and Informed Consent is one of the most important principles that indigenous peoples believe can protect their right to participate. Free consent for Indigenous Peoples to determine their fate, whether they choose Special Autonomy or indigenous peoples choose Self-Government.

And the free consent of the indigenous people of West Papua, which means that it cannot be forced, there should be no pressure from the state security, but it gives the people the right and freedom to make choices or Rights to Self-Determination.

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Jokowi Bahas Kebijakan Baru Dana Otonomi Khusus Papua  
Rabu 11 Maret 2020, <https://nasional.tempo.co/read/1318286/jokowi-bahas-kebijakan-baru-dana-otonomi-khusus-papua/full&view=ok>

<http://papuaweb.org/goi/otsus/files/otsus-en.html>

Revisi UU Otsus Papua Ditolak MRP & DPRP: Proyek Sepihak Pusat, 22 Februari 2021  
<https://mrp.papua.go.id/2021/02/22/revisi-uu-otsus-papua-ditolak-mrp-dprp-proyek-sepihak-pusat/>

<https://suarapapua.com/2021/01/31/mrp-tolak-manuver-jakarta-soal-perubahan-sepihak-uu-otsus/>

UN Declaration on the Rights of Indigenous Peoples

## **V. REJECT THE EXPANSION OF PAPUA PROVINCE.**

The Ministry of Home Affairs of the Republic of Indonesia invited Regents from a number of regencies in Papua Province with a discussion agenda: Preparation for the Expansion of Provinces in the Central Highlands of Papua Region, from Papua Province. The meeting was held in Jakarta on 10 March 2022.

The indigenous people of West Papua and the student responded with peaceful demonstrations rejecting the Expansion of Province and Special Autonomy in Papua Province, the peaceful demonstrations took place in several place as follow: in Jayapura city on 08 March 2022, in Manokwari 08 March 2022, in front of the Indonesian Ministry of Home Affairs Office in Jakarta on 10 March 2022, in Wamena 10 March 2022 , in Paniai Regency 14 March 2022, in Yahukimo Regency on March 15, 2022 ,in Lanni Jaya Regency on 28 March 2022 and Nabire Regency on 31 March 2022.

The acts of violence carrying out by the security forced dispersal of the demonstrators, and on Tuesday 15 March 2022, a demonstration against the expansion of province led to riots in Yahukimo Regency, resulting in two people being shot dead by security forces.

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<https://www.bbc.com/indonesia/indonesia-60719171>

## **VI. INTERNALLY DISPLACED PEOPLES OR REFUGEES IN WEST PAPUA LAND**

As a result of the armed conflict in West Papua land, covering the two provinces of Papua and West Papua since 2018 in Nduga, thousands of civilians have fled to Jayawijaya regency, residents who have fled have been sick, starved, and some have died. Displacement due to conflict in Puncak, Intan Jaya, many of Internally Displace Peoples in Maybrat and Pegunungan Bintang Regency since the conflict occurred September October 2021, also several refugees from Pegunungan Bintang have crossing the border to Papua New Guinea.

The West Papua returnees refugees from Papua New Guinea that voluntary repatriation to Papua Province, Indonesia since year 2000 that sponsored and supervised by United Nations High Commissioner for Refugees (UNHCR) and under the join work of Papua New Guinea and Indonesia Government did not obtained serious attention from Indonesia Government. Many refugee family members died of sickness, they did not have proper house to live and no any government support program to the refugees to become self-sufficient from the local government in Papua Province.

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<https://www.thejakartapost.com/news/2019/08/01/182-reportedly-die-while-seeking-refuge-in-nduga-conflict.html>

<https://asiapacificreport.nz/2019/07/20/at-least-139-die-in-papuan-refugee-camps-claims-relief-group/>

<https://www.asia-pacific-solidarity.net/index.php/news/2022-02-22/unable-access-hospital-maybrat-displaced-person-dies.html>

<https://www.rnz.co.nz/international/pacific-news/454356/west-papuans-flee-from-conflict-into-remote-png-area>

<https://apo.org.au/node/5109>

Recommendation:

1. The Indonesian government immediately ratified the 1951 convention on the Status of Refugees.
  2. Indonesia Government to ratify the ILO convention 169 on Indigenous and tribal peoples.
  3. UN Special Rapporteur on the Right of Indigenous Peoples to conduct country visits to Indonesia, the land of West Papua covering the Papua and West Papua Province.
  4. International humanitarian organization must to have access to Papua and West Papua Province to help the Internally Displace Peoples.
  5. Medecins du Monde who once served in Papua to return and providing health services in Papua Province, in the rural area of Papua.
  6. The Indonesian government stopped the discussion on the expansion of the province in Papua, because the majority of West Papua indigenous peoples had rejected it.
  7. The Indonesian government revokes Law No. 2 of 2021 concerning Special Autonomy for Papua because the discussion is only one-sided and does not involve the indigenous peoples of West Papua, does not involve the Governor of Papua Province, does not involve the Papua Peoples Assembly (MRP) and the legislative, Papua Province Peoples House of Representative. (Dewan Perwakilan Rakyat Propinsi Papua /DPRP) in Papua Province.
  8. Indonesia Government must to respect the Rights of Free Prior and Inform Consent of West Papua indigenous peoples in UN Declaration on the Rights of Indigenous Peoples, Article 19.
  9. The Indonesian government must respect the rights of freedom of expression, freedom of assembly and the freedom of speech of the indigenous peoples.
  10. The UN General Assembly support to place back Netherlands New Guinea or West Papua on United Nations Decolonization List.
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