

Item 5 (d). Human rights dialogue with the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples

Papua Customary Council on Human rights dialogue with the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples

Your Excellencies UN Special Rapporteur on the Rights of Indigenous Peoples and Expert Mechanism on the Rights of Indigenous Peoples, Ladies and Gentlemen.

When we talk about human rights situation of indigenous People in West Papua we are often forced to look back to the integration of West Papua into Indonesian Republic in the 1960s. We are often forced to count the dead, destruction and list of human rights violations that were committed by the conflicting parties involved in the West Papua dispute. We often forget or mention less on the participation and involvement of United Nations and its leadership from the Secretary General down to peacekeepers that were sent to monitor the situation in West Papua at the time.

The United Nations' blue helmets have become a beacon of hope for the hopeless throughout the world bringing, peace, hope, democracy, justice and security to the down trodden members of the society who are often rejected, traumatised and abused by the systems and or people that were meant to protect them. West Papuans in the 1960s saw United Nations under United Nations Temporary Executive Authority (UNTEA) in West New Guinea as that beacon of hope placed all their trust in the UN and cooperated well from 1963 up to 1969 without knowing that UN abused that trust by not defending the principles of democracy, human rights and justice to be faire on both the Government of Indonesia and the people of West Papua.

Recently published academic works by Saltford (2000), King & Johnson (2018), and King (2019) discovered some inconsistencies in the implementation of the 1962 New York Agreement by all parties to the agreement including the United Nations and alleged that the transfer of West New Guinea (now West Papua) from the Netherlands to the Republic of Indonesia via UN has no legal basis in the UN Charter. According to King & Johnson (2018), West Papua's transfer at the time shifted the legal status of West Papua from a 'Non-Self-Governing territory' of the Netherlands to the United Nations 'Trust Territory'. "The United Nations, the 'Organisation itself', thus became the 'administering authority' of West Papua with the legal obligation under Article 76 of the Charter to deliver 'self-government or independence'." UN did not deliver 'independence' or 'self-government' in the 1960s to the people of West Papua who needed desperately at the time. The United Nations instead swayed by the circumstances at the time, transferred the territory of West New Guinea from its Trusteeship to Indonesia to be colonized again, which is in contravention of Article 76 of the Charter.

The allegations indicate a breach in the UN Charter and misconduct of top UN officers at the time which are serious allegations that questions the foundations of the organization. The UN through the Office of Internal Oversight Services (OIOS) should investigate, verify and address the problems faced by the aggrieved people of West Papua. Many researchers often apply words like 'genocide' and 'ecocide' to describe what is happening in West Papua under Indonesia's administration. UN needs to intervene on the basis of human rights in West Papua to correct its past mistakes.

The Papua Customary Council is therefore, is appealing to the UN Special Rapporteur on the Rights of Indigenous People and Expert Mechanism on the Rights of Indigenous people to write to the Office of Internal Oversight Services (OIOS) instructing them to investigate and verify the allegations of misconduct by United Nations officials identified by the Academics in their publications in order to seek redress for the people of West Papua. Thank you, Your Excellencies,

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Submitting on behalf of  
Dewan Adat Papua