

**WEST PAPUA'S SELF-DETERMINATION
AS A NON-SELF-GOVERNING TERRITORY**

Reflecting on 1 December 1961

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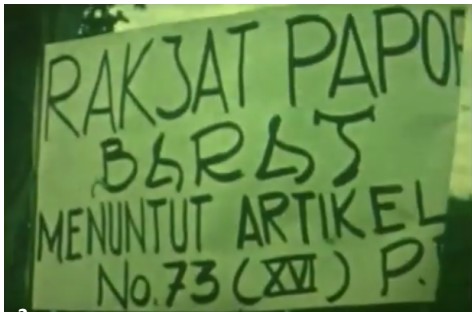
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1. Woman voting for New Guinea RAAD, February 1961.

2. Rally, Sorong, 1961, demanding full implementation of Article 73 (UN Charter, Non-Self-Governing Territory).

3. New Guinea RAAD voting on proposal, May 1961.

4. RAAD member Tokoro-Hanasby being sworn in by Governor Platteel, 5 April 1961.

5. President of the Australian Senate, Sir Alistair McMullin, Inauguration of the RAAD, 5 April 1961.

6. West Papua's Morning Star flying alongside the Netherlands flag, Manokwari, 1 December 1961.

7. Papua Volunteers Battalion (PVK) alongside Netherlands Military, Hollandia, 1 December 1961.

REFLECTING ON 1 DECEMBER 1961, stepping stone in the Self-Determination of West Papua as a Non-Self-Governing Territory

Brothers and sisters, on 1 December 1961, the Netherlands Administering Power—in response to a manifesto issued by the Nieuw Guinea RAAD, our first parliament—raised the Morning Star flag alongside the Dutch flag in major towns across West Papua. This was a significant event in our self-determination, which was recognised by the United Nations in December 1950 when the General Assembly acknowledged West New Guinea as a Non-Self-Governing Territory (UNGA Res.448 (V)).

Article 73 of the UN Charter defines the Administering Power's **sacred trust** obligations of a Non-Self-Governing Territory to prioritize our interests and advance self-government. It meant that all social, economic and political development in West Papua after 1950 was based on self-determination principles which were adopted by the Netherlands Inter-Departmental Commission in 1951, aired in Queen Juliana's 1952 address, and enshrined in Dutch legislation in 1953. **Article 73 obligations remain, by law, until the Non-Self-Governing Territory attains a full measure of self-government; in other words until a valid act of self-determination (referendum).**

Our self-determination was set in motion by Dutch Resident Jan van Eechoud in 1944 during the Allied occupation when he embarked on the rehabilitation of our war-ravaged people and land with training projects and the creation of institutions for an independent state. By the end of 1944 he had established a Police School, the Papuan Volunteers Battalion—a defence force of 400 armed soldiers, and a Public Service Training School that produced 150 graduates including members of the New Guinea RAAD. By 1946 Consultative Councils were being developed in districts across the territory and managed in accord with local cultures, and at the same time Canberra and New Zealand invited us to join the new South Pacific Commission formed to 'promote the economic and social welfare of the Non-Self-Governing Territories in the South Pacific'.

Besides major advances in education and health, and concerted efforts to develop an export economy that dovetailed subsistence economies, the Dutch administrators took care to generate appropriate institutes for a modern democratic state. This included three Papuan-majority advisory councils in 1951; and elected regional councils as training grounds for politicians in Mimika in 1953; Hollandia, Schouten Islands, Manokwari, Japen, and Sorong in 1955; Fak-Fak in 1958; and in Biak-Numfor in 1959 (in existence since 1948 as Kankain Kankara Biak). These councils were tasked with implementing and enforcing ordinances, regulating and administering local affairs, and levelling tax. By 1960 the Netherlands was investing Fl 91M per year (up from Fl 15M in 1950) with plans to 'papuanise' the civil service (to 90-95%) with administrators, teachers, nurses and police, including top positions requiring tertiary qualifications, over the next ten years.

On 5 April 1961 the New Guinea RAAD was inaugurated "officiating as a Parliament, with all its powers" (Governor Platteel). Twenty-two Papuans had been elected to the 28-seat institution including a woman, Tokoro-Hanasby. Members shared legislating power with the governor and departmental heads, including responsibility for framing the budget. They had parliamentary immunity, and rights of petition, interpellation and amendment. The RAAD was inaugurated in front of thousands of representatives from every region in West Papua and an array of international newspaper radio and television. In attendance were 135 official guests from the South Pacific Commission, and the governments of Britain, New Zealand, and Australia—whose delegation included Paul Hasluck (Minister for Territories), Alistair McMullin (President of the Senate), Brigadier Cleland (Administrator, Papua-New Guinea), and six members of the Papua-New Guinea Legislative that was scheduled to open five days later.

During the launch of the RAAD Governor Platteel spoke of the future: "Dutch New Guinea is a small

country, but may set a great example. May God grant you the wisdom to make use of the Council's work. He will bless your deliberations." State Secretary for Home Affairs Dr Bot said the RAAD should make its wishes known on self-determination (referendum) within twelve months since by 1970 only a few foreign experts would still be needed, adding that Holland would continue to give material and financial aid to help achieve independence (SYDNEY MORNING HERALD, 6 APRIL 1961). Queen Juliana in a recorded speech said: "Netherlands wants your people to take a dignified and equal stand in the community of the modern world and the United Nations ... this is the first step on the road that leads to the exercise of self-determination. May that turn out to be short. Remain yourself and enter in the form that you choose based on your own nature."

On 1 December 1961, the New Guinea RAAD succeeded in birthing the people's aspiration for an independent sovereign nation when, with the Government of Dutch New Guinea and the Netherlands Government, it implemented its 19-30 October resolution to call the new nation 'Papua Barat', to raise the Morning Star flag alongside the Netherlands flag, to have 'Hai Tanah Ku Papua' as the national anthem and the Victoria Crowned Pigeon as the state symbol.

On 19 December 1961, Indonesia violated our Non-Self-Governing Territory with a performative declaration of war to 'annihilate the Dutch defence and occupy the Dutch puppet state' (West Papua). A month later, on 15 January 1962, three Russian torpedo boats in the Arafura Sea fired on a Dutch aircraft. The boats, carrying 150 soldiers, mortar, transmitters and automatic weapons, engaged two Dutch frigates, but after one boat was hit and sank the Indonesian Navy aborted the mission. **The use of force (in breach of the UN Charter) and aerial photos of Indonesia massing its Russian and American arsenal on nearby Ceram Island activated the production of a UN 'peace treaty' in August 1962 that effectively gifted Indonesia with 459,412 kms² of Melanesian land.**

Indonesia had begun preparing for war after the failure of its fourth attempt in the UN General Assembly (1957, 1956, 1955, 1954) to gain recognition of its sovereignty claim over West Papua (UN LEGAL RECORDS, CHAPTER XI, ART 73). Its claim was based on *Uti possidetis*, a legal principle associated with 'territorial integrity' whereby new states inherit their colonial borders. ***Uti possidetis* however is not a norm of international law—unlike the (West Papuans') right of self-determination which is a legal norm that cannot be set aside or disobeyed** (A CULLEY 2016:18-30). **Moreover Indonesia did not inherit Dutch New Guinea at the time of its independence.** Its sovereignty-transfer agreement auspiced by the Security Council in 1949 directed "the status quo remains while Irian's statehood is determined by negotiation between the Dutch Crown and the United States of Indonesia within the next twelve months" (ANAK AGUNG 1996:657). When the negotiations commenced six months later, the United States of Indonesia—the federal construct to which sovereignty had been transferred—had been bulldozed and replaced with a unitary state with a different constitution. Negotiations continued anyway, but failed, repeatedly, because the Indonesian government dismissed the UN Decolonisation Principles and Article 73 obligations as 'irrelevant' and 'inadmissible'.

At the time of its bellicose display in January 1962 Indonesia was the biggest military power in Asia outside China (PENDERS 2002:370) The US had been assisting the Army since 1958 with \$20M a year; and covert military aid of \$28.4M between 1949 and 1961 peaking at \$16.3M in 1962 (PD SCOTT 1985:246-53). USSR support by September 1961 included 300 military advisers, the latest Mig-19 and Mig-21 fighters, Ilbushin and Tupolev-16 bombers, the latest destroyers and submarines, a Sverd-lodsk heavy cruiser, Italian MTBS, modern transport craft, missiles, small arms, tanks, rocket launchers. The war game was pointless anyway, as nine months before, on 24 April 1961, **President Sukarno had agreed—for a \$900,000 helicopter and \$100M economic aid package—to a short interim UN Trusteeship followed by an Indonesian takeover of West Papua** (CLM PENDERS P335).

His concord with President Kennedy, within days of America's failed invasion of Cuba with 1500 CIA-trained paramilitary, required him to rein in the Indonesian Communist Party—another load bearing element of the New York Agreement signed on 15 August 1962 whereby West Papua effectively became a UN Trust Territory administered by Indonesia until an act of self-determination. **There has never been an act of self-determination in West Papua.**

In laymen's terms the New York Agreement (1962-1969) was a land grab (by Indonesia and America) rendered as a peace treaty (between Indonesia and the Netherlands) in the midst of global war (between the US and USSR). It was constructed in part on unlawful actions by UN Secretary-General U Thant that posited the UN in contempt of the authority, justice and dignity of international law, and condemned West Papuans to an authoritarian state on the brink of economic collapse. For instance, in September 1962, the Secretary-General omitted to inform the UN Trusteeship Council of its **Article 88** reporting responsibilities; and then took the unprecedented step of dispatching military observers and the US and Canadian airforces to West Papua **without the authorisation of the General Assembly or Security Council.** In 1966 he didn't question the capacity of the Indonesia State to organise an act of self-determination (as per Article XX, New York Agreement) after it had turned on its own people in an orgy of killing described by the CIA as one of the worst massacres in the twentieth century (three million mostly face-to-face killings in Java, Bali and Sulawesi). In 1969 he colluded in dressing the Agreement's conclusion as an act of self-determination when **the act-of-free-choice was an involuntary response by 0.12% of the population—in eight locations, over nineteen days—to a script written by the Indonesian government. This was particularly egregious, as the 'free choice' granted to the West Papua population "is a matter of world concern for which each Member of the United Nations carries a responsibility of the same order as that of the parties themselves"** (OFFICIAL RECORDS, UNGA, 1127 PENARY MEETING, 21 SEPTEMBER 1962, PARA 194).

In 1962 after decades under the Dutch West Papuans constituted 99% of the population; in 2010 they were 47% with a growth rate of 1.8% in contrast to the non-Papuan rate of 10.8% (J Elmslie 2011). Genocide is blamed for 546,126 missing—assassinated, poisoned, exiled, starved, born dead or not at all. Miners and loggers ravage the land, unique flora and fauna is flogged in black markets; once-pristine waters are heavily polluted. That there is no hope of internal resolution of this long-standing issue was evident in December 2018 when the Indonesian Parliament declared war on the West Papua Liberation Army and the Airforce dropped bombs of the deadly white phosphorous chemical on a number of highland villages (THE SATURDAY PAPER, 18 DEC 2018). On 12 March 2019 the government denied these villages emergency supplies of food, water and medicine by banning the access of local churches and NGOs.

On 25 January 2019, the United Liberation Movement for West Papua presented a petition to the UN High Commissioner for Human Right from 1.8M Papuans requesting West Papua be inserted on the UN Decolonisation List. The petition was presented to the President of the UN Decolonisation Committee on 30 September 2017. We, like the Chagossians, believe we have unfinished business in the UN, and note the Advice of the International Commission of Jurists to the UK (25 February 2019) that Mauritius' decolonisation was also 'not lawfully completed'.

God bless, and peace be always with you.

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