



GRIFFITH JOURNAL OF
LAW & HUMAN DIGNITY

GRIFFITH JOURNAL OF LAW & HUMAN DIGNITY

Editor-in-Chief

Laurynn Williams

Executive Editors

Emma Blake

Stephanie Chard

Anna Feng

Luke Livesey

Elizabeth Thomas

Editors

Moyosore Adesina

Jean Danielle Bernardino

Louise Sullivan

Consulting Executive Editor

Dr Allan Ardill

Volume 13 Issue 1
2025

Published on 21 May 2026, Gold Coast, Australia by the *Griffith Journal of Law & Human
Dignity*

ISSN: 2203-3114

CONTENTS

<i>FAST LAW, FRAGILE RIGHTS: THE HUMAN RIGHTS CONSEQUENCES OF AUSTRALIA'S RAPID SOCIAL MEDIA REFORMS</i>	1
<i>HARNESSING AI: SEATBELTS AND THE LAW IN QUEENSLAND</i>	30
<i>#IT ISN'T FAIR: THE NEED FOR GUIDELINES FOR THE INCLUSION OF CHILDREN WITH DISABILITY IN SPORT</i>	52
<i>THE WEST PAPUAN GENOCIDE: UNITED NATIONS MALFEASANCE, WESTERN COMPLICITY AND THE FAILURE OF INTERNATIONAL LAW</i>	84

THE WEST PAPUAN GENOCIDE: UNITED NATIONS MALFEASANCE, WESTERN COMPLICITY AND THE FAILURE OF INTERNATIONAL LAW

JULIAN MCKINLAY KING* ¹

Intentionally breaching multiple articles of the UN Charter and associated resolutions governing decolonisation, the Secretariat of the United Nations denied the inhabitants of the Non-Self-Governing Territory registered as Netherlands New Guinea, their legal right to self-determination and planned independence. Reports by legal scholars, human rights organisations, intelligence agencies and UN organs allege the people are being subjected to a programme of systematic genocide. Re-evaluating the death count, the Indonesian government and those backing it are deemed responsible for a population deficit of at least two million people. Despite the multiple pathways available to have these breaches of international law and human rights atrocities addressed by the organs of the United Nations and the international courts, Member States and the responsible UN organs refuse to act. With the Papuan people having no legal standing under the UN Charter, and the Secretariat and Member States are apparently immune from prosecution, there appear to be few avenues to seek justice, bring about West Papua's long overdue independence and hold those responsible to account.

* Julian McKinlay King holds a master's degree in social anthropology and and completed a doctoral thesis on West Papua's failed decolonisation, ongoing genocide and the resultant liberation movement, the OPM.

¹ Editor's note: This article expands on the author's earlier article published eight years ago – Julian McKinlay King with Andrew Johnson, 'West Papua Exposed: An Abandoned Non-Self-Governing or Trust Territory' (2018) 6(2) *Griffith Journal of Law and Human Dignity* 70-106 ('McKinlay King with Johnson'). Although some of the contents in the 'Introduction and Background' section were reproduced from the earlier article for contextual purposes, the remainder of this article focuses on distinct legal areas in light of current circumstances.

CONTENTS

I INTRODUCTION AND BACKGROUND	85
II VIOLATIONS OF INTERNATIONAL LAW.....	88
III HUMAN RIGHTS VIOLATIONS & ALLEGED GENOCIDE.....	90
IV POPULATION DEFICIT	93
V AVAILABLE PATHWAYS TO JUSTICE	94
<i>A THE TRUSTEESHIP COUNCIL</i>	95
<i>B THE GENERAL ASSEMBLY</i>	97
<i>C THE SECURITY COUNCIL</i>	98
<i>D THE SECRETARY-GENERAL</i>	100
<i>E THE ECONOMIC AND SOCIAL COUNCIL</i>	100
<i>F THE INTERNATIONAL CRIMINAL COURT</i>	101
<i>G MEMBER STATE SUPPORT UNDER UN RESOLUTION 2621 (XXV)</i>	103
<i>H MILITARY STRUGGLE UNDER UN RESOLUTION 2621 (XXV)</i>	103
VI FORUM PROROGATUM	104
VII THE RESPONSE OF MEMBER STATES	105
<i>A LIP-SERVICE</i>	105
<i>B BLOOD-MONEY?</i>	106
<i>C INTIMIDATION & ENTRAPMENT OF WHISTLE-BLOWERS</i>	107
<i>D COMPLICITY IN GENOCIDE</i>	107
VIII IMMUNITY	109
IX CONCLUSIONS.....	109

I INTRODUCTION AND BACKGROUND

Following the creation of the *Charter of the United Nations* ('the Charter') in 1945, colonial territories are designated Non-Self-Governing Territories with the colonial power accepting a 'sacred trust' to deliver a 'full measure of self-government' to the inhabitants.²

² Charter of the United Nations ('The Charter') art 73.

At the completion of the Pacific War, the Netherlands was unsuccessful in re-establishing authority across the Dutch East Indies where predominantly Javanese militants with the support of deserting Japanese soldiers and their military hardware³ were forcefully taking control of the island archipelago.⁴ These amalgamated territories of former sovereign kingdoms, chiefdoms and indigenous people gained United Nations recognition in 1949 as the United States of Indonesia,⁵ but within one year they succumbed to be illegally incorporated into the Republic of Indonesia under a regime led by Sukarno.⁶ This denied the seventy million people of the archipelago their legal right to self-determination under the Security Council brokered Round Table Agreement.⁷ The 'centralistic and militaristic approaches imposed by Jakarta' along with the denial of self-determination, became the catalyst for numerous self-determination movements.⁸

West Papua and East Timor, however, remained Non-Self-Governing Territories under the sovereignty of the Netherlands and Portugal respectively. The Netherlands was liaising with Australia (who held the eastern side of Papua) with a view to reunite the Papuan people. This culminated in 1957 with the *Joint Netherlands/Australian Statement*, that recognised the people in the Papuan territories are 'geographically and ethnologically related' with the Netherlands and Australia agreeing to strengthen cooperation between these territories 'until such time as their inhabitants ... will be in a position to determine their own future',⁹ including the possibility of being re-united as one nation.¹⁰

³ Christine Tjandraningsih, 'Japanese recounts role fighting to free Indonesia', *The Japanese Times* (online, 9 September 2009) <<https://www.japantimes.co.jp/news/2009/09/09/national/japanese-recounts-role-fighting-to-free-indonesia/#.WecmCEXL1Jk>> in McKinlay King with Johnson (n 1) 73.

⁴ John S Bowers, 'Japanese Nationalists Prepare to Make Guerrilla War on Dutchmen, Former Masters', *The Berkshire Eagle* (Pittsfield, Massachusetts, 15 September 1945) 1 in McKinlay King with Johnson (n 1) 73.

⁵ *Question of Indonesia*, GA res 301, UN Doc A/RES/301 (2 December 1949).

⁶ 'Indonesia Drops Federation; It's a Unitary State – Soekarno Proclaims Centralised Rule', *Chicago Daily Tribune* (Chicago, 15 August 1950) 13 in McKinlay King with Johnson (n 1) 73.

⁷ United Nations Commission for Indonesia, *Round Table Conference on Indonesia*, UN Doc S/1417/Add.1 (14 November 1949) Chapter VI, Article 43; see also United Nations Commission for Indonesia, *Special report to the Security Council on the Round Table Conference*, UN Doc S/1417 (1949) 30, 'Right of Self-Determination.'

⁸ M Ya'kub Aiyup Kadir, 'Revisiting Self-Determination Conflicts in Indonesia: An International Law Perspective' (2015) 5(2) *Indonesia Law Review* 123, 136.

⁹ 'Joint Netherlands/Australian Statement' (1957) 28(11) *Current Notes on international affairs* 888 in McKinlay King with Johnson (n 1) 73.

¹⁰ 'Special Study on New Guinea', 1958, *National Archives of Australia*, File A1838 TS696/3/2 Part 3, 201 (online, 1958) 201 in McKinlay King with Johnson (n 1) 73.

By 1961, the Netherlands had created the New Guinea Council to assist with the planning towards independence. On 19 October 1961, the New Guinea Council proclaimed to the world the people's desire to become a new nation called West Papua.¹¹ This was followed by the inaugural raising of the West Papuan national flag alongside that of the Netherlands on 1 December 1961 in the prelude to independence.¹²

Indonesia's illegal military incursions into West Papua at the time were easily repulsed by the Netherlands,¹³ however the threat of alignment with the Soviet Union was the excuse used by Washington to coerce the Netherlands to relinquish the Territory.¹⁴ This only occurred however after the Netherlands attempted to have the United Nations take over the Territory in 1961 via a United Nations Trusteeship.¹⁵ This proposal however failed to gain the required two-thirds majority in the General Assembly due to the Cold-War and religious affiliations taking precedence over the legal rights of the West Papuan people.

Consequently, this registered Non-Self-Governing Territory was transferred from the Netherlands to Indonesia via the *Indonesia and Netherlands Agreement (with annex) concerning West New Guinea (West Irian)* ('the Agreement').¹⁶ The Agreement stipulated that the administration of the Territory would be transferred to the United Nations in the first instance, with the United Nations administration having the *discretion* to transfer the Territory to Indonesia the following year.¹⁷ The Agreement however, was only between the two Member States. A second agreement between the United Nations, Indonesia and the Netherlands was published the following year rather than being presented before the

¹¹ 'Colony's Name Changed', *New York Times* (online, 1 December 1961)

<<https://www.nytimes.com/1961/12/01/archives/colonys-name-changed.html>>.

¹² *Land of the Morning Star* (Film Australia, 2003) 0:17:17 <<https://www.screenaustralia.gov.au/screen-guide/land-of-the-morning-star-15977/>>

¹³ 'Indonesian Troops Infiltrate into New Guinea Area', *The Palladium-Item* (Richmond, Indiana, 20 September 1961) in McKinlay King with Johnson (n 1) 74.

¹⁴ 'Secret Letter from John F Kennedy to the Prime Minister of the Netherlands, 2 April 1962', *Free West Papua Campaign* (online, 2 April 1962) <<https://www.freewestpapua.org/documents/secret-letter-from-john-f-kennedy-to-the-prime-minister-of-the-netherlands-2nd-april-1962/>>.

¹⁵ *General debate*, UN GAOR, 1016th plen mtg, Agenda Item 9, UN Doc A/PV.1016 (26 September 1961), 90 para 16.

¹⁶ *Indonesia and Netherlands Agreement (with annex) concerning West New Guinea (West Irian)*, signed 15 August 1962, 437 UNTS 6311 (entered into force 21 September 1962) ('the Agreement').

¹⁷ *Ibid* art 12.

General Assembly for consideration.¹⁸ Legal analysis along with now-declassified government and UN archives reveal *the Agreement* was recognised by the colonial powers to be a proposed Trusteeship Agreement where, under Article 76b of *the Charter*, the only available outcome is 'self-government or independence'.¹⁹ The transfer from the administration of the United Nations to the Republic of Indonesia is thus deemed illegal.

As Pieter Drooglever concludes in his 850-page review of West Papua's history:

The international community ... has interfered with the course of events in all kinds of ways, and in doing so, has often been the primary driving force behind change. This was most clearly expressed in the process that led to the conclusion of [*the Agreement*] and the regulations based on this. For those who are able to bear it, *historical responsibility should also have significance under international law*.²⁰

II VIOLATIONS OF INTERNATIONAL LAW

In 1969, following the Secretary-General's report on the implementation of *the Agreement*, two Member States drew attention to the failure by Indonesia and the United Nations to uphold the West Papuan people's legal right to self-determination.²¹ The required two-thirds of the General Assembly however refused to support demands for a new plebiscite, thus allowing the Indonesian annexation of West Papua to continue.²²

Since that time, scholars have revisited the history of West Papua's transfer to Indonesia, in particular the Orwellian 'Act of Free Choice',²³ and detail a myriad of breaches of

¹⁸ *United Nations and Indonesia and Netherlands: Understandings relating to the Agreement of 15 August 1962 between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian)*, 15 August 1962, 437 UNTS 6312 (registered ex officio on 21 September 1962).

¹⁹ McKinlay King with Johnson (n 1); Leon Kaulahao Siu and Mehmet Sukru Guzel, *Modus Vivendi Situation of West Papua* (Lulu Publishing Services, 2018) 140.

²⁰ Pieter Drooglever, *An Act of Free Choice: Decolonisation and the Right to Self-Determination in West Papua* (One World Publications, 2010) 764 (emphasis added).

²¹ *Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian)*, signed 15 August 1962, [1962] A/RES/1752 (XVII), (entered into force 21 September 1962); see also *Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian)*, UN GA, 17th sess, 1127th plen mtg, Agenda Item 89, UN Doc A/PV.1127 (21 September 1962) 54 [218], 55 [221] (Australia), 56 [242] (Dahomey).

²² See 1127th, 1810th, 1812th and 1813th General Assembly Plenary Meetings (1969).

²³ *The Agreement* (n 16) art XVIII.

international law under *the Charter* and UN resolutions governing decolonisation. These include: the Secretary-General's secret collusion with Sukarno and Washington in designing *the Agreement* for the 'affirmation of Indonesian sovereignty', in violation of Article 100 of *the Charter*;²⁴ the Secretariat removing West Papua – then listed as Netherlands New Guinea – from the 1962 List of Non-Self-Governing Territories prior to any act of self-determination;²⁵ the Secretariat's withholding of *the Agreement* for five weeks prior to its introduction to the General Assembly, in breach of Article 102 of *the Charter*;²⁶ the Secretariat's failure to retain United Nations experts to monitor and assist in the preparations for self-determination, in violation of Article XVI of *the Agreement*;²⁷ the 'Act of Free Choice' – where 1026 Papuans were hand-picked from a population of 800,000 – in breach of UN resolution 1541 (XV) demanding universal suffrage;²⁸ the Secretariat's withholding of the Secretary-General's report from the General Assembly in 1969, and only introducing it 'at such notice and time as to hinder unwanted scrutiny and debate', in violation of Article 102 of *the Charter*;²⁹ and how UN resolution 2504 (XVII) of 1969 only 'takes note' of a report of the Secretary-General.³⁰ As the co-founder of International Lawyers for West Papua Melinda Janki details, there is no UN resolution that stipulates the General Assembly's approval of the integration of West Papua into Indonesia.³¹

These breaches of international law were not human errors of procedure but a calculated covert programme of malfeasance that commenced in 1962 and continues to the present day. Despite these multiple breaches of international law, the international community and the 'responsible' organs of the United Nations continue to remain silent and thus

²⁴ Julian Alec McKinlay King, 'A Soul Divided: The UN's Misconduct over West Papua' (2019) 16(1/2) *PORTAL Journal of Multidisciplinary International Studies* 59, 67.

²⁵ Jennifer Robinson, 'Self-Determination and the Limits of Justice: West Papua and East Timor, *Future Justice* (online, 2010) <https://www.writing.org.au/wp-site/wp-content/uploads/2022/01/Jennifer_Robinson2.pdf> 172.

²⁶ McKinlay King (n 24) 64.

²⁷ All UN staff departed the Territory on the 1 May 1963, the same day of the Indonesian take-over. See John Saltford, *The United Nations and the Indonesian Takeover of West Papua, 1962–1969: The Anatomy of Betrayal* (Routledge Curzon, 2003).

²⁸ Melinda Janki, 'West Papua and the Right to Self-Determination under International Law' (2010) 34(1) *West Indian Law Journal* 1, 10, 13.

²⁹ McKinlay King (n 24) 75.

³⁰ Janki (n 28) 27.

³¹ Janki (n 28) 28.

complicit in the illegal annexation and the ongoing human rights violations deemed by many as 'genocide'.

III HUMAN RIGHTS VIOLATIONS & ALLEGED GENOCIDE

Even before the administration of West Papua was transferred to Indonesia on 1 May 1963, United Nations officials stationed in the Territory warned their superiors of the impending catastrophe:

The Indonesians strike me as out to attain their ends quite ruthlessly if necessary. They brook no serious discussion of facts or ideas contrary to their doctrinaire beliefs. In fact, in this they are very like the Japanese before the war. It cannot be long before they get themselves most intensely hated ... By far the majority of the Papuans in my Division dread the consequence of the Indonesian invasion and it would take little to influence some of them to resist, whether it would do them any good or not.³²

A 1969 now-declassified US Department of State dispatch makes the first mention of Indonesia's plan of intentional genocide.³³ The report details how military commanders run the local towns, 'expropriate' commodities intended for sale, and operate as a 'fiefdom of vested ... interests.'³⁴ It describes the Indonesian troops as 'trigger happy' with a backdrop of 'military repression' and '*rumours of intended genocide*'.³⁵

Since then, legal scholars, intelligence agencies, human rights groups and the United Nations have similarly described Indonesia's oppression as a systematic programme of intentional genocide. The first detailed legal analysis was published by Elizabeth Brundige et al from the Lowenstein International Human Rights Centre at Yale University. This 75-page document details the systematic targeting of the Papuan people by the Indonesian military and security forces. Whether by extrajudicial killings, torture,

³² G S Rawlings, 'UNTEA Divisional Commander Report 12 December 1962)' (*Archives and Records Section of the United Nations*, UNTEA 1962–63, by permission of UN Secretariat) in McKinlay King (n 24) 69.

³³ Confidential Airgram from Frank Galbraith US Embassy in Jakarta, 9 June 1969 (National Security Archive, Indonesia's 1969 Takeover of West Papua Not by "Free Choice", Brad Simpson, ed) <<https://nsarchive2.gwu.edu/NSAEBB/NSAEBB128/index.htm>>.

³⁴ Ibid, Document 8, 3, 4.

³⁵ Ibid (emphasis added).

disappearance, rape and sexual violence, the intentional spread of disease or transmigration, 'the Indonesian government has committed proscribed acts with the intent to destroy the West Papuans ... in violation of the [Genocide Convention]'.³⁶

Other scholars similarly detailed methods of torture, mass killings, starvation, aerial bombardment, internal displacement, the intentional spread of HIV/AIDS via military-run brothels, Islamisation via Muslim-only transmigration, the training and arming of militia groups and a system of apartheid.³⁷

While the methods of Indonesia's alleged genocide have been detailed by scholars, the necessary 'intent' by Indonesia's 'top-tier leaders' to commit these atrocities as defined under the Genocide Convention is addressed by Jim Elmslie and Camellia Webb-Gannon. They detail: Indonesian Brigadier-General Ali Murtopo's threat to Papuans participating in the 1969 *Act* stating that their 'accursed tongues' would be cut out if they did not vote to be incorporated with Indonesia and if they wanted independence they should move to another island 'or even the moon!'; President Megawati's address to the military instructing the TNI to ignore international law governing human rights; the national hero status given to the Kopassus soldiers responsible for the murder of pro-independence leader Theys Eluay; and how Indonesian soldiers and police are instructed to kill the Papuan people.³⁸

Paul Antonopoulos and Drew Cottle detailed the integral relationship between neoliberal capitalism and the West Papuan genocide arguing that 'Freeport's mining interests are inseparable from the mass murder, rape and torture by the Indonesian military against indigenous Papuans'.³⁹ They also argued that Australia may be deemed 'indirectly

³⁶ Elizabeth Brundige et al, *Indonesian Human Rights Abuses in West Papua: Application of the Law of Genocide to the History of Indonesian Control* (Allard K Lowenstein International Human Rights Centre, Yale Law School, Report, April 2004) 75.

³⁷ John Wing and Peter King, *Genocide in West Papua? The Role of the Indonesian State Apparatus and a Current Needs Assessment of the Papuan People* (West Papua Project, Report, 2005) 8-10, 16, 25, 28, 42; see also, Alison Bevege, 'A Secret Genocide: The Blood Politics of West Papua' (2014) 85(3) *Australian Institute of Policy and Science* 7; Socratez Sofyan Yoman, *Systematic genocide of the indigenous people of West Papua under special autonomy* (Centre for peace and Conflict Studies, University of Sydney, Report, 2005).

³⁸ Jim Elmslie and Camellia Webb-Gannon, 'A Slow-Motion Genocide: Indonesian Rule in West Papua' (2013) 1(2) *Griffith Journal of Law & Human Dignity* 142, 157-9.

³⁹ Paul Antonopoulos and Drew Cottle, 'Forgotten Genocide in Indonesia: Mass Violence, Resource Exploitation and Struggle for Independence in West Papua' in Frank Jacob (ed), *Genocide and Mass Violence in Asia: An Introductory Reader* (de Gruyter Brill, 2019), 169.

complicit' with the military hardware and training provided to Indonesia's security apparatus, while Washington may be deemed ultimately responsible.⁴⁰

In 2013 the United Nations Permanent Forum on Indigenous Issues within the Economic and Social Council published the report *Study on decolonisation of the Pacific region*, which includes an overview of West Papua's failed decolonisation. It describes how the people are still 'struggling to acquire *their right to self-determination and independence*.' The report quotes Japanese legal scholar Akihisa Matsuno, who says that what is happening in West Papua *amounts to genocide, both physical and cultural*, with the systematic annihilation of the civilian population that is 'intentional, widespread and ongoing'.⁴¹

The subscription-only military intelligence journal *Defense & Foreign Affairs*, produced by US-based strategist Gregory R Copley, reviews Australia's defence capability and strategic challenges.⁴² While ostensibly focused on Australia's nascent AUKUS pact with the UK and US military, the report also reflects on Australia's relationship with Indonesia and the occupation of West Papua, which states:

Australia is effectively powerless to challenge or moderate Indonesia on the question of Jakarta's occupation of West Papua, where Indonesia is involved in an essentially genocidal conflict to replace the local Melanesian population with imported Javanese workers and residents.⁴³

This confidential analysis—prepared for governments, armed forces and intelligence agencies—indicates that the Western intelligence services and governments are fully aware of Indonesia's ongoing genocidal policy in West Papua. Yet all fail to act.

In addition, a multitude of United Nations reports detail ongoing atrocities committed by Indonesia's military and police in West Papua,⁴⁴ and despite letters from the Office of the

⁴⁰ Ibid.

⁴¹ Valmaine Toki, Economic and Social Council, *Study on Decolonisation in the Pacific Region*, Permanent Forum on Indigenous issues, 12th sess, UN Doc E/C.19/2013/12 (20 February 2013) (emphasis added).

⁴² Gregory R Copley, 'AUKUS: Operational Vitality: Strategic Challenges' (2023) 51(4) *Defense & Foreign Affairs Strategic Policy* 6-8.

⁴³ Ibid 8.

⁴⁴ See, eg, Human Right Committee, *Concluding Observations on the Second Periodic Report of Indonesia*, UN Doc CCPR/C/IDN/CO/2 (3 May 2004).

High Commissioner for Human rights to the Indonesian government demanding that it address these atrocities, Indonesian authorities continue to deny wrongdoing.⁴⁵

Despite ongoing reports by legal scholars, UN agencies and intelligence organisations detailing the Indonesian atrocities, no legal action or military intervention has been taken either by the relevant organs of the United Nations or Member States. Thus, the intentional genocide continues, along with the ever-increasing loss of life.

IV POPULATION DEFICIT

For many decades, scholars researching the West Papuan genocide stated a loss of life between 100,000 and 500,000, but without providing attribution or statistical analysis.⁴⁶

In 2004, however, historian Greg Poulgrain utilised the available population data for West Papua and neighbouring Papua New Guinea to estimate a population deficit that has occurred since the Indonesian takeover. With a population of 5.5 million in Papua New Guinea as of 2004, compared to only 1.8 million West Papuans at that time, applying the population growth rate for Papua New Guinea to West Papua, he concluded that '[had] the indigenous population of West Papua grown at the same rate as PNG, it should have achieved a total of approximately 3.4 million.'⁴⁷ With 1.8 million West Papuans in 2004, potentially amounts to a deficit of 1.6 million people, which can be attributed to killings, starvation and disease, much of it attributable to Indonesian government actions. The population deficit compounds over decades as fewer children are born and survive due to a depleted population.

Since 2004, the Indonesian authorities have ceased to report population statistics for the indigenous Papuan community as distinct from the transmigrant population. However,

⁴⁵ See for example: Jose Francisco Cali Tzay, Special Rapporteur on the rights of indigenous people, Morris Tidball-Binz, Special Rapporteur on extrajudicial, summary or arbitrary executions and Cecilia Jimenez-Damary, Special Rapporteur on the human rights of internally displaced persons, Letter to Her Excellency Lestari Priansari Marsudi, Minister for Foreign Affairs, Republic of Indonesia, 2021, Ref: AL IDN 11/2021 (leaked to the author, and on file with the author).

⁴⁶ See, eg, Robinson (n 25) 176; International Parliamentarians of West Papua, 'Human Rights in West Papua' (online) <<https://www.ipwp.org/human-rights-in-west-papua/>>; Bevege (n 37).

⁴⁷ Greg Poulgrain, 'West Papua, Indonesia' in Dinah Shelton (ed), *Encyclopedia of Genocide and Crimes Against Humanity* (Thomson Gale, 2005) 1157.

the Unrepresented Nations and Peoples Organization estimates a total population in 2025 for West Papua of 4.4 million, including approximately 2 million indigenous West Papuans.⁴⁸

Population data for Papua New Guinea, however, continues to be reported. In 2025, the government estimates suggest a population of over 11 million, while an assessment utilising satellite imagery and ground truthing puts the figure closer to 20 million.⁴⁹

With the population of Papua New Guinea at least doubling and possibly quadrupling since 2004, if a similar increase had occurred amongst the West Papuans, today's figure would be somewhere between 3.6 and 7.2 million, with 5.4 million as the average. With the Papuan population currently only 2 million, this method suggests a population deficit of 3 million.

Similarly extrapolating the 2004 population deficit figure of 1.6 million for a further two decades, the population deficit is now approaching 2.5 million. This suggests that the cumulative impact of sixty-odd years of intentional colonial-rule have caused the West Papuan population to be millions less than it would have been otherwise.

V AVAILABLE PATHWAYS TO JUSTICE

Under international law governed by *the Charter*, 'West Papuans have no recourse to international courts or human rights mechanisms to remedy the injustices they suffer.'⁵⁰ Instead, only Member States or authorised international organisations can access the UN organs to address the breaches regarding West Papua's failed decolonisation.

However, as of yet, no Member State has availed itself to have West Papua's legal status, the ongoing human rights violations and the sixty-year conflict resolved. As membership of the United Nations dictates, all Member States have a legal obligation to uphold *the*

⁴⁸ Unrepresented Nations & Peoples Organization, 'West Papua' (online) <<https://unpo.org/member/west-papua/>>.

⁴⁹ Bernard Lagan, 'Papua New Guinea Finds Real Population is Almost Double Official Estimates', *The Times* (online, 5 December 2022) <<https://www.thetimes.com/uk/politics/article/papua-new-guinea-finds-real-population-is-almost-double-official-estimates-n86g6sdpm>>.

⁵⁰ Robinson (n 25) 169.

Charter and bring these violations to the attention of the international community and relevant UN organs.⁵¹

Pathways available to seek such legal redress include: the Trusteeship Council; the General Assembly; the International Court of Justice; the Economic and Social Council; the Secretary-General; the Security Council; and the International Criminal Court. As detailed in Article 55c of *the Charter*, the United Nations shall promote ‘universal respect for, and observance of, human rights and fundamental freedoms for all...’, based on the respect for the principle of ‘equal rights and self-determination of peoples’. Article 56 states ‘[all] Members pledge themselves *to take joint and separate action in co-operation with the Organization* for the achievement of the purposes set forth in Article 55.’⁵² In the case of West Papua, all Member States are in breach of these fundamental principles.

A The Trusteeship Council

The United Nations Secretariat along with the governments of the United States, the Netherlands, Australia and Indonesia were all aware, that the proposed agreement transferring this Non-Self-Governing Territory to the United Nations and then Indonesia was a draft Trusteeship Agreement, and therefore subject to the International Trusteeship System governed by Chapter XII of *the Charter*.⁵³ The 1959 secret despatch from the American Embassy in Jakarta reveals Washington’s role in initiating the transfer of West Papua to Indonesia via a proposed United Nations Trusteeship Agreement. In part it reads:

[T]he Embassy submits a specific proposal for settlement of the West New Guinea dispute ... [envisaging] a special *United Nations trusteeship* over the territory for a limited number of years, at the end of which time sovereignty would be turned over to Indonesia.⁵⁴

⁵¹ *The Charter* (n 2) art 4.

⁵² *Ibid* art 56 (emphasis added).

⁵³ See generally McKinlay King with Johnson (n 1).

⁵⁴ United States Embassy Djakarta, ‘A Proposal for Settlement of the West New Guinea Dispute’ (online, 26 May 1959) <<https://history.state.gov/historicaldocuments/frus1958-60v17/d203>> (emphasis added).

While the Secretariat in 1962 failed to inform the Trusteeship Council of the proposed draft Trusteeship Agreement so that it could assist in its formulation as required under Article 85 of *the Charter*, a simple pathway exists for Member States to have the Trusteeship Council intervene. Under Rule 7(e) of the *Rules of Procedure of the Trusteeship Council*, all items proposed by any Member State are to be added to the provisional agenda of the Trusteeship Council via the Secretary-General.⁵⁵ Therefore, any Member State can draw the Council's attention to the failure of the Secretary-General to inform the Trusteeship Council of the proposed transfer of this Non-Self-Governing Territory to the United Nations, as available *only* under Article 81 of Chapter XII of *the Charter* governing the International Trusteeship System.

Furthermore, Rule 74 of the *Rules of Procedure of the Trusteeship Council* allows for petitions to be accepted by the Council 'if they concern the affairs of one or more Trust Territories or *the operation of the International Trusteeship System* as laid down in *the Charter*'.⁵⁶ Rule 75 states that 'Petitioners may be the inhabitants of Trust Territories, or other parties'.⁵⁷ Such has been done but without any response.

While the Trusteeship Council suspended regular operations on 1 November 1994 – no longer having registered Trust Territories to oversee – as a principal organ of the United Nations, it continues to meet every two years to elect new office-bearers.⁵⁸ Therefore, Member States and Petitioners – drawing attention to their breach of the International Trusteeship System – can request the Trusteeship Council seek an advisory opinion from the International Court of Justice, as encouraged under Article 96 of *the Charter*, and authorised by General Assembly resolution 171 (II) part B.⁵⁹

A legal opinion from the International Court of Justice will determine whether *the Agreement* was a draft Trusteeship Agreement creating a Trust Territory of the United Nations, or whether West Papua remains a Non-Self-Governing Territory abandoned by

⁵⁵ *Rules of Procedure of the Trusteeship Council*, UN TCOR, 61st sess, UN Doc T/1/Rev.7 (1995) ('*Rules of Procedure*') rule 7.

⁵⁶ *Ibid* rule 74 (emphasis added).

⁵⁷ *Ibid* rule 75.

⁵⁸ *Amendment of the Rules of Procedure of the Trusteeship Council*, UN TCOR, 61st sess, 1705th mtg, UN Doc T/RES/2200(LXI) (25 May 1994) annex para 3; see, eg, UN TCOR, 1716th mtg, UN Doc T/PV.1716 (15 December 2017) <<http://undocs.org/t/pv.1716>>.

⁵⁹ General Assembly resolution 171 (II) part B states The General Assembly ... [a]uthorizes the Trusteeship Council to request advisory opinions of the International Court of Justice on legal questions arising within the scope of the activities of the Council.

the Netherlands and annexed by the United Nations and then Indonesia. Either outcome should compel the General Assembly to take 'immediate steps' to fulfil its legal obligation to deliver 'complete independence and freedom' to the West Papuan people under the *Declaration on the Granting of Independence to Countries and Peoples*.

B *The General Assembly*

The General Assembly 'may discuss any questions or any matters within the scope of the present Charter ... and may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.'⁶⁰ Therefore, any Member State can bring to the General Assembly's attention the multiple breaches of *the Charter*, *the Agreement* and UN resolutions, with regard to West Papua's failed decolonisation.

Under Article 11 (2) of *the Charter*, the General Assembly 'may discuss any questions relating to the international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a member of the United Nations.' As such, any Member State can bring the General Assembly's attention to the ongoing conflict in West Papua and trigger Security Council intervention accordingly.

Article 14 of *the Charter* allows the General Assembly to make recommendations:

for the peaceful adjustment of any situation, regardless of origin, which deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.⁶¹

⁶⁰ *The Charter* (n 2) art 10.

⁶¹ The Purposes of the United Nations are detailed in Chapter I of *the Charter*. They are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to make other appropriate measures to strengthen universal peace;

Given the ongoing violation of these Principles, Article 14 of *the Charter* allows the General Assembly to intervene and recommend ameliorative action.

Under the *Rules of Procedure of the General Assembly*, Rule 13(e) states that the provisional agenda of a regular session shall include ‘all items proposed by any Member of the United Nations’.⁶² Therefore, West Papua’s legal status, breaches of *the Charter* and UN resolutions, the ongoing conflict, and Indonesia’s human rights violations can all be put on the agenda of the General Assembly by any Member State for discussion, debate and referral to the Security Council and the International Court of Justice, as available under Article 96 of *the Charter*.⁶³

C *The Security Council*

The Security Council’s primary responsibility is ‘for the maintenance of international peace and security’ and it ‘shall act in accordance with the Purposes and Principles of the United Nations’.⁶⁴ The Security Council ‘may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute,’⁶⁵ and any Member State ‘may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.’⁶⁶ The Security Council ‘may [then] ... recommend appropriate procedures or methods of adjustment’ and ‘take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice’.⁶⁷

-
3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
 4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

⁶² Rules of Procedure of the General Assembly, UN Doc A/520/Rev.21 (2025) 4, rule 13(e).

⁶³ Under Article 96 of *the Charter* (n 2):

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.
2. Other organs of the United Nations and special agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

⁶⁴ *The Charter* (n 2) art 24.

⁶⁵ *Ibid* art 34.

⁶⁶ *Ibid* art 35.

⁶⁷ *Ibid* art 36.

Given Indonesia refused to have the dispute over West Papua resolved by the International Court of Justice,⁶⁸ the Security Council under Chapter VII of *the Charter* can take ameliorative action. This includes calling upon Member States to apply such measures as economic sanctions, interruptions to rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations. Should the Security Council deem such measures inadequate, 'it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security.'⁶⁹

The Charter also supports 'regional arrangements or agencies [in] ... matters relating to the maintenance of international peace and security' and 'shall encourage the development of pacific settlement of local disputes through such regional arrangements ... either on the initiative of the states concerned or by reference from the Security Council'.⁷⁰ Regional bodies including the Melanesian Spearhead Group and Pacific Island Forum are therefore encouraged to intervene in West Papua's case, but all refuse to do so.

Any party to the conflict and a non-member State under Article 35 of *the Charter* may:

bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

The Organisasi Papua Merdeka, (OPM),⁷¹ as a party to the conflict and a non-member State, may therefore seek intervention via these organs. Furthermore, as detailed by Melinda Janki, the International Court of Justice has since ruled that the right to self-determination is a right *erga omnes* and now 'one of the essential principles of international law'.⁷²

⁶⁸ *The question of West Irian (West New Guinea)*, UN GAOR, 9th sess, 509th plen mtg, Agenda item 61, UN Doc A/2831 (4 December 1954) para 102.

⁶⁹ *The Charter* (n 2) art 41.

⁷⁰ *Ibid* art 52.

⁷¹ OPM represents the 'pro-independence movement', see, eg, Institute for Policy Analysis of Conflict, 'The Current Status of The Papuan Pro-Independence Movement' (Report, 24 August 2015) <<https://understandingconflict.sgp1.digitaloceanspaces.com/dashboard/05ab1f2f31ee54cfd3a4c0b38c893a44.pdf>>.

⁷² Janki (n 28) 32; See also, ICJ's judgment on the right to self-determination in *East Timor (Portugal v Australia)* [Judgement] [1995] ICJ Rep 29.

The OPM's Diplomatic Council has sought Security Council's intervention since 2022 but without any response.

D The Secretary-General

Article 99 of *the Charter* states: 'The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.' Given the ongoing war for liberation between Indonesia and the OPM being publicised in both the international media and United Nations reports,⁷³ the Secretary-General can bring this dispute to the Council. The OPM's Diplomatic Council wrote to the Secretary-General in 2021 requesting the Secretary-General refer the ongoing conflict to the Security Council.⁷⁴ The Secretary-General neither acted nor responded to the request.

E The Economic and Social Council

Under Article 62 of *the Charter* the Economic and Social Council is authorised to:

1. make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned;
2. make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all;
3. prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence; and,
4. call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

⁷³ United Nations Human Rights Office of the Commissioner, 'Indonesia: UN Experts Sound Alarm on Serious Papua Abuses, Call for Urgent Aid' (Press Release, 1 March 2022) <<https://www.ohchr.org/en/press-releases/2022/03/indonesia-un-experts-sound-alarm-serious-papua-abuses-call-urgent-aid?LangID=E&NewsID=28180>>.

⁷⁴ Letter to UN Secretary-General Mr Antonio Guterres from Amatus Douw (Chairman of the Diplomatic Council Free Papua Movement/ TPNPB-OPM), 26 October 2021 (copy on file with author).

Furthermore, under Article 65 of *the Charter* it may ‘furnish information to the Security Council’ while under Article 68 of *the Charter* it may establish commissions for the promotion of human rights.

As cited earlier in this paper, the Economic and Social Council reported in 2013 on the social conditions in West Papua. The report states:

1. that the people of West Papua are still ‘struggling to acquire their right to self-determination; and,
2. human rights violations occurring in West Papua amount to genocide, both physical and cultural, with the systematic annihilation of the civilian population ‘intentional, widespread and ongoing.’⁷⁵

Since the publication of this report, the Economic and Social Council has failed to undertake its obligations under Article 62 of *the Charter*, to:

- refer the conflict to the Security Council;
- make recommendations to the General Assembly;
- instigate an international conference to address these breaches;
- set up a commission for the promotion of human rights in West Papua; and/or,
- engage the specialised agencies such as the United Nations Decolonisation Committee.

F *The International Criminal Court*

The *Convention on the Prevention and Punishment of the Crime of Genocide* (*‘the Genocide Convention’*) was adopted on 9 December 1948⁷⁶ while the International Criminal Court (*‘the Court’*) came into being on 17 July 1998 and is governed by the *Rome Statute of the Criminal Court* (*‘the Rome Statute’*).⁷⁷

Under Article VIII of *the Genocide Convention*, any:

⁷⁵ Toki (n 41).

⁷⁶ Convention on the Prevention and Punishment of the Crime of Genocide, opened for signature 9 December 1948 (entered into force 12 January 1951) (*‘the Genocide Convention’*).

⁷⁷ *Rome Statute of the International Criminal Court*.

Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

And under Article 14 of *the Rome Statute*:

A State Party may refer to the Prosecutor a situation in which one or more crimes within the jurisdiction of the Court appear to have been committed requesting the Prosecutor to investigate the situation for the purpose of determining whether one or more specific persons should be charged with the commission of such crimes.

Thus, any State Party to *the Genocide Convention* can initiate an investigation by referring the situation to the Prosecutor.

Furthermore, under Article 1 of *the Genocide Convention*, all Contracting Parties 'confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law *which they undertake to prevent and to punish*.'⁷⁸

Despite the myriad of reports alleging the case of genocide, no Contracting Party has yet referred West Papua to the 'competent organs of the United Nations to take such action ... as they consider appropriate for the prevention and suppression of acts of genocide' as available under Article VIII of *the Genocide Convention*. All Contracting Parties are thus in breach.

While Indonesia is a non-state party to the International Criminal Court, Article 15 of the *Rome Statute* governing the powers of the Prosecutor states: 'The Prosecutor may initiate investigations *proprio motu* on the basis of information on crimes within the jurisdiction of the Court.'

The OPM's Diplomatic Council has submitted evidence to the prosecutor including a submission by the author in mid-2025 initiating a preliminary investigation. The outcome awaits.

⁷⁸ *The Genocide Convention* (n 76) art 1 (emphasis added).

In addition, under Article IX of *the Genocide Convention*, the International Court of Justice is available to determine ‘the responsibility of a State for genocide or for any of the other acts enumerated in Article III ... at the request of any of the parties to the dispute’.

G Member State support under UN resolution 2621 (XXV)

In 1970, the United Nations General Assembly held a special session to commemorate the tenth anniversary of resolution 1514 (XV)– *Declaration on the Granting of Independence to Countries and Peoples*, in order to promote ‘practical action for the speedy liquidation of colonialism in all its forms and manifestations’.⁷⁹

This resulted with the adoption of General Assembly resolution 2621 (XXV)– *Programme of action for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples* (‘*Programme of action*’), under which Part 3 (2) states that ‘Member States shall render all necessary moral and material assistance to the peoples of colonial Territories in their struggle to attain freedom and independence.’ Part 3 thus implores Member States to support the West Papuan people in their struggle for independence. As yet, all are in breach of this resolution.

H Military struggle under UN resolution 2621 (XXV)

Part 2 of the *Programme of action* states that: ‘[r]eaffirms the inherent right of colonial peoples to struggle by all necessary means at their disposal against colonial Powers which suppress their aspiration for freedom and independence.’

As recognised by former OPM freedom fighter turned scholar, Otto Ondawame, the use of arms and any other available means by the West Papuan people is therefore an

⁷⁹ *Programme of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples*, GA Res 2621 (XXV), UN GAOR, 25th sess, 1862nd plen mtg, UN Doc A/8086, (12 October 1970).

‘inherent right’.⁸⁰ The guerrilla warfare waged by the West Papuan people since 1965,⁸¹ is therefore an inherent right under the United Nations *Programme of action*.

VI FORUM PROROGATUM

In 1958, the Netherlands offered to bring the matter before the International Court of Justice, following Indonesia’s claim to the Territory and military incursions, in breach of Article 2 of *the Charter*; Indonesia, however, refused to submit to the Court’s jurisdiction undoubtedly aware that they had no legal claim to another Member State’s registered Non-Self-Governing Territory.⁸²

In 2021, the Indonesian government labelled the OPM a terrorist organisation after they shot a senior member of their military.⁸³ In response to this label, the OPM issued a press release stating that if Indonesia continues their programme of genocide, the OPM will announce a similar programme targeting Indonesian trans-migrants in West Papua, and invited Indonesia to the International Criminal Court and the International Court of Justice to determine ‘who are the real terrorists.’⁸⁴

This statement provoked a response from Indonesia’s Coordinating Minister for Political, Legal and Security Affairs Mahfud Md. Mahfud, ‘invited the TPNPB-OPM to take legal steps to the United Nations over their status as terrorists’ adding ‘Please go to the UN’.⁸⁵

In addition, Mr Doni, Representative for Indonesian President Widodo, stated in an interview on television along with OPM’s Media Spokesperson Sebby Sambom: ‘Yes,

⁸⁰ Otto Ondawame, *‘One People One Soul’ West Papuan Nationalism and the OPM* (Crawford House Publishing, 2010) 231.

⁸¹ *Ibid* 64.

⁸² *The question of West Irian (West New Guinea)* (n 68).

⁸³ Vidhyandika Djati Perkasa and Alif Satria, ‘Conflict Resolution in Papua and the Label of Terrorism’, *The Diplomat* (online, 7 May 2021) <<https://thediplomat.com/2021/05/conflict-resolution-in-papua-and-the-label-of-terrorism/>>.

⁸⁴ Amatus Douw (n 74).

⁸⁵ ‘Dicap Teroris, TPNPB-OPM Ancam Kampanye Sasar Orang Jawa’ [Labelled a Terrorist, TPNPM-OPM Threatens Campaign Targeting Javanese People] *Tempo* (online, 2 May 2021) (online) <<https://nasional.tempo.co/read/1458545/dicap-teroris-tpnpb-opm-ancam-kampanye-sasar-orang-jawa>>.

please let's go to the International Court. We are ready with our legal argument, we have all our evidence and we will argue why this label terrorist is given to TPNPB-OPM.'⁸⁶

Under the *forum prorogatum* rule of the International Court of Justice,⁸⁷ such an invitation from the Indonesian government 'to go to the international court' confirms Indonesia's submission to the Court's jurisdiction.⁸⁸

VII THE RESPONSE OF MEMBER STATES

A Lip-service

Many governments have raised concerns regarding *the Agreement* and West Papua's right to self-determination in the General Assembly,⁸⁹ and Indonesia's ongoing human rights violations.⁹⁰ None however have upheld their legal obligation to bring these violations of international law to the relevant United Nations organs and the courts, nor have they offered moral or material assistance to the West Papuan people.

In 2010, however, Vanuatu was on the cusp of doing so. After several years lobbying by Otto Ondawame – then based in Port Vila representing the OPM and the West Papua National Coalition for Liberation (WPNCL),⁹¹ – the *Petition of People of Vanuatu* demanded the government adopt a clear foreign policy supporting West Papua's independence.⁹² Tabled in the Parliament by independent MP Ralph Regenvanu, this

⁸⁶ IDN Times, 'NGOBROL Seru IDN Times "Label Teroris Pada KKB, Mampukah Redam Konflik Papua?"' (YouTube, 7 May 2021) 7:39/34:04 to 10:37/24:04

<<https://www.youtube.com/watch?v=4tCE4VnzjUg>>.

⁸⁷ 'Forum Prorogatum', *Oxford Public International Law* (online)

<<https://opil.ouplaw.com/display/10.1093/law-mpeipro/e1575.013.1575/law-mpeipro-e1575>>.

⁸⁸ Monica Feria-Tinta, 2021, 'Advice on the legal status of West Papua under the UN Charter', *Twenty Essex*, Confidential report prepared for the author and Amatus Douw, 31 (copy on file with the author).

⁸⁹ See, eg, arguments made in 1127th and 1810th General Assembly Plenary Meetings.

⁹⁰ See, eg, Liam Fox, 'Pacific Nations Call For UN Investigations into Alleged Indonesian Rights Abuses in West Papua', *ABC News* (online, 2 March 2017) <<http://www.abc.net.au/news/2017-03-02/pacific-nations-call-for-un-investigations-into-west-papua/8320194>>.

⁹¹ Dr Otto Ondawame was forced to leave Australia because the Centre for Peace and Conflict Studies University of Sydney could not find funding to continue his position as a Director. Previously it was funded by the Ford Foundation however their funding was discontinued so Dr Ondawame relocated to Vanuatu. There, in Port Vila, he maintained his position as International Spokesperson for the OPM and continued to advocate for West Papua's freedom until his untimely death in 2014.

⁹² 'Vanuatu to Seek UN General Support for ICJ Opinion on Indonesia's Papua', *Radio New Zealand*, (online, 21 June 2010) <<https://www.rnz.co.nz/news/pacific/191049/vanuatu-to-seek-un-general-assembly-support-for-icj-opinion-on-indonesia-s-papua>>.

petition resulted in the *Wantok blong yumi* Bill – passed with bipartisan support – to have West Papua’s case brought before the General Assembly seeking a referral to the International Court. The Prime Minister further stated that his government will proceed to apply for West Papua to be relisted with the UN Decolonisation Committee, in order for the Territory to be given the due process of decolonisation.⁹³

Despite the unanimous support, the Vanuatu government failed to follow through at the United Nations without explanation. Since then Vanuatu, Solomon Islands, Papua New Guinea and others have limited their support to paying only lip-service in regional bodies and the UN General Assembly regarding the ongoing human rights atrocities and escalating conflict.⁹⁴

B Blood-money?

The reticence of Melanesian governments to support other Melanesians through international law against the human rights abuses by Indonesia might be explained by foreign aid. For example, in July 2025 during a visit to Jakarta, Fijian Prime Minister Sitiveni Rabuka announced receiving financial aid of US\$6 million from the Indonesian government to reduce Fijian debt in return for joint cooperation on military training.⁹⁵ The Fijian Prime Minister was reported at the time as pledging ‘Fiji’s respect for Indonesian sovereignty’, and thus the unfettered annexation of West Papua.⁹⁶

The Fiji leader furthermore accepted an offer by Indonesian President– former military general Prabowo Subianto, who is accused of multiple human rights atrocities – to have Fiji’s military trained by the same military also alleged to be responsible for human rights

⁹³ Selwyn Manning, ‘Vanuatu to Seek Observer Status for West Papua at MSG and PIF Leaders Summits’, Scoop Independent News (online, 22 June 2010) <<https://pacific.scoop.co.nz/2010/06/group-urges-nz-govt-to-act-against-humanitarian-crisis-in-west-papua/>>.

⁹⁴ See eg, Fox (n 90); Scott Waide, ‘The Uncomfortable Topic of West Papua in the Melanesian Spearhead Group’, ABC (online, 22 November 2024) <<https://www.abc.net.au/pacific/the-uncomfortable-topic-of-west-papua/104630470>>.

⁹⁵ Ali Mirin, ‘Indonesia’s Pacific Manoeuvres – Money, Military and Silencing West Papua’, *Green Left* (online, 14 May 2025) <<https://www.greenleft.org.au/content/indonesias-pacific-manoeuvre-money-military-and-silencing-west-papua>>.

⁹⁶ Ibid.

crimes in West Papua.⁹⁷ This US\$6 million payment ‘exemplifies how economic incentives increasingly override moral considerations such as human rights, indigenous sovereignty, and decolonisation principles that once defined Pacific regionalism.’⁹⁸

C Intimidation & entrapment of whistle-blowers

Following an invitation to meet the Prime Minister of Vanuatu in 2023, Amatus Douw and the author visited Port Vila to seek Vanuatu’s intervention in having West Papua’s legal status resolved through the International Court. Aside from an informal meeting at the President’s Independence Party the previous day, the scheduled meeting was cancelled minutes beforehand without explanation.

A second incident occurred in 2023, shortly after Amatus Douw and the author returned from two-months fieldwork in the Territory documenting aerial bombing and interviewing victims of human rights abuses. Undercover Australian Federal Police embarked on a programme of entrapment offering Amatus and the author logistical support for the OPM. The case remains ongoing.

D Complicity in genocide

While West Papua’s Melanesian neighbours fail to uphold international law, the colonial powers supply the Indonesian regime with the necessary military hardware and training to maintain both the illegal annexation and ongoing genocide. The Australian government for example has donated: an unspecified number of armoured personnel carriers to

⁹⁷ Frances Mao, ‘Prabowo Subianto: The tainted ex-military chief who will be Indonesia’s new leader’, *BBC* (online, 15 February 2024) <<https://www.bbc.com/news/world-asia-68237141>>; Carolyn Nash, ‘In Indonesia, Prabowo’s Dark Past Casts a Pall Over His Presidency’, *Amnesty International* (Blog, 7 November 2024) <<https://www.amnestyusa.org/blog/in-indonesia-prabowos-dark-past-casts-a-pall-over-his-presidency/>>; Hellena Souisa, ‘Indonesian government’s push to write official history slammed as “authoritarian”’, *ABC News* (online, 28 May 2025) <<https://www.abc.net.au/news/2025-05-28/prabowo-rewriting-indonesian-history-deemed-authoritarian/105335930>>; Nikolas Tan, ‘Prabowo and the Shortcomings of International Justice’ (2015) 3(1) *Griffith Journal of Law & Human Dignity* 103-117.

⁹⁸ Mirin (n 95).

Indonesian Kopassus special forces;⁹⁹ two C-130 Hercules military aircraft;¹⁰⁰ and continues to provide military training and logistical support.¹⁰¹ Other governments who also arm and/or train the Indonesian military and police include: the US providing F16 fighter jets; the UK supplying fighter jets and armoured personnel carriers; Germany supplying Leopard tanks; Switzerland providing assault rifles, submachine guns and pistols; Israel providing jets and machine-gun drones; France provides Thales munitions, Nexter howitzers, and Airbus attack helicopters; Serbia providing Krusik bombs and mortars; and Belgium providing FZ Thales rockets and M113 armoured vehicles.¹⁰²

Professor Peter King received a frank admission from Indonesia's General Ryacudu:¹⁰³

Like it or not, *the glue of the nation* nowadays is the [Indonesian military]. If people want to dismantle the state, go ahead and abolish the territorial units. If the Trikora military command in [West Papua] were dissolved, [West Papua] would be independent tomorrow.¹⁰⁴

If the Indonesian military is the glue of the nation, the Western colonial powers provide the vital ingredients. As such, under Articles 3 and 4 of *the Genocide Convention*, all 'leaders, officials and individuals' involved may be deemed complicit in genocide. Washington – given its role in initiating the illegal transfer of this Non-Self-Governing Territory to Indonesia in 1962 – may be deemed the architect of this malfeasance on behalf of Freeport and US oligarchs.¹⁰⁵

⁹⁹ Ben Felton, 'Indonesia Receives Donated Bushmasters', *Australian Defence Magazine* (online, 10 August 2023) <<https://www.australiandefence.com.au/defence/land/indonesia-receives-donated-bushmasters>>.

¹⁰⁰ 'C-130 Gifted to Indonesia', *Australian Defence Magazine* (online, 3 July 2012) <<https://www.australiandefence.com.au/news/c-130-gifted-to-indonesia>>.

¹⁰¹ Defence Media, Australian Government, 'Australia and Indonesia Strengthen Defence Ties During Air Combat Exercise' (Media Release, 18 September 2023) <<https://www.defence.gov.au/news-events/releases/2023-09-18/australia-indonesia-strengthen-defence-ties-during-air-combat-exercise>>.

¹⁰² 'War on West Papua: Weapons of the Indonesian Occupation' (online) <<https://www.waronwestpapua.org/>>.

¹⁰³ Formerly Chief of Staff of the Indonesian Army he was appointed Minister of Defence by President Widodo in 2014.

¹⁰⁴ Peter King, *West Papua & Indonesia since Soeharto: Independence, Autonomy or Chaos?* (UNSW Press, 2004) 103 (emphasis added).

¹⁰⁵ Greg Poulgrain, *Curse of Gold* (Kompas Gramedia, in Press, 2016).

VIII IMMUNITY

Despite the myriad of intentional breaches of international law perpetrated by the UN Organisation itself and some Member States, there appears no legal avenue to hold these perpetrators to account. Under Article 105 of *the Charter*:

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.
2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

Furthermore, UN Resolution 22 was adopted during the Organisation's first session in 1946, resulted in the *Agreement on Privileges and Immunities of the United Nations*.¹⁰⁶ Under this resolution, members of the Secretariat are immune from prosecution allowing these individuals to intentionally violate international law without fear of retribution. With UN officials above the law, the Organisation is thus a safe haven for criminals.

IX CONCLUSIONS

Had the Security Council upheld the right to self-determination for the people of the former Dutch East Indies, guaranteed in the 1949 *Charter for the Transfer of Sovereignty* concluded at the Round Table Agreement, the world's largest island archipelago would likely now be comprised of a multitude of independent island states. Instead, the inhabitants, along with the people of West Papua, continue to be ruled by a quasi-military dictatorship.

Had the United Nations Secretariat and complicit Member States not covertly intervened to deny the West Papuan people's right to self-determination and planned independence, the Netherlands / Australia Agreement would likely have led to the removal of the colonial boundary and an independent Papuan island nation. Furthermore, the nascent decentralised system of political representation adopted by the inhabitants of West

¹⁰⁶ UN General Assembly, *Privileges and Immunities of the United Nations*, UN GAOR, 1st sess, 31st plen mtg, UN Doc A/Res/22(I) (13 February 1946).

Papua – reflecting the indigenous fabric of the hundreds of autonomous Melanesian communities – would logically have been extended across the eastern side of the island and set a precedent for other Melanesian and indigenous peoples.

Instead, the Papuans have been subjected to a ruthless programme of intentional genocide since the UN transferred administration to Indonesia in 1963. Sympathetic Melanesian nations such as Vanuatu and Solomon Islands pay lip-service to the ongoing human rights violations, while others take blood-money for their appeasement. All have fallen short of their legal and moral responsibility to uphold their fellow Melanesian's right to independence and ultimately, their right to life.

Fully aware of West Papua's right to independence, the colonial powers arm and train Indonesia's Republican forces, which under Article 4 of the *Genocide Convention* deems them complicit. Furthermore, these breaches of international law by the United Nations Secretariat were initiated by Washington on behalf of the mining company Freeport. A direct consequence of this has been a population deficit estimated today to be at least two million with those responsible ostensibly immune from prosecution.

As the past President of the International Association of Prosecutors Nicholas Cowdrey reminds us:

The rule of law is not an optional consideration if human rights and democracy are to be assured. ... We cannot afford to be complacent or to place uncritical trust in our political representatives and rulers. To them the rule of law may be no more than a slogan - to us, it is of essential substance and has very practical consequences.¹⁰⁷

In the case of West Papua, the *very practical consequences* of our complacency and uncritical trust in our political representatives and rulers has resulted in our political representatives and rulers being complicit in genocide. West Papua highlights the failure of global governance and the failure of the current neoliberal paradigm where the accumulation of capital usurps humanity. With the United Nations and our leaders responsible for this crime of all crimes, 'we the people' must surely revolt.

¹⁰⁷ Nicholas Cowdery, 'The Rule of Law and a Director of Public Prosecutions' (Conference Paper, Rule of Law in Australia Conference, 6 November 2010) 18.

REFERENCE LIST

A Articles/Books/Reports

Anderson, Kjell, 'Colonialism and Cold Genocide: The Case of West Papua' (2015) 9(2) *Genocide Studies and Prevention: An International Journal* 9-25, <http://dx.doi.org/10.5038/1911-9933.9.2.1270>

Antonopoulos, Paul and Cottle, Drew, 'Forgotten genocide in Indonesia: mass violence, resource exploitation and struggle for independence in West Papua' in Frank Jacob (ed), *Genocide and Mass Violence in Asia: An Introductory Reader* (de Gruyter Brill, 2019) 160-188, <https://doi.org/10.1515/9783110659054-009>

Bevege, Alison, 'A Secret Genocide: The Blood Politics of West Papua' (2014) 85(3) *Australian Institute of Policy and Science* 7-13
<<https://www.jstor.org/stable/24363645>>

Brundige, Elizabeth, Winter King, Priyeha Vahali, Stephen Vladeck, and Xiang Yuan, *Indonesian Human Rights Abuses in West Papua: Application of the Law of Genocide to the History of Indonesian Control* (Allard K Lowenstein International Human Rights Centre, Yale Law School, Yale University, Report, April 2004)

Copley, Gregory, R, 'AUKUS: Operational Vitality: Strategic Challenges' (2023) 51(4) *Defense & Foreign Affairs Strategic Policy* 6-8

Drooglever, Pieter, *An Act of Free Choice: Decolonisation and the Right to Self-Determination in West Papua* (One World Publications, 2010)

Elmslie, Jim, and Webb-Gannon, Camellia, 'A Slow-Motion Genocide: Indonesian Rule in West Papua' (2013) 1(2) *Griffith Journal of Law & Human Dignity* 142-165, DOI: <https://doi.org/10.69970/gjlhd.v1i2.578>

IDN Times, 'NGOBROL Seru IDN Times "Label Teroris Pada KKB, Mampukah Redam Konflik Papua?"' (YouTube, 7 May 2021) 7:39/34:04 to 10:37/24:04
<<https://www.youtube.com/watch?v=4tCE4VnzjUg>>

Institute for Policy Analysis of Conflict, 'The Current Status of The Papuan Pro-Independence Movement' (Report, 24 August 2015)

<<https://understandingconflict.sgp1.digitaloceanspaces.com/dashboard/05ab1f2f31ee54cfd3a4c0b38c893a44.pdf>>

International Parliamentarians of West Papua, 'Human Rights in West Papua' (online) <<https://www.ipwp.org/human-rights-in-west-papua/>>

Janki, Melinda, 'West Papua and the Right to Self-Determination Under International Law' (2010) 34(1) *West Indian Law Journal* 1-31, <https://www.ipwp.org/wp-content/uploads/2016/04/West_Papua_and_the_right_to_self-determination_under_international.pdf>.

Kadir, M Ya'kub Aiyup, 'Revisiting Self-Determination Conflicts in Indonesia: An International Law Perspective' (2015) 5(2) *Indonesia Law Review* 123

Kaulahao Siu, Leon, and Sukru Guzel, Mehmet, *Modus Vivendi Situation of West Papua* (Lulu Publishing Services, 2018)

McKinlay King, Julian Alec, 'A Soul Divided: The UN's Misconduct over West Papua' (2019) 16(1/2) *PORTAL Journal of Multidisciplinary International Studies* 59-81

McKinlay King, Julian with Johnson, Andrew, 'West Papua Exposed: An Abandoned Non-Self-Governing or Trust Territory' (2018) 6(2) *Griffith Journal of Law and Human Dignity* 70-160, <https://doi.org/10.69970/gjlhd.v6i2.1078>

King, Peter, *West Papua & Indonesia since Soeharto: Independence, Autonomy or Chaos?* (UNSW Press, 2004)

Ondawame, Otto, 'One People, One Soul' *West Papua Nationalism and the OPM* (Crawford House Publishing, 2010)

Poulgrain, Greg, *Curse of Gold* (Kompas Gramedia, in Press, 2016)

Poulgrain, Greg, 'West Papua, Indonesia' in Dinah Shelton (ed), *Encyclopedia of Genocide and Crimes Against Humanity* (Thomson Gale, 2005) 1155-1157.

Saltford, John, *The United Nations and the Indonesian Takeover of West Papua, 1962-1969: The Anatomy of Betrayal* (RoutledgeCurzon, 2003)

Shelton, Dinah, *Encyclopaedia of Genocide and Crimes Against Humanity* (Thomson Gale, 2005)

Tan, Nikolas, 'Prabowo and the Shortcomings of International Justice' (2015) 3(1) *Griffith Journal of Law & Human Dignity* 103-117, <https://doi.org/10.69970/gjlhd.v3i1.663>

Wing, John, and King, Peter, *Genocide in West Papua? The Role of the Indonesian State Apparatus and a Current Needs Assessment of the Papuan People* (West Papua Project, Report, 2005)

Yoman, Socratez Sofyan, *Systematic genocide of the indigenous people of West Papua under special autonomy* (Centre for peace and Conflict Studies, University of Sydney, Report, 2005)

B CASES/TREATIES/UN DOCUMENTATION

Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian), signed 15 August 1962, [1962] A/RES/1752 (XVII), (entered into force 21 September 1962)

Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian), UN GA, 17th sess, 1127th plen mtg, Agenda Item 89, UN Doc A/PV.1127 (21 September 1962)

Agreement No 6312, 'United Nations and Indonesia and Netherlands', signed 15 August 1962, 437 UNTS 6312, Treaty Series: Treaties and international agreements registered or filed and recorded with the Secretariat of the United Nations, 1963, (online) <<https://treaties.un.org/doc/Publication/UNTS/Volume%20437/v437.pdf>>

Amendment of the Rules of Procedure of the Trusteeship Council, UN TCOR, 61st sess, 1705th mtg, UN Doc T/RES/2200(LXI) (25 May 1994)

Charter of the United Nations

Convention on the Prevention and Punishment for the Crime of Genocide, opened for signature 9 December 1948 (entered into force 12 January 1951)

'Declaration on the granting of independence to colonial countries and peoples', GA Res 1514 (XV), UNGA, 958th plen mtg, UN Doc A/RES/1514 (XV) 20 December 1960, (online) < <http://www.un.org/en/decolonization/declaration.shtml>>

East Timor (Portugal v Australia) (Judgement) [1995] ICJ Rep 29

General debate, UN GAOR, 1016TH PLEN MTG, Agenda Item 9, UN Doc A/PV. 1016 (26 September 1961) <<https://media.un.org/avlibrary/en/asset/d251/d2519705>>

Indonesia and Netherlands Agreement (with annex) concerning West New Guinea (West Irian), signed 15 August 1962, 437 UNTS 6311 (entered into force 21 September 1962)

Permanent Mission of Switzerland to the United Nations, '*PGA Handbook: A practical guide to the United Nations General Assembly*', 2011 (online)

<https://unitar.org/sites/default/files/media/publication/doc/un_pga_new_handbook_0.pdf>

Programme of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, GA Res 2621 (XXV), UN GAOR, 25th sess, 1862nd plen mtg, UN Doc A/8086, (12 October 1970)

Question of Indonesia, GA res 301, UNGA, 4th sess, plen mtg, UN Doc A/RES/301(VI), 2 December 1949.

Rome Statute of the International Criminal Court

Rules of Procedure of the General Assembly, UN Doc A/520/Rev.21 (2025)

Rules of Procedure of the Trusteeship Council, UN TCOR, 61st sess, UN Doc T/1/Rev.7 (1995) <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/NS0/005/50/IMG/NS000550.pdf>>

The question of West Irian (West New Guinea), UN GAOR, 9th sess, 509th plen mtg, Agenda item 61, UN Doc A/2831 (4 December 1954)

Toki, Valmaine, Economic and Social Council, Study on Decolonisation in the Pacific region', *Permanent Forum on Indigenous issues*, 12th sess, UN Doc E/C.19/2013/12 (20 February 2013)

United Nations Commission for Indonesia, *Round Table Conference on Indonesia*, UN Doc S/1417/Add.1 (14 November 1949)

United Nations Commission for Indonesia, *Special report to the Security Council on the Round Table Conference*, UN Doc s/1417 (1949)

United Nations GAOR, 1016th plen mtg, UN Doc A/PV.1016, (26 September 1961)

United Nations GAOR, 1127th plen mtg, UN Doc, (21 September 1962)

United Nations GAOR, 1810th plen mtg, UN Doc A/PV.1810, (13 November 1969)

United Nations GAOR, 1812th plen mtg, UN Doc A/PV.1812 (19 November 1969)

United Nations GAOR, 1813th plen mtg, UN Doc A/PV.1813, (19 November 1969)

United Nations and Indonesia and Netherlands: Understandings relating to the Agreement of 15 August 1962 between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian), 15 August 1962, 437 UNTS 6312 (registered ex officio on 21 September 1962)

United Nations Human Rights Office of the Commissioner, 'Indonesia: UN Experts Sound Alarm on Serious Papua Abuses, Call for Urgent Aid' (Press Release, 1 March 2022) <<https://www.ohchr.org/en/press-releases/2022/03/indonesia-un-experts-sound-alarm-serious-papua-abuses-call-urgent-aid?LangID=E&NewsID=28180>>

UN General Assembly, *Privileges and Immunities of the United Nations*, UN GAOR, 1st sess, 31st plen mtg, UN Doc A/Res/22(I) (13 February 1946)

UN Human Rights Committee, *Concluding Observations on the Second Periodic Report of Indonesia*, UN Doc CCPR/C/IDN/CO/2, (3 May 2024) <<https://www.ohchr.org/en/documents/concluding-observations/ccprcidnco2-concluding-observations-second-periodic-report>>

UN TCOR, 1716th mtg, UN Doc T/PV.1716 (15 December 2017)

'Uniting for Peace', GA Res 377 (V), UNGA, 294th plen mtg, UN Doc A/RES/377 (V), 7 October 1950 (online) <[https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/IP%20A%20RES%20377%20\(V\).pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/IP%20A%20RES%20377%20(V).pdf)>

C Other

Australian Government, Inward Cablegram from Australian Embassy Djakarta, *National Archives of Australia*, 10 July 1958, (A1838/TS696/3/2 Part 3, 99)

Australian Government, Inward Cablegram Australian Embassy Washington, 'Indonesia', *National Archives of Australia*, 22 July 1958, (A1838/TS696/3/2 Part 3, 73)

Australian Government, Inward Cablegram from Australian Embassy Washington, *Indonesia*, 22 July 1958, National Archives of Australia, A1838/TS696/3/2 Part 3, 73. (online)

<<https://recordsearch.naa.gov.au/SearchNRetrieve/Interface/DetailsReports/ItemDetail.aspx?Barcode=558075&isAv=N>>

Australian Government, 'Situation Report No 47', *National Archives of Australia*, 7 August 1958, (online)

<<https://recordsearch.naa.gov.au/SearchNRetrieve/Interface/DetailsReports/ItemDetail.aspx?Barcode=558075&isAv=N>> (A1838/TS696/3/2 Part 3, 16)

Australian government JIC Report, 'The Likelihood of Indonesia Gaining Control of West New Guinea', 7 March 1957, *National Archives of Australia*, (A1838 TS696/3/2 Part 3, 296)

Bowers, John S, 'Japanese Nationalists Prepare to Make Guerrilla War on Dutchmen, Former Masters', *The Berkshire Eagle* (Pittsfield, Massachusetts, 15 September 1945)

'C-130 Gifted to Indonesia', *Australian Defence Magazine*. (online, 3 July 2012)

<<https://www.australiandefence.com.au/news/c-130-gifted-to-indonesia>>

'Colony of West Papua', 2012-17 (online)

<<https://web.archive.org/web/20120825161613/http://colonyWestPapua.info>>

'Colony's Name Changed', *New York Times* (online, 1 December 1961)

<<https://www.nytimes.com/1961/12/01/archives/colonys-name-changed.html>>

Confidential Airgram from Frank Galbraith US Embassy in Jakarta, 9 June 1969 (National Security Archive, Indonesia's 1969 Takeover of West Papua Not by "Free Choice", Brad Simpson, ed)

<<https://nsarchive2.gwu.edu/NSAEBB/NSAEBB128/index.htm>>.

Cowdery, Nicholas, 'The Rule of Law and a Director of Public Prosecutions' (Conference Paper, Rule of Law in Australia Conference, 6 November 2010)

Defence Media, Australian Government, 'Australia and Indonesia strengthen Defence Ties During Air Combat Exercise' (Media Release, 18 September 2023)

<<https://www.defence.gov.au/news-events/releases/2023-09-18/australia-indonesia-strengthen-defence-ties-during-air-combat-exercise>>

'Dicap Teroris, TPNPB-OPM Ancam Kampanye Sasar Orang Jawa' [Labelled a Terrorist, TPNPM-OPM Threatens Campaign Targeting Javanese People] *Tempo* (online, 2 May 2021) (online) <<https://nasional.tempo.co/read/1458545/dicap-teroris-tpnpb-opm-ancam-kampanye-sasar-orang-jawa>>

Doherty, Ben and Lamb, Kate, 'West Papua independence petition is rebuffed at UN', *The Guardian*, 30 September 2017 (online)

<<https://www.theguardian.com/world/2017/sep/30/west-papua-independence-petition-is-rebuffed-at-un>>

Douw, Amatus, 'Letter to UN Secretary-General Mr Antonio Guterres', 26 October 2021

Felton, Ben, 'Indonesia Receives Donated Bushmasters', *Australian Defence Magazine* (online, 10 August 2023)

<<https://www.australiandefence.com.au/defence/land/indonesia-receives-donated-bushmasters>>

Feria-Tinta, Monica, 'Advice on the legal status of West Papua under the UN Charter', 11 June 2021, *Twenty Essex*, London

'Forum Prorogatum', *Oxford Public International Law*, (online)

<<https://opil.ouplaw.com/display/10.1093/law-mpeipro/e1575.013.1575/law-mpeipro-e1575>>

Fox, Liam, 'Pacific Nations Call for UN Investigations into Alleged Indonesian Rights Abuses in West Papua', *ABC News* (online, 2 March 2017)

<<http://www.abc.net.au/news/2017-03-02/pacific-nations-call-for-un-investigations-into-west-papua/8320194>>

Free Papua Movement website, (online) <www.freepapuamovement.org>

IDN Times, 'NGOBROL Seru IDN Times "Label Teroris Pada KKB, Mampukah Redam Konflik Papua?"' (YouTube, 7 May 2021)

<<https://www.youtube.com/watch?v=4tCE4VnzjUg>>

Lagan, Bernard, 'Papua New Guinea Finds Real Population is Almost Double Official Estimates', *The Times* (online, 5 December 2022)

<<https://www.thetimes.com/uk/politics/article/papua-new-guinea-finds-real-population-is-almost-double-official-estimates-n86g6sdpm>>

Land of the Morning Star (Film Australia, 2003)

<<https://www.screenaustralia.gov.au/screen-guide/land-of-the-morning-star-15977/>>

Letter to UN Secretary-General Mr Antonio Guterres from Amatus Douw (Chairman of the Diplomatic Council Free Papua Movement/ TPNPB-OPM), 26 October 2021 (copy on file with author)

Manning, Selwyn, 'Vanuatu to Seek Observer Status for West Papua at MSG and PIF Leaders Summits', *Scoop Independent News* (online, 22 June 2010)

<<https://pacific.scoop.co.nz/2010/06/group-urges-nz-govt-to-act-against-humanitarian-crisis-in-west-papua/>>

Mao, Frances, 'Prabowo Subianto: The tainted ex-military chief who will be Indonesia's new leader', *BBC* (online, 15 February 2024) <<https://www.bbc.com/news/world-asia-68237141>>

'Matter of time for Papuan self-determination, says lawyer', *Radio New Zealand*, 4 October 2017 (online) <<https://www.radionz.co.nz/international/pacific-news/340800/matter-of-time-for-papuan-self-determination-says-lawyer>>

Mirin, Ali, 'Indonesia's Pacific Manoeuvres – Money, Military and Silencing West Papua', *Green Left* (online, 14 May 2025) <<https://www.greenleft.org.au/content/indonesias-pacific-manoeuvre-money-military-and-silencing-west-papua>>

Nairn, Allan, 'News: "Do I have the guts," Prabowo Asked, "Am I Ready to be Called a Fascist Dictator?"', *Allan Nairn BlogSpot* (online, 22 June 2014)

<<https://www.allannairn.org/2014/06/news-do-i-have-guts-prabowo-asked-am-i.html>>

Nash, Carolyn, 'In Indonesia, Prabowo's Dark Past Casts a Pall Over His Presidency', *Amnesty International* (Blog, 7 November 2024)

<<https://www.amnestyusa.org/blog/in-indonesia-prabowos-dark-past-casts-a-pall-over-his-presidency/>>

Ondawame, Otto, 'A Motion on Foreign Policy regarding West Papua had been passed in the Vanuatu Parliament', *West Papua National Coalition for Liberation* (online, 20 June 2010)

<https://docs.google.com/document/u/0/d/1LYO5bumOKYNVrim8R_KkqVw6LShbAt_h2dWRF8AbY_kU/mobilebasic?hl=en&pli=1>

Perkasa, Vidhyandika Djati and Satria, Alif, 'Conflict Resolution in Papua and the Label of Terrorism', *The Diplomat* (online, 7 May 2021)

<<https://thediplomat.com/2021/05/conflict-resolution-in-papua-and-the-label-of-terrorism/>>

Robinson, Jennifer, 'Self-Determination and the Limits of Justice: West Papua and East Timor', *Future Justice* (online, 2010) <https://www.writing.org.au/wp-site/wp-content/uploads/2022/01/Jennifer_Robinson2.pdf>

Robinson, Jennifer, 'UN's Chequered Record in West Papua', *Al Jazeera* (online), 21 March 2012, (online)

<<https://www.aljazeera.com/indepth/opinion/2012/03/201232172539145809.html>>

'Secret Letter from John F Kennedy to the Prime Minister of the Netherlands 2 April 1962', *Free West Papua Campaign* (online, 2 April 1962)

<<https://www.freewestpapua.org/documents/secret-letter-from-john-f-kennedy-to-the-prime-minister-of-the-netherlands-2nd-april-1962/>>

Souisa, Hellena, 'Indonesian government's push to write official history slammed as "authoritarian"', *ABC News* (online, 28 May 2025)

<<https://www.abc.net.au/news/2025-05-28/prabowo-rewriting-indonesian-history-deemed-authoritarian/105335930>>

'UN committee rejects West Papua independence petition', *Radio New Zealand*, 30 September 2017, (online) <<https://www.radionz.co.nz/international/pacific-news/340570/un-committee-rejects-west-papua-independence-petition>>

United States of America, Department of State, Embassy Djakarta, Airgram A-278, 'West Irian: The Nature of the Opposition', 9 July 1969, (online)

<<http://nsarchive2.gwu.edu//NSAEBB/NSAEBB128/29.%20Airgram%20A-278%20from%20Jakarta%20to%20State%20Department,%20July%201969.pdf>>

United States Embassy Djakarta, 'A Proposal for Settlement of the West New Guinea Dispute' (online, 26 May 1959)

<<https://history.state.gov/historicaldocuments/frus1958-60v17/d203>>

Unrepresented Nations & Peoples Organization, 'West Papua' (online)

<<https://unpo.org/member/west-papua/>>

'Vanuatu to Seek UN General Support for ICJ Opinion on Indonesia's Papua, *Radio New Zealand* (online, 21 June 2010)

<<https://www.rnz.co.nz/news/pacific/191049/vanuatu-to-seek-un-general-assembly-support-for-icj-opinion-on-indonesia's-papua>>

Waide, Scott, 'The Uncomfortable Topic of West Papua in the Melanesian Spearhead Group', *ABC* (online, 22 November 2024) <<https://www.abc.net.au/pacific/the-uncomfortable-topic-of-west-papua/104630470>>

'War on West Papua: Weapons of the Indonesian Occupation' (online)

<<https://www.waronwestpapua.org/>>

West Papua Information Kit, (online) <<http://wpik.org>>