



THE FEDERAL STATE REPUBLIC OF WEST PAPUA

Address : Jl. Batu Dua, Sabron Yaru, Sentani Barat, Jayapura, West Papua

Number : 01060817/P. NFRPB
Subject : Offering Peace Negotiation For Recognition and Transferring Sovereignty One
Character : The second Letter in Second Phase Bidding Peace Negotiation
To : His Excellency Mr. Ir. Joko Widodo, The President of The Unitary State Republic of Indonesia in Jakarta.

Mr. President,

We all have a goodwill for maintenance peace and security in the world like as requested by the United Nations Charter, therefore the Federal State Republic of West Papua (FSRWP) have sent the first letter dated at March,1,2017 for offering peace negotiation. Now we send again the second letter in second phase for bidding peace negotiation in processing a substantial degree of recognition and transferring sovereignty one from the Unitary State Republic of Indonesia (USRI) to the Federal State Republic of West Papua (FSRWP). Because there have been three months or six years ago if we count totally no any response came from the Republic of Indonesia Government.

In this second letter or the sixth letter totally (2012-2017), I am as the President of the Federal State Republic of West Papua would like to clarify some cases and confirm some plans to processing of recognizing and transferring sovereignty one from USRI to FSRWP over the West Papua Country (the former colony territory of the Netherlands New Guinea or the Dutch Papua).

The first, we must clarify again very clearly and full consciously in our mind some cases like as mentioned bellow :

1. The legality of the territory sovereignty one from the both states of the FSRWP and USRI base on the general international law.

By virtue of the Unilateral Declaration of Independence (UDI) of the Papua Nation in West Papua Country at the Third Congress of West Papua Peoples, October 19,2011 in Abepura, Jayapura, that the territory of the Federal State Republic of West Papua over the entire former colony territory of the Netherlands New Guinea (Dutch Papua). Which in according to decolonization principles, there are principle of uti possidetis juris that mentioned," the boundaries of nascent post colonial countries conforms with their pre-sovereignty one." And the principle of successor of state, the Federal State Republic of West Papua is the successor of state over the whole former colony

territory of the Netherlands New Guinea (Dutch Papua). In according to the London Agreement in July 1848 between United Kingdom and Netherlands upon the Papua Islands was over established the boundary colonial territories between Netherlands New Guinea and British New Guinea (MANGASIH SIHOMBING,ASPEK HUKUM KEBERADAAN PAPUA DALAM REPUBLIK INDONESIA DAN ISU-ISU TERKAIT,Page.13). It was not inclusive boundary colonial territories between Netherlands East Indies and British New Guinea. And at 1951 the Parliament of Netherlands increased West Papua legal Satute of law as Netherlands New Guinea in an establishment (Read: J.P. DROOGLEVER, ACT OF FREE CHOISE Papuan Peoples And Self-Determinations, page 226 in Indonesian Edition). So that It is very clear and legal on principle of the general international law of the FSRWP sovereignty over the former colony territory of the Netherlands New Guinea which annexed by the Republic of Indonesia since 1963 until the present.

The boundary of the Unitary State Republic of Indonesia was over the former colony territory of the Netherlands East Indies (Dutch Indies). And had become successor of state upon the former colony territory of the Netherlands East Indies. It is very clear too. The Federal State Republic of West Papua didn't take over or interference the integral part territories of sovereignty one of the Republic of Indonesia it is very actual fact up and now (read point 2 and 3 mentioned below).

2. The Indonesia Delegation in its refusal over the pressing made by Salomon Islands and Vanuatu on the human rights violation which in facing the West Papua in 34th session of the United Nations Human Rights Council assembly in Geneva, Switzerland, Friday, March, 3, 2017, by the Permanent Representative of the Republic of Indonesia i.e said: "...the Indonesia is not a colonial state and Indonesia had never not yet become a colonial state...." (Translated from: detic.com, Separatist Tak Punya Ruang di Dewan HAM PBB, March, 4, 2017). That Indonesia's statement is in concordant with United Nations General Assembly Resolution 1654 (XVI) which only focused on colonies of the Western World, namely Australia, Belgium, Denmark, France, Italy, Netherlands, New Zealand, Portugal, South Africa, Spain, the United Kingdom and the United State. This list of administering states was not expanded afterwards (Read: UN List of Non-Self-Governing Territories ,Last Modified on 8th September 2014, page 8). Therefore Indonesia can not give decolonization statute for the West Papua (former colony territory of the Netherlands New Guinea). That it can be understood, Indonesia is not a colonial state (colonisator). It is true. Although factually may be different in the ground situation of West Papua.
3. But in the list of The Territories Joined Another State written that West Papua annexed by Indonesia as Irian Jaya since 1963 (ibid : page 16). So that Indonesia was the annexator over West Papua Country since 1963 until the present. In the law of nations annexation is : "To expand a state territory by violence (sometimes with a treaty). Usually with the pretext (or pretense) upon the relation of a nationality, and a connection of state nationality or cultural". For example : Montenegro annexed (occupation) by Serbia (World War I), Indonesia annexed (occupation) by Japan 1942-1945 (See : Indonesia Encyclopedia, Special Edition, Binding I, page 213). It is very clear Indonesia annexed West Papua (1963 until the present), and Indonesia annexed Timor Leste (1975-1999). The Indonesia is an annexator state it is truly fact. Because Netherlands New Guinea

and Netherlands East Indies different territories legally like as explained in point 1 above. The annexation dispute between West Papua Peoples against Indonesia Government is the only one or just one root causes of the human rights violation in all kinds and forms facing the West Papua Peoples, which it still going on by the Indonesian military and police brutality forces since 1963 until the present.

4. At the United Nations General Assembly 71st in Washington, Nara Masista Rakhmatia one of the delegation member of Indonesia mentioned that the speech done by the head of states from Solomon Islands, Vanuatu, Nauru, Marshall Islands, Tuvalu and Tonga is as " interference " and said they have a goal to push on separatism in two provinces of Indonesia." Meanwhile the Indonesia Minister of Foreign Affairs, Retno LP Marsudi to the journalists explained in a statement : " But at once again, as if arrived to the sovereignty problems and non-interference, if these cases (the principles) to be collide in there too we will stop (negotiation)." (Translated from: satuharapan.com, Papua Bagian Dari NKRI Bukan Untuk Dinegosiasikan).

But, if the Pacific Islands Forum Members State or at specially for some states namely, Solomon Islands, Vanuatu, Nauru, Marshall Islands, Tuvalu and Tonga supported Federal State Republic of West Papua (FSRWP) transparently, continuously and exactly, the Indonesia may not complain or stop them. Because West Papua peoples built FSRWP by themselves and supported or pushed by the Pasific Islands Forum (PIF) members states or another states from abroad. Only supported by Indonesia Central Government in giving a license to realize Third Congress of West Papua Peoples in Jayapura on October 17-19,2011 which was very successful. And the legality of sovereignty territory of the both states, between FSRWP and USRI is very clear different one another in according to the general international law like as have been explained at the point 1 above. Therefore the Indonesia government has not any right with any reason at the present to complain about problems of the West Papua Country (former colony territory of the Netherlands New Guinea) as integral part territory of sovereignty one of the Republic of Indonesia has not trustable again. If some states shall support the FSRWP on any chance, anytime and anywhere (read more point 1 and 3 mentioned above).

5. The Indonesia's Former Coordinative Minister of Politic, Law, Human Rigths And Defence, Mr. Luhut Binsar Pandjaitan in a press conference ever said : " Ah, for what, we negotiated with him (ULMWP) ? We are a state, who is it ? It is an organization only like that. " to the journalist of the satuharapan.com, Melki Pangaribuan when met him in Jakarta, April 5,2016.(translated from : satuharapan.com, April 6,2016 . Mr. Luhut Pandjaitan thought about that United Liberation Movement for West Papua or 'ULMWP' is not a state which may become a same level partner to negotiate). We can understood that it is in according to the Vienna Convention On The Law Of Treaties Between States 1969. And Vienna Convention on The Law of Treaties Between States and Organizations and Between Organizations 1986. ULMWP is a non-government organization so not same level partner to the state organizations (government organization) and for it is not inclusive into an intergovernmental organization. The West Papua political statute and law very different

with New Caledonia. Because legal statute of law both of the French is the colonial state and meanwhile Indonesia is annexator state over West Papua.

It is true. But Mr. Luhut Pandjaitan seem forgot or quasi forgot that West Papua Peoples at the present have done a state themselves namely, The Federal State Republic of West Papua (FSRWP). So that the Indonesia Government can negotiate with the Federal State Republic of West Papua. But Indonesia can did it.

May be the Indonesia government thought about that the FSRWP same with the ULMWP. For it problem I would like confirm again that the Federal State Republic of West Papua (FSRWP) has never not yet combined with United Liberation Movement for West Papua (ULMWP). I hope the Indonesian Government and West Papua intellectual parties in the ULMWP can understand my explanation in above and do not mix on again the FSRWP and ULMWP. Because FSRWP is a state organization (government organization), meanwhile ULMWP is a non-government organization. It is very clear different both side of position and or statute of law between one another.

6. Development programs in all kinds of the fields of livelihood or in any reason cannot nullify existence of the Federal State Republic of West Papua to negotiate for enjoyable a substantial degree of recognition and transferring sovereignty one from the Unitary State Republic of Indonesia (USRI). Because development is the rights of the peoples and could be settled continuously by the Federal State Republic of West Papua itself or in form of bilateral or multilateral working together between another states. For example to participate in the United Nations Development Programs so called Millennium Development Goals (MDGs) and Sustainable Development Goals (SDGs). It is not a problem.
7. The Federal State Republic of West Papua not plans or programs to propose decolonization statute and referendum to the Indonesia Government and to the United Nations Organization. Why ? The primary factor is the FSRWP at the present is a SUBJECT INTERNATIONAL OF LAW known BELLIGERENT. Therefore only struggling to get a substantial degree of recognition and transferring sovereignty one from the Unitary State Republic of Indonesia and recognizing from all members states of the United Nations. The secondary factor, the Indonesia is not a colonial state like as its claims in according to the United Nations General Assembly Resolution 1654 (XVI) as like as have been explained in the point 2 and 5 above. So very clear now. Therefore the Federal State Republic of West Papua refuse decolonization statute and referendum, but only struggle for international recognition and transfer sovereignty one from Unitary State Republic of Indonesia (USRI).
8. The pro and contra parties in domestic and abroad it is normally problems in political pratise and democracy system which sometimes occurred in any peoples, on any affairs, any time, anywhere in the world. And can be resolved by themselves internally and constituonaly with little support of the abroad expert.
9. A senior journalist, named Derek Manangka complained :'' Why the the declaration of the Federal State of West Papua to be mentioned as 'entry gate' to broke USRI, nothing else because history fact. The states which disordered or to be confused by the abroad parties as long as 70 years in latest

have a same mood. That was begun with infiltration small hole and then become entry gate. ... The Government have obligation to catch and processing by law the declarators parties of the founder state in this state "(Translated from: Papua News, April 15,2017. PINTU MASUK PECAHNYA NKRI SUDAH 'DIBUKA' DI PAPUA).

Derek Manangka's statement like as mentioned in point 9 and or anyone who have an same opinion is hoax. The history of each nation legally different one and another. Who is it the founder state in this state ? Is the Republic of Indonesia or the Federal State Republic of West Papua ? Who annexed West Papua the former colony territory of the Netherlands New Guinea (Dutch Papua) ? Please read this letter carefully in points 1,2-5 we will understand what is the Federal State Republic of West Papua legal by law or not.

For processing of law it is a peace way of international mechanism to resolve annexation dispute as the root causes of the human rights violence facing the West Papua people since 1963 until the present. The declarators parties of the Federal State Republic of West Papua and his peoples cannot be funished again in the makar problems or separatist in Indonesia law after successful Unilateral Declaration of Independence (UDI) of Papua Nation in West Papua Country, October 19,2011 in Jayapura, which in accordance with general international law. If Indonesia Government done it, so that it can be categorize as a humanity crime or in mean of war crime going on in West Papua Country.

10. The opinion to catch the declarators and processing by law it we will ready do if to pass by the International Court of Justice (ICJ),not by Indonesia Court of Justice. Because there are three main reasons. The first, that it is have become two nations states problem both FSRWP and USRI with same level statute of international subject of law at the present, which may processing through the international level mechanism of law in according to the United Nations Charter, Chapter I, for maintenance international peace and security. The second, the Republic of Indonesia base on its main principle is as the state of law and also as a member state of the United Nations, therefore Indonesia shall increase the law both national and international level in its implementation. The third, the declarators parties and the Papuan indigenous peoples didn't fell have a guarantee in security and safety of life if took place in Indonesian mechanism of law like as that is going on until the present.
11. If the Indonesia force to takes into Indonesia's law mechanism I think is not safety and fair. And cannot find peace, truth and justice in Indonesia mechanism of law. But we the declarators will agree to process with Indonesia mechanism of law if Indonesia accorded in some conditional namely, may attend a third party of diplomatic of abroad state ; attend a team of international attorney at law of the FSRWP ; place in Jayapura ; the declarators don't be catch and not in jail ; for our safety we want a group of the United Nations' Peace Keeping Force attended too ; the main problems are the annexation dispute and Unilateral Declaration of Independence of Papua Nation in West Papua Country,19th October 2017 in,Abepura, Jayapura, West Papua ; and give license to the abroad journalist to record a processing of law in the Indonesia's Court of Justice of the State Administration in Waena, Jayapura. If the Indonesia refuse or cannot give feel of peace, truth and justice on an

establishment in accordingly to the general international law we will take to the International Court of Justice (ICJ).

Mr. President,

In the second part of this letter, I have some action plans in requests to His Excellency Mr. President of the USRI himself and to the Honorable Prime Minister of the Netherlands Kingdom as a former colonial state and to Dear Secretary General of the Pacific Islands Forum (PIF) as ours Pacific Region Intergovernmental Organization, and to Dear Secretary General of the United Nations such as :

- a. I am request in respectfully to the Indonesia Government itself shall could receive the offering peace negotiation for recognition and transferring sovereignty one of the Federal State Republic of West Papua ;
- b. We give a time deadline of the request in offering peace negotiation in belateraly between USRI and FSRWP will be finished on the last October 2017;
- c. If our requests at the points a and b above didn't be response by the Indonesia Govenment we shall go to the international prosedure or politic and law mechanism to complain annexation dispute as the only one root causes of the such conflicts between West Papua Peoples and Indonesia Government since 1963 until the present. Which the annexation conflicts have caused human rights violation in all over the West Papua country by the Indonesia military and police forces ;
- d. In respectful to the Indonesia Government by this letter ,I have ready permission at once to request the Pacific Islands Forum members state receive Federal State Republic of West Papua as a candidate of either as an associate members state or a full member state statute (see: the proposal send at 2016 to the Legal Adviser of the PIF in Suva,Fiji). And in respectfully request the PIF shall make a resolution to recognize the Unilateral Declaration of Independence of Papua Nation in West Papua Country, October 19,2011 in Abepura, Jayap ura, Papua in according to the general international law. The Republic of Indonesia had ever done that way by Arab League Nations although the Netherlands Government never not yet recognized Proclamation Independence of Indonesia, 17th August 1945. At 1946 the Arab League Nations received and signed a recognizing resolution of Indonesia independence which proposed by the Foreign Ministers of Arab League Nations (read: DAMOS DUMOLI AGUSMAN,SH.,MA., INTERNATIONAL TREATY LAW, An Analysis of the Indonesia Theory And Practice, page 9) . So that is nothing wrong if the Pacific Islands Forum (PIF) done in same way to the FSRWP. The PIF as an intergovernmental organization has an obligation to resolve any conflict in the regional in concordant with the United Nations Charter, Article 33,Paragraf 1.
- e. In respectful to the Indonesia Government by this letter too, I have ready permission at once also to request the Netherlands Government as the former colonial state tolerable the Unilateral Declaration of Independence of the Papua Nation In West Papua Country, 19th October 2011 in Abepura, Jayapura (Hollandia by Netherlands), Papua. The New York Agreement that signed by Netherlands and Indonesia as the contracting states already terminuses and lose in according to the Viena Convention On The Law Of Treaties Between States 1969, Article 64 and Indonesia have done ratification in the Law of Republic of Indonesia

(Undang-Undang RI) number 24 of the year 2000, Article 18 point g. Therefore as the President of the FSRWP, I request the Netherlands Government shall do negotiation about those international laws with Indonesia and please takes an initiative step for doing the three parties round table conference (RTC) amongst FSRWP (Newly Independent State), Republic of Indonesia (Annexator State or as the Contracting State) and Netherlands (Former Colonial State as the Contracting State too) for the same purpose in Den Haag.

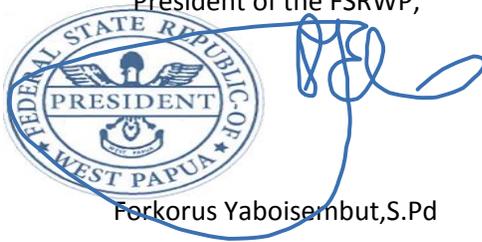
- f. With permission at once to the Indonesia Government by this letter, I request respectfully to the Secretary General of the United Nations please renote or reregister the Federal State Republic of West Papua (FSRWP) as a newly independence state (see: Mr Jan, an (former) attorney at law of the Federal State Republic of West Papua in Brussel sent a register email to Mr. Ban Ki Moon, Secretary General of the UN, on 15th February 2012 and we had got a confirmation receipt from the UN passed through UN Security Service number RR 827 567848). FSRWP have been struggling in peace way to get an enjoyable substantial degree of recognizing and transferring sovereignty one from the Indonesia in according to the general international law. I am as the President of the FSRWP have a plant complain Indonesia Government concerning annexation dispute as like as have been explained on this letter by legal procedural in same purpose if Indonesia refused peace negotiation bilaterally.
- g. I am as the President of the FSRWP understood and conscious that FSRWP is the newly independence state and in out side of the members states of the United Nations (not a member state) which has never yet ratification some resolutions of the United Nations of General Assembly and some conventions of international. Although like that the FSRWP have used some products of international law like as mentioned above in this letter as a shape of in participation to maintenance peace and security in the world. In concordant with the United Nations Charter, Chapter I, PURPOSE AND PRINCIPLES, Article 2, Paragrap 6 quoted : " The organization shall ensure that states which are not members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security."
- h. In waiting international recognizing and transferring sovereignty one , the West Papua People, Papua Nasional Police (PNP) and Papua National Military have an obligation to maintenance peace and security in over the West Papua Country and struggle in peace full way or non-violence struggle ;
- i. In waiting recognizing and transferring sovereignty one, Indonesia military and polices forces could be act as the United Nations' Peace Keeping Mission Forces to secure and in giving feel of peace and security for all peoples or citizen in over the West Papua Country. Because Indonesia has both of functions as a law country and a member state of the United Nations;
- j. If the each request in the points h and i mentioned above disturbance and there were occurred annexation conflicts again between West Papua People, Papua National Police or military in one side (FSRWP) and Indonesia National Police or military in another side (USRI), which it indicated will be occurred the humanity crime and in the mean war crime. So I think we shall request the United Nations Peace Keeping Forces from another members states of the United Nations to secure over the entire territory of West Papua Country before it done.

At the finally of the sixth letter or the second letter in the second phase in offering peace negotiation, I thanks a lot of to you His Excellency Mr. Ir. Joko Widodo, the President of the Unitary State Republic of Indonesia (USRI) for your any attention and supports to the Federal State Republic of West Papua. The Almighty God The Creator be with us !

Jayapura, July 8 ,2017

Sincerely,

President of the FSRWP,



Forkorus Yaboisembut,S.Pd

The Copy To The Honorable of :

1. The Chairman of the Peoples Deliberation Assembly of Indonesia (MPR) in Jakarta ;
2. The Chairman of the Peoples Representative Parliament of Indonesia (DPR RI) in Jakarta ;
3. The Chairman of the Residency Representative Council (DPD) in Jakarta ;
4. The Chairman of the Supreme Court of Justice of the Republic of Indonesia in Jakarta ;
5. The Chairman of the Supreme Court of Constitution of the Republic of Indonesia in Jakarta ;
6. The High Commander of the Indonesia National Military (TNI) in Jakarta
7. The Head of the State Police of the Republic of Indonesia in Jakarta ;
8. The Secretary General of the United Nations c/o Head of the UN Representatives Office in Jakarta;
9. The Secretary General of the Pacific Islands Forum (PIF) in Suva, Fiji ;
10. The Chairman of the Melanesia Spearhead Group (MSG) in Port Villa, Vanuatu ;
11. The Prime Minister of the Papua New Guinea (PNG) c/o the Ambassador of the PNG in Jakarta ;
12. The Prime Minister of the Fiji c/o the Ambassador of the Fiji in Jakarta ;
13. The Prime Minister of the Solomon Islands in Honiara ;
14. The Prime Minister of the Australia c/o the Ambassador of the Australia in Jakarta ;
15. The Prime Minister of the New Zealand c/o the Ambassador of the New Zealand in Jakarta ;
16. The Prime Minister of Netherlands Kingdom c/o the Ambassador of the Netherlands in Jakarta ;
17. The Ambassador of the United State of America in Jakarta ;
18. The Ambassador of the France State in Jakarta ;
19. The Prime Minister of the United Kingdom c/o the Ambassador of the United Kingdom in Jakarta ;
20. The Ambassador of the Singapura State in Jakarta ;
21. The Ambassador of the Japan in Jakarta ;

22. The Ambassador of the Diraja Malaysia Kingdom in Jakarta ;
23. The International Advocate of the Federal State Republic of West Papua in Netherlands ;
24. The Ambassador of the Republic of Russia in Jakarta ;
25. The Ambassador of the South Africa State in Jakarta ;
26. The Secretary General of the African, Caribbean and Pacific (ACP) in Brussell ;
27. The Cardinal of the Catholic Churches for Indonesia in Jakarta ;
28. The President of the World Council of Churches in Geneva ;
29. The Secretary General of the Pacific Conference of Churches in Suva, Viji ;
30. The Chairman of the National Commission of Human Rights of Indonesia (KOMNAS HAM) in Jakarta
31. The Coordinator of the Kontras Indonesia in Jakarta ;
32. The Chairman of the United Nations Human Rights Council (UNHRC) in Geneva ;
33. The Chairman of the United Nations Security Council in New York, USA ;
34. The Governor of the Papua Province in Jayapura ;u
35. The Chairman of the Papua Peoples Representative Council (DPRP) in Jayapura ;
36. The Governor of the West Papua Province in Manokwari ;
37. The Chairman of the West Papua Peoples Representative Council (DPR Papua Barat) in Manokwari ;
38. The Head of the Indonesia Police Territory of Papua (POLDA PAPUA) in Jayapura ;
39. The Head of the Indonesia Police of West Papua Territory (POLDA Papua Barat) in Manokwari ;
40. The Commander of the Indonesia Military Territory Commando XVII Bird of Paradise (KODAM XVII Cenderawashi) in Jayapura ;
41. The Commander of the Indonesia Military Territory Commando XVIII Kasuari (KODAM XVIII Kasuari) in Manokwari ;
42. The Chairman of the Each Synod of the Denomination of Churches in over the West Papua Island;
43. The Bishop of the Catholic Churches in Jayapura ;
44. The Hon. Prime Minister of the Republic of Vanuatu in Port Villa ;
45. The Ambassador of the Republic of Germany in Jakarta ;
46. File.