



CONSTITUTION

OF THE PROVISIONAL GOVERNMENT

Of the United Liberation Movement for West Papua

PREAMBLE

We acknowledge with gratitude and praise that the state of West Papua exists under the power of the glory and truth of Jehovah God, Who created the universe, the ancestors and all the blessings bestowed upon the Papuan people.

The struggle of the Papuan people to live free, independent, sovereign, peace and in harmony on their ancestral land is an uncontested human right.

For the struggle to achieve freedom, independence, sovereignty, peace and to live in harmony in West Papua was marked by the First Papuan People's Congress—Political Manifesto of 19 October 1961, then continued with the raising of the Morning Star flag on 1 December 1961; the establishment of the Free Papua Organization on 14 April 1963; Proclamation of the Provisional Revolutionary Government 1 July 1971; Proclamation of the Republic of West Melanesia 14 December 1988; Proclamation of the State of West Papua New Guinea 27 November 1997; the Second Papuan People's Congress 4 June 2000; Declaration of West Papua National Authority 16 August 2004; Declaration of the Establishment of the West Papua National Coalition for Liberation 1 December 2005; Yeondowa Declaration 1 July 2006; the Third Papuan People's Congress—Declaration of the Federal State of the Republic of West Papua 19 October 2011; Declaration of the National Parliament of West Papua 9 April 2012; and to the Saralana Declaration 6 December 2014. These demonstrate a form of collective effort by the Papuan people in order to defend and maintain identity, dignity and integrity and oppose all types and forms of colonialism in order to guarantee the Island of New Guinea for the survival of planet earth.

Therefore, the Constitution of the Provisional Government of the United Liberation Movement for West Papua is now established as the legal and political basis to achieve the liberation goal.

The Interim Government of the United Liberation Movement for West Papua is committed to advancing the Tri-Double principles of Melanesian logic, namely the principle of the triad of Papuan moral values of; love, loyalty and integrity by upholding the spirit of the triad of Melanesian brotherhood: one nation, one soul and one solidarity.

PART I
NAME, FORM AND SOVEREIGNTY

Article 1

The Government of the United Liberation Movement for West Papua, hereinafter referred to as the Provisional Government.

Article 2

Form of the Provisional Government is unitary.

Article 3

Sovereignty belongs to the people and is exercised by the Provisional Government.

Article 4

The Provisional Government is run based on the Constitution.

PART II
CONGRESS

Article 5

- 1) The Congress is the highest body of the Provisional Government.
- 2) Congress consists of the Legislative Council and the Senate.
- 3) The Senate consists of representatives of customary regions, religious envoys, women's representatives, professionals, and advisory groups approved by the Legislative Council.
- 4) Congress convened at least once every five years.
- 5) When it is deemed necessary, an Extraordinary Congress may be held at any time.
- 6) Congress and Extraordinary Congress have equal status.

- 7) Congress has the authority to establish, ratify and amend the Constitution.
- 8) Congress has the authority to appoint and dismiss the President and Prime Minister.
- 9) Congress has the authority to hold the Provisional Government to account.
- 10) Congress has the right to approve or disapprove the reports of the Provisional Government.
- 11) Congress has the authority to determine the policy road map of the Provisional Government.
- 12) Other matters concerning Congress will be regulated further in the statutory law.

PART III

GOVERNMENT AND POWER

Article 6

- 1) The Provisional Government executes the mandate of the people.
- 2) The Provisional Government adheres to the principle of trias politica/separation of power.
- 3) The Provisional Government consists of the Legislative Council, Executive Council and Judicative Council.
- 4) The Provisional Government implements a rotating leadership system.
- 5) Other matters regarding the Provisional Government will be further regulated in the statutory legislation.

PART IV

CONSTITUENT BODY

Article 7

- 1) The Constituent Body is a body established by Congress.
- 2) The Constituent Body is tasked with forming the State Constitution.
- 3) The Constituent Body consists of delegates from factions, customary representatives, academics and professionals.
- 4) The Constituent Body is an ad hoc.
- 5) Other matters concerning the Constituent Body are further regulated in the statutory legislation.

PART V
SUPREME ADVISORY COUNCIL

Article 8

- 1) The Supreme Advisory Council is a body established by Congress.
- 2) The Supreme Advisory Council is tasked with providing assessments, advice, direction and criticism as well as mediating with various parties in the interests of progressing the liberation struggle.
- 3) The Supreme Advisory Council consists of customary elements, religion, defence and security, professions and extraordinary advisors approved by the faction.
- 4) The decisions of the Supreme Advisory Council are immediately responded to and followed up by the Provisional Government.
- 5) The Supreme Advisory Council is an ad hoc.
- 6) Other matters concerning the Supreme Advisory Council are further regulated in the statutory law.

PART VI
DEFENCE AND SECURITY AGENCY

Article 9

- 1) The Defense and Security Agency is instituted by Congress.
- 2) The Defense and Security Agency is responsible for defence and security matters.
- 3) The Defense System is run by the West Papua Army.
- 4) The Security System is run by the West Papua Police.
- 5) The West Papua Army consists of the Free Papua Organization National Liberation Army, the West Papua National Liberation Army, the West Papua National Army and the West Papua Revolutionary Army.
- 6) West Papua Police consists of the Papua Task Force, Koteka Task Force, Papua Land Guard Task Force, West Papua Federal Police and other task forces.
- 7) The Defense and Security Agency formed the West Papua Intelligence Services.
- 8) The Defense and Security Agency is an ad hoc.
- 9) Other matters concerning the Defense and Security Agency are further regulated in statutory legislation.

PART VII
LEGISLATIVE COUNCIL

Article 10

- 1) The Legislative Council is formed by Congress.
- 2) The Legislative Council is tasked with carrying out statutory functions, budget functions and supervisory functions.
- 3) The Legislative Council consists of fifteen delegates from each faction.
- 4) The Legislative Council consists of a chairman, deputy chairman and members elected through a plenary meeting of the Legislative Council.
- 5) The Legislative Council has the authority to enact laws and regulations.
- 6) The Legislative Council has the authority to determine the income and expenditure budget of the Provisional Government.
- 7) The Legislative Council has the prerogative right, initiative right, inquiry and the interpellation rights.
- 8) The Legislative Council forms factions and commissions.
- 9) The Legislative Council meets at least once a year.
- 10) The term of office of members of the Legislative Council is five years and can be re-elected.
- 11) Other matters concerning the Legislative Council are further regulated in the statutory legislation.

PART VIII
EXECUTIVE COUNCIL

Article 11

- 1) The Executive Council is formed by Congress.
- 2) The Executive Council is tasked with implementing laws and budgets.
- 3) The Executive Council embodies the agenda for the right to self-determination for independence and political and legal sovereignty of the Papuan people.
- 4) The Executive Council is led by the President and Prime Minister.
- 5) The President and Prime Minister are elected, appointed and dismissed by Congress.
- 6) The President is the head of the Provisional Government.
- 7) The Prime Minister executes the Provisional Government.

- 8) The President and Prime Minister have the authority to form the cabinet.
- 9) The Executive Council has the authority to propose draft legislation.
- 10) The Executive Council is authorised to propose the draft of budget revenue and expenditure.
- 11) The President is entitled to initiative and prerogative rights.
- 12) The Prime Minister has the initiative right.
- 13) Executive Council meetings are held at least once annually.
- 14) The term of office of the President and Prime Minister is five years and can be re-elected.
- 15) Other arrangements concerning the Executive Council are further regulated in the statutory law.

PART VIX JUDICATIVE COUNCIL

Article 12

- 1) The Judicative Council is formed by Congress.
- 2) The Judicative Council is tasked to carry out the function of supervising legislation and judicial.
- 3) The Judicative Council consists of a chairman, deputy chairman and members.
- 4) The Judicative Council is appointed and elected by the Provisional Government.
- 5) The Judicative Council has judicial power.
- 6) The Judicative Council is independent and autonomous.
- 7) The Judicative Council has the right to judicial and formal review.
- 8) The Judicative Council has the authority to form a judicial Commission.
- 9) The Judicative Council meeting is held at least once a year.
- 10) The term of office of the Judicative Council is five years and can be re-elected.
- 11) Other matters concerning the Judicative Council are further regulated in the statutory law.

PART X
COUNTRY

Article 13

The country being fought for is West Papua:

- 1) Geographically, it is the western half of the island of New Guinea, lies on 129° East Longitude—141° East Longitude and 1° NU—10° LS.
- 2) Politically, the eastern part borders Papua New Guinea; on the northern part borders the Pacific Ocean; on the southern part borders Australia; and the western part borders Indonesia.
- 3) Historically, it is a former Dutch colony of the Nederlands-Nieuw-Guinea; West Irian Province; Irian Jaya Province; Papua Province and Papua; and West Papua Provinces.
- 4) Other arrangements concerning the Territory are further regulated in the statutory law.

PART XI
RESIDENCE, CITIZENS AND NATIONALITY

Article 14

- 1) Residents are all communities who domiciled in West Papua and ratified by the Constitution.
- 2) Citizens are individuals of the Melanesian race who are genetically derived from West Papuans and non-Melanesians who legally wish to become citizens of the country and have it endorsed by the Constitution.
- 3) The Papuan people are people of the Melanesian race, genetically originating from West Papua who reside in and outside West Papua.
- 4) The Papuan residents who live in West Papua and in exile are entitled to citizenship status.
- 5) Other matters concerning Residents, Citizenships and Nationalities are further regulated in the statutory law.

PART XII

SYMBOLS

Article 15

- 1) The national flag is the Morning Star.
- 2) The national emblem is the Mambruk Bird.
- 3) The national anthem is Hai TanahKu Papua.
- 4) The motto is One People One Soul.
- 5) Other arrangements concerning symbols are further regulated in the statutory law.

PART XIII LANGUAGE

Article 16

- 1) The national language is Melanesian.
- 2) The unified languages are Tok Pisin, English, Malay-Papuan, and Sign Language.
- 3) Other matters concerning language are further regulated in the statutory legislation.

PART XIV GOVERNMENT ADMINISTRATION

Article 17

- 1) The Provisional Government is based in West Papua.
- 2) The Provisional Government Headquarters is located in Port Vila, Republic of Vanuatu.
- 3) The Provisional Government Office in West Papua is based in Wamena.
- 4) Administratively, the Provisional Government consists of the Regional and Local Government.
- 5) The Provisional government administration is shared based on customary regions.
- 6) The Regional Provisional Government is led by the Regional Chief Executive.
- 7) The Local Provisional Government is led by the Local Chief Executive.
- 8) Formation of Regional Provisional Government and Local Provisional Government is determined by Congress.
- 9) The Regional Chief Executive and Local Executive Head are appointed and dismissed by the Executive Council with the approval of the Legislative Council.
- 10) The Provisional Government as stated in Article 6 applies at the Regional and Local

Level.

- 11) Other matters concerning Government administration are further regulated in the statutory law.

PART XV

DECISION - MAKING

Article 18

Decision making consists of Congress, Sessions and Meetings.

- 1) Congress is the highest decision-making forum.
- 2) A Congress is declared valid if it is attended by two-thirds of the members of the Congress.
- 3) A Congress decision is valid if it obtains two-thirds vote from congress participants.
- 4) Congressional decisions are reached through consensus and/or voting.
- 5) The session consists of a Special Session, Plenary Session, and Annual Session.
- 6) The session is valid if it is attended by two-thirds of the participants of the meeting.
- 7) The decision of the Session is considered valid if it obtains by two-thirds votes of the participants.
- 8) Decisions of the Session are reached through consensus and/or voting.
- 9) Meetings are Legislative Council Meeting, Executive Council Meeting, Judicative Council Meeting, Constituent Body Meeting, Defense and Security Agency Meeting and Supreme Advisory Council Meeting.
- 10) Meetings consist of coordination meetings and work meetings.
- 11) Procedures for Congresses, Sessions and Meetings are further regulated in the statutory law.

PART XVI
BASIC RIGHTS

Article 19

Right to Life

- 1) Every person, individually and group, has the right to life, physical and mental integrity.
- 2) Every person, individually and collectively, has the right to live in harmony.
- 3) Every person, individually and collectively, has the right to human dignity.
- 4) The Provisional Government recognizes and guarantees the right to life of every person individually and collectively.
- 5) Other matters concerning the Right to Life are further regulated in the statutory law.

Article 20

Rights to Security

- 1) Every person, individually and collectively has the right to live free from fear.
- 2) The Provisional Government recognizes and guarantees the right to security of every person, individually and collectively.
- 3) Other arrangements concerning Security Rights are further regulated in the statutory law.

Article 21

Rights to Freedom

- 1) Every person, individually and collectively has the right to freedom of assembly, association and expression of opinions.
- 2) Every person, individually and collectively has the right to movement and residence.
- 3) The Provisional Government recognizes and guarantees the right to freedom of everyone, individually and collectively.
- 4) Other matters concerning the Right to Freedom are further regulated in the statutory legislation.

Article 22

Rights to Property

- 1) Every individual and group has the right to property.
- 2) The Provisional Government recognizes and guarantees the rights to property of every individual and group.
- 3) Other matters concerning Property Rights are further regulated in the statutory legislation.

Article 23

Social Right

- 1) Individuals and collectives have the right to social security.
- 2) Every person has the right to form a family.
- 3) Other matters concerning Social Rights are further regulated in the statutory law.

Article 24

Political Rights

- 1) Every individual and group have political rights.
- 2) The Provisional Government recognizes and guarantees political rights.
- 3) Other matters concerning Political Rights are further regulated in the statutory law.

Article 25

Economic Rights

- 1) Individuals and groups have the right to live a sufficient life.
- 2) Every person, Individually and collectively, has the right to manage economic resources.
- 3) The Provisional Government recognizes and guarantees the management of the economic resources for an adequate life.
- 4) Other matters concerning Economic Rights are further regulated in the statutory law.

Article 26

Rights to Health

- 1) Individuals and groups have the right to the enjoyment of the highest standard of physical and mental health.
- 2) The Provisional Government recognizes and guarantees the right to health.
- 3) Other matters concerning the Right to Health are further regulated in the statutory law.

Article 27

Rights to Education

- 1) Individuals and groups have the right to education and intellectuality.
- 2) The Provisional Government recognizes and guarantees the right to education and intellectuality.
- 3) Other matters concerning the Right to Education are further regulated in the statutory law.

Article 28

Rights to Culture

- 1) Every individual and group has the right to maintain their own customs and cultures.
- 2) The Provisional Government recognizes and guarantees customary and cultural rights.
- 3) Customary and cultural rights are prohibited from being pawned and misused.
- 4) Other matters concerning Cultural Rights are further regulated in the statutory law.

Article 29

Environmental Rights

- 1) Every individual and group has the right to live in a healthy living environment.
- 2) The Provisional Government recognizes and guarantees the right to the environment.
- 3) Every individual, group and the Provisional Government collectively guarantee the environment as a source of life.
- 4) Other arrangements concerning Environmental Rights are further regulated in the statutory law.

Article 30

Right to Religion and Belief

- 1) Every person, individually and group has the right to religion and belief.
- 2) The Provisional Government recognizes and guarantees the right to religion and belief.
- 3) Other matters concerning the Rights of Religion and Belief are further regulated in the statutory law.

Article 31

Rights to Land, Water and Air

- 1) The Papuan people collectively have the rights to land, water and air.
- 2) The Provisional Government recognizes and guarantees rights to land, water and air.
- 3) Land, water and air are prohibited from being traded and commercialised.
- 4) Other matters concerning Land, Water and Air Rights are further regulated in the statutory law.

Article 32

Rights to Merit

- 1) Every individual and group is entitled to be acknowledged based on merits, medals and services as heroes of the West Papuan independence struggle.
- 2) The Provisional Government recognizes and guarantees the right to awards and merits.
- 3) Other matters concerning Service Certificate Rights are further regulated in the statutory law.

PART XVII

WEALTH

Article 33

- 1) Wealth consists of natural resources, human resources and financial resources.
- 2) The Provisional Government recognizes and guarantees the wealth of natural resources, human resources, and financial resources.
- 3) Wealth is utilised for the benefit of the liberation struggle.
- 4) Other matters concerning Wealth are further regulated in the statutory law.

Natural Resources

Article 34

- 1) Natural resources consist of energy, minerals, flora and fauna.
- 2) The Provisional Government recognizes and guarantees natural resources.
- 3) Other matters concerning Natural Resources are further regulated in the statutory law.

Human Resources

Article 35

- 1) Human resources consist of Intellectual, skills, professionalism, expertise and Services.
- 2) The Provisional Government recognizes and guarantees human resources.
- 3) Other matters concerning Human Resources are further regulated in the statutory law.

Financial Resources

Article 36

- 1) Financial resources consist of people's donations, taxes, customs, profits, donors, grants and loans.
- 2) The Provisional Government recognizes and guarantees financial resources.

- 3) The Executive Council has the authority to manage financial resources.
- 4) Other matters concerning Financial Resources are further regulated in the statutory law.

PART XVIII COOPERATION

Article 37

- 1) The Provisional Government collaborates with other governmental and non-governmental institutions.
- 2) Forms of cooperation between government institutions consist of bilateral, multilateral, subregional, regional, and international.
- 3) Forms of non-governmental cooperation consist of trade and investment cooperation, research and technology, cultural and sports, religion and advocacy.
- 4) Other arrangements concerning cooperation are further regulated in the statutory law.

PART XIX VIOLATIONS AND SANCTIONS

Article 38

- 1) The Provisional Government is required to comply with and implement the provisions of the Constitution.
- 2) Violations are actions that deviate from the provisions of the Constitution.
- 3) Violations of the Constitution must be subjected to sanctions.
- 4) Sanctions are applied to individuals and/or groups.
- 5) The Judicative Council has the authority to impose sanctions.
- 6) Other matters relating to Violations and Sanctions are further regulated in the statutory law.

PART XX

CONSTITUTIONAL AMENDMENT

Article 39

- 1) Amendments to the Constitution are made in Congress or Extraordinary Congress.
- 2) Amendments to the Constitution as stated in paragraph 1, shall be carried out by at least less than two-thirds of the members of Congress.
- 3) All matters relating to the common interests must be determined by referendum.
- 4) Other matters concerning Constitutional Amendments are further regulated in the statutory law.

PART XXI

TRANSITIONAL AND CLOSING ARRANGEMENTS

Transitional Arrangements

- I. This Constitution is prepared based on the Decision of the first United Liberation Movement for West Papua High Level Conference in Port Vila, Vanuatu from 27 November – 3 December 2017 concerning Amendment I to the Constitution of the United Liberation Movement for West Papua.
- II. This Constitution is prepared with reference to the Decision of the Extraordinary Summit of the United Liberation Movement for West Papua in Port Moresby, Papua New Guinea on 19 December 2019, concerning upgrading the Management Status of the United Liberation Movement for West Papua.
- III. This constitution is prepared based on the decision of the Third Annual Session of the Legislative Committee of the United Liberation Movement for West Papua in Port Numbay, West Papua on 18 October 2020, concerning Upgrading the Organisational Status by Establishing a Temporary Constitution.
- IV. For the first time, the President and Prime Minister were appointed by the Third Annual Session of the Legislative Committee of the United Liberation Movement for West Papua.
- V. Prior to the formation of the cabinet, institutions and other government bodies based

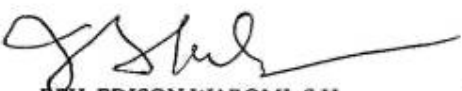
on this Constitution, all authorities are exercised by the President and the Prime Minister and assisted by the organisational staff of the United Liberation Movement for West Papua.

Closing Arrangements

- I. This constitution is endorsed and ratified by the Extraordinary High Level Summit of the United Liberation Movement for West Papua.
- II. This Constitution comes into force from the date of its enactment until the transitional period.

Ditetapkan di : Port Numbay, West Papua
Pada Tanggal : 28 Nov 2020
Pukul : Jam 1:20

**PIMPINAN SIDANG
KONFERENSI TINGKAT TINGGI LUAR BIASA
(KTT-LB ULMWP)**

 <u>REV. EDISON WAROMI, S.H.</u> KETUA	 <u>JONAH WENDA</u> KETUA I	 <u>BUCHTART TABUNI</u> KETUA II
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