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WHEN LIVES ARE AT STAKE FOR SEPARATISM

A Case Study of Human Rights Violations Committed by the Armed Criminal
Group (KKB) in West Papua.

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ABSTRACT

The thesis analyses the complex conflict in West Papua, particularly examining the relationship between the Indonesian government and the Armed Criminal Group (KKB). The ongoing conflict between the State and the KKB is rooted in historical grievances, human rights violations, and struggles for self-determination. The study discusses separatism in Indonesia, remedial secession, self-determination disputes, the right to Self-Determination and government security measures in West Papua. The study emphasises that the implementation of special autonomy laws has faced challenges, leading to armed resistance, state-sanctioned violence, and civilian casualties. The State needs the international community's involvement and a fresh approach to reduce violence and promote stability in the region. The thesis also discussed the illicit arms trade, which worsening human rights conditions, and escalating violence against civilians, underscoring the urgent need for effective conflict management strategies and international intervention in West Papua. The study highlights an urgent need for a fresh approach to minimise violence and promote stability in the region. The author suggests the KKB's peaceful resolution of the dispute with the help of international third-party mediation. Additionally, the author urges the government to authorise unbiased investigations into the situation in West Papua.

Keywords: Self-Determination, Separatism, Human Rights Violations, Special Autonomy, West Papua, Armed Criminal Group (KKB)

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ABBREVIATIONS AND ACRONYMS

AHRC	Asian Human Rights Commission
DOM	Daerah Operasi Militer [Military Operations Zone]
ELSHAM	Lembaga Studi Hak Asasi Manusia [the Institute of Human Rights Studies and Advocacy]
EU	European Union
GAM	Gerakan Aceh Merdeka [Free Aceh Movement]
HRW	Human Right Watch
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICJR	Institute for Criminal Justice Reform
ICL	International Criminal Law
ICTJ	International Center for Transitional Justice
IPAC	Institute for Policy Analysis of Conflict
KKB	Kelompok Kriminal Bersenjata [The Armed Criminal Group]
KST	Kelompok Separatis Teroris [The Separatist Terrorist Group]
MRP	Majelis Rakyat Papua [The Papuan People's Assembly]
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPM	Organisasi Papua Merdeka [The Free Papua Movement]
OTSUS	Otonomi Khusus bagi Provinsi Papua [Special Autonomy for Papua Province]
PDP	Presidium Dewan Papua [Papuan Presidium Council]
PNG	Papua New Guinea
TPNPB	Tentara Pembebasan Nasional Papua Barat [The West Papua National Liberation Army]

TRC	Truth and Reconciliation Commission
UCDP	Uppsala Conflict Data Program
UDIs	Unilateral Declarations of Independence
ULMWP	United Liberation Movement for West Papua
UN	United Nations

1 INTRODUCTION

1.1 Background of the Study

Indonesia has been an independent State since 1945. However, a particular organization, the Armed Criminal Group or Kelompok Kriminal Bersenjata (KKB), demands independence in West Papua. The West Papua National Liberation Army (TPNPB), also known as the Armed Criminal Group (KKB) in Indonesia¹, and later referred to as the Separatist Terrorist Group (Indonesian: Kelompok Separatis Teroris, abbreviated as KST) since 2021², is an insurgent organisation or Free Papua Movement based in Western New Guinea, Indonesia. The Indonesian Coordinating Ministry for Political, Legal, and Security Affairs, Mahfud MD, has officially classified it as a terrorist organisation³. Mahfud MD affirmed that the offence of terrorism is defined in the Law of the Republic of Indonesia article 6, Number 5 of 2018, which amends the Law Number 15 of 2003 with the eradication of criminal acts of terrorism (Anakotta, 2021, p. 644; Napang & Rohman, 2021, p. 1).

On the other hand, the Institute for Criminal Justice Reform (ICJR) argue that the government's decision is legally based on the terms of Article 1, paragraph 2 of Law Number 5 of 2018, which pertains to amendments to Law Number 15 of 2003 on the eradication of criminal acts of terrorism (ICJR, 2021). Article 1 above discusses how politics can serve as a motive for engaging in violent actions or using threats of violence to create an atmosphere of terror or fear. These actions, which can result in mass casualties or the destruction of critical strategic objects, public facilities, or international facilities, are commonly referred to as acts of terrorism.

The KKB's actions consist of assaulting security forces, extorting, burning premises, and violating human rights (Damanik et al., 2023). The frequency of armed confrontations between state troops and the KKB has increased since 2018. There was an approximately 80% rise in clashes in 2021 compared to 2020 (Ajaraya et al., 2022). Based on the Institute for Policy Analysis of Conflict (IPAC), since 2018, armed conflicts have expanded beyond the KKB base in the Black Triangle

¹ See more (*Ini Kata Menhan Soal Kelompok Kriminal Bersenjata Di Papua [the Minister of Defence Provided a Statement on Armed Criminal Gangs in Papua]*, 2019)

² See more (*Label Teroris untuk KKB Papua Akhirnya Jadi Nyata [the Designation of the Papuan KKB as Terrorists Has Now Been Officially Confirmed]*, 2021)

³ See more "Conflict Resolution in Papua and the Label of Terrorism." (Satria & Perkasa, 2021)

regions of Puncak Jaya, Lanny Jaya, and Mimika (IPAC, 2022), with significant escalations observed in the regions of Intan Jaya, Puncak, and Yahukimo. At the beginning of 2021, there was an armed conflict between state troops and the KKB in more than 20 previously unrecorded places in the area (Ajaraya et al., 2022). These incidents were not included in the ACLED dataset⁴, which covers Indonesia from 2015 forward (Ibid.). Incidents of violence against Papuan civilians by state troops and the KKB have been prevalent over the previous two years, with a significant rise in KKB attacks on civilians seen since 2020 (Ibid.).

Indonesian state security forces have more frequently disrupted or suppressed peaceful protests that involve Papuans and Papuan groups compared to those that do not involve them. Therefore, by sending special forces into the West Papua district, the state is trying to maintain security for its citizens. The government has officially enacted Law Number 21 of 2001, which grants Special Autonomy to the Papua Province. According to Peter King, the development of a special autonomy statute for West Papua was significantly shaped by the occurrences in East Timor and Aceh (King, 2004, p. 81). The primary objective of the Special Autonomy laws in West Papua is to grant the region autonomy and tackle several concerns, including land, migration, governance, security, anti-discrimination measures, human rights, and power-sharing. Furthermore, the process began under increasing tension and mistrust between Jakarta and West Papua regarding the true motives of the central government, particularly in light of the situation in Aceh and its forthcoming position as a special independent region. This special authority allows them to regulate and manage the interests of their local community based on the aspirations and fundamental rights of the people of Papua and West Papua. Then, the Indonesian government believes implementing a special autonomy policy would be the most effective approach to address the primary issues in West Papua. However, the implementation of Special Autonomy in West Papua is hindered by obstacles such as corruption, misallocation of finances, inability to achieve goals in education and health sectors, and apprehensions over the military's presence and accountability in the province (IPAC,

⁴ ACLED maintains a 'live dataset,' which is updated when new information about events becomes available. Due to restrictions on media and independent monitors in Papua, it is difficult to track political unrest in the province. ACLED presently covers 14 Indonesian sources weekly and is constantly reviewing its sourcing and coding to ensure that the statistics accurately reflect the situation on the ground, as reported by journalists and other organisations. ACLED lacks an impartial process for verifying events reported by the sources covered. See more <https://acleddata.com/conflict-index/> (Ajaraya et al., 2022)

2020, pp. 6–7).

Since 2006, the OPM has shifted towards non-violent methods, and its military power has decreased (UCDP, 2024d). In 2014, it was reported that all West Papuan resistance movement factions had merged to establish the United Liberation Movement for West Papua (ULMWP) (Ibid.). Despite facing numerous problems, including difficulties in managing funds, human resources, institutional capacity, and governance, the implementation of special autonomy in Papua and West Papua has had a negative impact on the welfare of the people (Hasibuan, 2022). Under this statute, the special autonomy fund has been raised from 2 per cent to 2.25 per cent (Cabinet Secretary, 2021). Furthermore, there has been a consensus to extend the allocation of 70 percent of the oil and gas revenue sharing fund for the West Papua province from 2026 to 2041 (Ibid.). The primary objective of this extension is to maximise its utilisation to enhance the well-being of the population in Papua. This budget allocation is anticipated to enhance the progress of the Regional Government of Papua, particularly in critical areas such as education, health, and infrastructure.

1.2 Research Questions

How can the Indonesian government effectively address the root causes of the conflict in West Papua while upholding human rights and promoting sustainable peace?

What is the current phenomenon in the West Papua conflict between the State troops and the Armed Criminal Group (KKB)?

1.3 Purpose of the Study

The study aims to analyse and address the root cause of this long-lasting conflict and explain the number of armed violence in West Papua. The author also highlights separatism in Indonesia, the concept of remedial secession, analysing and understanding the complexities of self-determination disputes, the Responsibility to Protect principle, and the Indonesian government's security strategy in West Papua. The main objective is to advance peace, human rights, and sustainable development in the region. The arguments presented will further illustrate to what extent the government can solve this phenomenon without violating the human rights of the terrorist group or the Papuan people.

1.4 Scope of the Study

This thesis will provide information regarding the number of human rights violation cases committed by the Armed Criminal Group (KKB). This Separatist Terrorist group occurred in Papua from 2015 to the present and provides explanations to address the current phenomena such as armed conflicts in Indonesia between the State Forces and the TPNPB, civilians as the target of violence, violence by the State against Papuans, TPNPB violence aimed towards civilians, protests by Papuans and Papuan Organisations, and illicit arms trafficking.

1.5 Previous Studies

Several studies regarding the KKB conflict in Papua have discussed the separatist movement using other approaches. The first is *Framing Terrorism and Reputation of Security Forces in the KKB Case in Papua* by Gustaaf Verian Eldoris and Vinisa Nurul Aisyah. The study shows differences between how the media - Detik.com and Tempo.com present the Indonesian National Armed Forces and Polices' reputation and the West Papua KKB terrorist case (Eldoris & Aisyah, 2022). When the media interprets an issue, it presents diverse perspectives and definitions. This impacts the substance of the news or the significance inherent in an event. News messages or information intended for the public must adhere to specific guidelines and establish regulations. The editorial determination of the message or information limits journalists' independence in compiling a story. Decisions about these provisions are a criterion for choosing which occurrences will be selected as news. The primary vision is implemented by editorial policies, which serve as a framework and benchmark for the selection and management of news. Eldoris and Aisyah used Robert N. Entman's Framing theory to ascertain the specific aspects of reality the media emphasises. Additionally, it utilises image restoration theory to examine how the reputation of security personnel is portrayed in media coverage. The report emphasises these tactics' efficacy in reinstating the security services' reputation and fostering public confidence. As a result, Detik.com focused on violence and terrorism, whereas Tempo.com depicted security forces' efforts to create a secure environment for the people around crime scenes (Ibid).

The second one is *Insurgency, Counterinsurgency and Human Security: A Case Study of Armed Violence in Papua during the COVID-19 Pandemic* by Stefani Selina Prameswari and Nadia Amani Husna. This research study explores the patterns of insurgency and counterinsurgency in

Papua during the COVID-19 epidemic, focusing on the implications for human security. The text examines the fundamental factors that give rise to violence in Papua, including economic inequalities and inadequate infrastructure. It also examines the difficulties faced in resolving conflicts while simultaneously addressing the Indonesian Government's and the OPM's demands. The study emphasises the ongoing struggle between the Indonesian National Armed Forces (TNI) and the Indonesian National Police (POLRI) on one side, and the West Papua National Liberation Army (TPNPB) on the other side in Papua. It underlines the heightened vulnerability and suffering of the Papuan people, particularly during the pandemic. The study underscores the necessity of adopting a consistent human security approach to handle the intricate problems in the region effectively. In conclusion, the paper highlights how crucial it is to give priority to a ceasefire or discussion approach between the TPNPB and the TNI-Polri in order to protect the Papuan people's human security, particularly during the COVID-19 pandemic (Prameswari & Husna, 2022). The Indonesian Government should employ a human security approach to tackle the intricate problems in Papua, involving coordination across multiple sectors and maintaining balanced power dynamics.

Lastly, *Separatism in The Perspective of International Law and National Security: A Case Study Of the Armed Criminal Group (KKB) In Papua* by Damanik et al. The paper explores the problem of separatism in Papua, with a specific focus on the Armed Criminal Group (KKB) advocating for independence from Indonesia. This topic is analysed from the perspective of international law (which the author will explain in Chapter 3), emphasising the intricate nature of separatist movements and their consequences for governance, stability, and conflict resolution. The report highlights the importance of state sovereignty, human rights, and the threats posed by the rise of the KKB to national security. The classification of the Papua KKB as terrorists has generated both support and criticism at both national and global levels. However, implementing the Counterterrorism Law for the Armed Criminal Group will facilitate more extensive law enforcement as it incorporates two strategies: the soft approach and the hard approach (Damanik et al., 2023, p. 330). The group involved in opposition can be called an insurgency and, at a given point, may be classified as belligerent (rebellious). According to International Law, belligerency is considered a legal matter, meaning that international law has the authority and responsibilities

to deal with these situations. The occurrence of a belligerent side participating in war within a state is preceded by insurrection, which is a small-scale uprising that later escalates into a full-scale rebellion. Moreover, in order for this rebellion to transition into a belligerent party, specific criteria must be fulfilled. The Indonesian government places a high importance on protecting national security by engaging security forces in law enforcement operations against the Armed Criminal Group (KKB) in Papua. The government's objective is to uphold lawfulness, safeguard citizens, and prevent the criminal attempts of the group in order to establish stability and peace in the region. The difference between this thesis and the previous studies is the author will combine Self-Determination and Secession and the acts of armed violence by the KKB, as well as explaining separatism in Indonesia, the concept of remedial secession, analyse and understand the complexities of self-determination disputes, the challenges of applying the Responsibility to Protect principle in the context of armed conflicts and separatist movements in Indonesia, and the government's security strategy such as Special Autonomy, particularly in West Papua. It highlights the complexities of balancing state sovereignty, human rights, and self-determination in the face of historical grievances, violence, and international pressure. The document underscores the significant civilian casualties, human rights violations, and escalating violence in the region, emphasizing the need for a nuanced approach to address the root causes of the conflicts.

1.6 Structure of the Thesis

This thesis consists of five chapters. In the following chapter, a literature review will be conducted to compare and analyse the previous studies, concepts, and theories with this thesis. The author also explain the research method that apply in this thesis. The third chapter is the theoretical framework. The author describe and analyse the historical context of Separatism in Indonesia, provide examples of Remedial secession in Quebec and Kosovo Independence, and the rights of Self-Determination. The next chapter comprises the analysis and discussion, that involves the secondary data from UCDP and ACLED is examined and discussed about, with the primary objective of developing a response to the research questions. In this part, the author elaborate about Special Autonomy in Indonesia and comparing the three cases such as East Timor, Aceh and West Papua. Also, mentioning the current phenomenon in West Papua conflict between the State troops

and the Armed Criminal Group (KKB). Lastly, Chapter five will ultimately summarise the conclusions made in this thesis and propose potential directions for future research.

2 LITERATURE REVIEW

West Papua has gained popularity as a topic for academics, policymakers, students, NGOs, and many other people during the past few years. It has been brought up often in studies, discussions, presentations, seminars, and debates. West Papua is widely recognised as a region where the struggle for independence is a concrete part of the ongoing global political context. The current situation is closely linked to the policies implemented by the Indonesian government in West Papua, which some argue violates the West Papuans' right to self-determination. Since its incorporation into the Republic of Indonesia in 1969, West Papua has consistently generated controversy, both within the country and on the international level. It is important for the public to understand that the culture of violence in Papua is deeply rooted in the institutional structures of the state and is supported by exclusive policies. This episode exemplified the ease with which power may be abused in Papua. Questioning the policies and the power of authorities, particularly during a crisis, is essential for the survival of the Papuan people. The Indonesian government should also contemplate employing a nonviolent strategy to address the military conflict in West Papua. The West Papua National Liberation Army is open to resolving the dispute in a peaceful manner by engaging in international third-party mediation. It is important to emphasise to the government the urgency of considering this option, especially in light of the escalating economic crisis and the international community's insistence on resolving the West Papua conflict through peaceful methods. It is imperative to advocate for the government to authorise impartial inquiries into West Papua, which should involve granting journalists and human rights activists unrestricted access for unbiased documentation.

Following over thirty years of authoritarian administration, Indonesia experienced a significant political transformation with its transition to democracy in the 1990s. Shortly, tensions escalated within the nation, provoking conflicts based on ethnicity, religion, and territory. Intense conflicts took place between different ethnic and religious groups, as well as between the Indonesian government and separatist movements. Additionally, civilians were frequently singled out for attacks by national security forces, rebels, and jihadist organisations, resulting in a substantial number of casualties over time. However, over the past ten years, there has been a notable decrease in instances of organised violence. The majority of these incidents can be attributed to the territorial

dispute in West Papua, where government forces have been engaged in battle with the separatist rebel group OPM. According to UCDP, Indonesia has experienced organised violence fall into the state-level, non-state, and one-sided categories since 1989 (UCDP, 2023a). The cumulative death toll in Indonesia from 1989 to 2023 is 9,153. This includes 3,873 occurrences of state-based violence, 2,779 cases of non-state violence, and 2,501 cases of one-sided violence (Ibid.). However, the author will focus on the latest cases from 2015 – present which will be discussed in Chapter 4⁵.

The previous study identified several underlying factors contributing to the violence in Papua, such as governmental negligence in areas of education, health, and the economy (Prameswari & Husna, 2022, p. 21). This has resulted in discontentment among the Papuan population. Furthermore, the absence of advantageous outcomes from natural resources, elevated inflation, and pervasive corruption are emphasised as significant elements that contribute to the violence in Papua. Papua possesses abundant natural resources; nonetheless, the indigenous Papuan population is not receiving the benefits of these wealth. Based on data from Bapedda in 2009, the natural resources (SDA) of gold and copper mining material reserves in Papua were estimated to be 2.5 billion tonnes (Ibid.). Upon analysing the numbers, it becomes evident that this is an exceptional opportunity that must be utilised to enhance the well-being of the Papuan population. Nevertheless, the field data does not accurately represent the expected values. According to 2010 BPS National Economic Survey (Susenas), Papua is identified as the most economically disadvantaged province in Indonesia (Bhakti & Pigay, 2016). The establishment of the Special Autonomy Authority in Papua, accompanied with a substantial budget of IDR 9.353 trillion, has had a little impact on reducing the region's poverty rate (Prameswari & Husna, 2022, pp. 20–21). Furthermore, the combination of natural remoteness and an increase of migrants from regions outside of Papua creates challenges for indigenous Papuans in their efforts to overcome poverty. Factors such as limited job opportunities in the real sector and tourism, as well as the prevalence of sleeplessness, further limit their ability to escape poverty (Bhakti & Pigay, 2016). The presence of poverty in Papua is a significant contributing factor to the security challenges faced by the province. The

⁵ See Figure 2 in Appendices.

Indonesian government has addressed the insurgency in Papua, namely with the TPNPB, by employing a variety of strategies. These strategies encompass a gentle approach focused on enhancing security and public order through development efforts, as well as a more forceful approach when required, such as during oppressive actions. In addition, the government has used international diplomacy to address the global nature of the Papua issue and alter foreign attitudes that encourage the insurgency movement.

2.1 Research Methodology

This study applies a descriptive analytical study and secondary data processing as the research methodology. Descriptive analytical study is one of Qualitative approaches. Descriptive analytics is a statistical method that involves analysing past data to uncover patterns and correlations (Cote, 2021; Kemp et al., 2018). Descriptive analytics aims to provide a detailed account or explanation of an event, occurrence, or outcome. Understanding historical events and trends is essential for businesses to track and analyse patterns effectively. The author obtained secondary data for this study from variety of literary sources, articles published in national and international scientific journals, international datasets, pieces in online media, official government websites, and reliable and factual accounts of Papuan experiences given at several online seminars. The aim is to investigate the impact of armed conflict on the Papuan region.

3 THEORETICAL FRAMEWORKS

3.1 Historical Background

The legacy of colonialism and cold-war geopolitics has separated the island of New Guinea into two equal parts (Silcock, 2021). The western portion became part of Indonesia in 1969, and it was first known as Irian Barat [West Irian] and then Irian Jaya [Glorious Irian] (Ibid.). Nevertheless, it is now called Papua Barat [West Papua]. On the other hand, the eastern section forms the mainland of the independent state of Papua New Guinea (PNG). When the Republic of Indonesia accomplished the Indonesian war independence (well known as the Indonesian National Revolution [Revolusi Nasional Indonesia]) in 1949⁶, West Papua was still under Dutch administration ('About West Papua', 2013). The Netherlands claims that the Papuans are ethnically different (Singh, 2008, pp. 61–64), and continued to be administered by the Netherlands until they were capable of self-determination (Penders, 2002). In the 1950s, the Dutch government initiated preparations for the independence of West Papua ('About West Papua', 2013), and at the end of 1961, West Papua formed a Congress where its people announced independence and carried their new flag, the Morning Star [Bendera Bintang Kejora] (Ibid). The plan, however, drowned within months when the Indonesian military launched an invasion of West Papua, leading to a conflict between the Netherlands, Indonesia, and the indigenous population over the sovereignty of the region of West Papua. Every year, the Papuan people celebrate this event by raising or attempting to raise the flag again. Typically, these efforts result in confrontations with local law enforcement officers who are determined to suppress what they perceive as acts of betrayal against the Republic of Indonesia. These incidents have typically resulted in arrests, and occasionally led to prosecutions and convictions, generally due to the peaceful expression of political protest. Occasionally, activists are apprehended only for openly advocating for Papuan independence or participating in peaceful gatherings to discuss self-determination for Papua.

In 1962, due to the Indonesian government's firm resistance, Indonesia and the Netherlands signed the New York Agreement (HRW, 2007, p. 9). The agreement stipulated that the United Nations

⁶ By 1949, international pressure on the Netherlands had increased, with the United States threatening to terminate all financial aid to the Netherlands for World War II re-establishing efforts. The partial military service stalemate had caused the Netherlands to transfer sovereignty over the Dutch East Indies to the Republic of the United States of Indonesia [Republik Indonesia Serikat], see (Friend, 2003, p. 35).

(UN) would temporarily assume power over the territory, followed by the Indonesian government, in order to facilitate the organising of a self-determination the people of Papua (Ajaraya et al., 2022). Papuans were not consulted throughout this process because the American, Dutch, and Indonesian authorities believed that they were too primitive to have a role in the decision or even their nation-state (Kusumaryati, 2021, p. 457). However, according to Article 18 of the New York Agreement of 1962, ‘all adults, male and female’ in West Papua were allowed to participate in self-determination, which was ‘to be carried out in accordance with international practice’ including those residents who departed after 1945 and returned to the region to resume residence following the conclusion of the Netherlands government (UN Treaty, 1962). In August 1968, the Bolivian ambassador to the United Nations, Fernando Ortiz-Sanz, visited Indonesia to advise, assist, and participate in a vote on the region's future status, known as the ‘Act of Free Choice’ by the Indonesian government⁷. Ortiz-Sanz's mission was underfunded and understaffed, and he struggled with the Indonesian government in Jakarta to ensure adherence to the New York Agreement's guarantee that self-determination be carried out ‘in accordance with international practice’ (Brundige et al., 2004, p. 16). The government had made its intentions visible. The 1969 Act of Free Choice entailed the selection of 1,022 Papuan delegates by Jakarta, who were then asked to cast their votes on behalf of the 800,000 people in the plebiscite, even though they had previously agreed to a ballot that included everyone on the matter of integration with Indonesia (Ajaraya et al., 2022; Hutt, 2024). The Indonesian authorities justified the adoption of the voting system by citing the problematic geographical topography and the limited political and socioeconomic progress in the region (HRW, 2007). Although the referendum received full approval for integration, it was later disregarded by pro-independence Papuans who said it was forced.

Following the Act of Free Choice, several kinds of opposition to integration arose, encompassing violent separatism, political proclamations, the raising of independence flags, peaceful protests, exile to foreign countries, property destruction, and hostage-taking (ICTJ & ELSHAM, 2012, p. 7). Similar to other regions in Indonesia, the authorities in Papua employed military suppression to suppress any kind of disagreement or resistance. The military reaction was directed against both

⁷ Hereafter referred to as the Report of the Secretary General (UN General Assembly, 1969).

armed separatists and non-combatant individuals in conflict zones, as well as peaceful protestors and leaders of political and ethnic groups. The Indonesian government's suppression of symbols representing or the movement advocating for the independence of Papua, which eventually came to be known as the Organisasi Papua Merdeka (OPM) (Ibid.). This movement has been actively involved in the fight for Papuan independence since 1965. Although it is called the Free Papua Movement, it is more accurately described as a decentralised movement consisting of factions that often compete with one other rather than cooperate (IPAC, 2015, p. 2). Throughout the years, the KKB has sought Papuan independence through violent confrontations with Indonesian security forces and carrying out several lethal assaults in Papua.

The majority of armed members of the OPM are located within Papua, while a small number seek shelter across the border in Papua New Guinea. Various factions are referred to by different names, although the majority utilise a variation of the term National Liberation Army (Tentara Pembebasan Nasional, TPN) or TPN/OPM. There is room for improvement in the division between political and armed groups. Several prominent figures from the armed OPM left in the 1980s and currently lead political organisations overseas, while some political activists have even resorted to violence. Each of the three prominent pro-independence alliances, namely the West Papua National Authority (WPNA), the West Papua National Coalition for Liberation (WPNCCL), and the Komite Nasional Papua Barat [National Committee for West Papua] (KNPBB), have made unsuccessful attempts to bring together the armed OPM and subject it to political control (IPAC, 2015, p. 2). The formation of the ULMWP (United Liberation Movement for West Papua) in December 2014 has led to an unprecedented and likely transitory level of unity within the movement. However, there is little proof that its leaders are willing or capable of guiding the armed groups' strategies. It is challenging to determine the precise size of the armed OPM because to a number of circumstances. The membership is always changing; there are far more sympathisers than fighters who are actively engaged. The power and impact of individual commanders are determined by their position within established clan and community systems. Furthermore, there are regular accusations of the government establishing counterfeit OPM units with the intention of undermining or discrediting the authentic ones. According to a 2009 assessment that was leaked and purportedly created by the army special forces, Kopassus, there were 1,532 armed OPM in all,

"spread throughout almost every regency in Papua, able to conduct a guerrilla war/survive in the forest." (HRW, 2011). The current number would probably be lower, especially if it just included individuals engaged in acts of violence against the government. The suggested geographical range would be significantly restricted, as there is almost no occurrence of OPM violence in Papua Barat province or the southern districts of Papua.

Historically, the KKB has not been a significant danger to the state due to its absence of a central leadership and planned tactics, as well as internal divisions among the various organisations operating under the KKB name (IPAC, 2015). Nevertheless, in recent times, the organisation has consolidated into a more cohesive entity following a 2018 proclamation of war against the Indonesian government. Additionally, they have acquired a more incredible arsenal of weaponry, enabling them to launch more frequent and intensified assaults on state troops (IPAC, 2022). The Indonesian government intends to impede the operations of the KKB by designating them as terrorists and therefore preventing them from obtaining any prospective financial support (CNN Indonesia, 2021). The KKB's classification as a terrorist has faced significant criticism from multiple organisations and public figures. For instance, the governor of Papua province has specifically called on the Indonesian government to reassess this label, as it has the potential to be exploited by authorities to suppress peaceful calls for independence by Papuans (Ajaraya et al., 2022).

3.2 Separatism in Indonesia

Separatist movements in Indonesia have existed since the Dutch colonial era. The Free Aceh Movement [Gerakan Aceh Merdeka (GAM)], a well-known separatist movement, has been active since the early twentieth century (Damanik et al., 2023, p. 327). Acehnese people were dissatisfied with the Dutch colonial authorities for allegedly denying their rights, which sparked the movement. Following Indonesia's independence in 1945, separatist movements emerged in several regions. In 1961, President Soekarno led the Trikora Operation⁸ to recover West Irian from the Dutch administration. In 1963, the initiative was successful, and West Irian formally joined Indonesia

⁸ Trikora Operation [Tri Komando Rakyat (Three Commands)] was a military offensive launched by Indonesia to counter Dutch attempts to invade the region of West Irian. It was intended to demonstrate Indonesia's determination to establish its sovereignty over Papua and achieve reunification with the mainland (Koessetianto & Prasetyo, 2024).

(Ibid.). The issues of West Papuans against Indonesian governance, which encompass human rights violations, militarization, and disappointments regarding self-determination, have garnered growing international attention and concern, particularly from surrounding Melanesian countries or the Melanesian Spearhead Group (MSG) (Blades, 2020b). Melanesian culture refers to the traditions and practices of the indigenous peoples of the ethnogeography group of Pacific islands known as Melanesia. The islands form an arc from northwest to southeast, beginning with New Guinea (the western half of which is called Papua and is part of Indonesia, and the eastern half of which is the independent country of Papua New Guinea) and continuing through the Solomon Islands, Vanuatu (formerly New Hebrides), New Caledonia, Fiji, and a number of other smaller islands (Kahn & Keesing, 2024). Blades argued that the people in the Melanesia region have a shared cultural heritage, despite of the great diversity of tribal groupings found throughout the region (Blades, 2014, p. 24). People in these other nations frequently call West Papuans their Melanesian brothers and sisters. This also applies to the Kanaks of New Caledonia. Because of their shared Melanesian identity, there is a strong sense of connection between them. The solidarity movement for West Papua has experienced substantial growth in the past decade, as a result of improved international awareness. The initiative is predominantly driven by non-government entities, with social media playing an influential role. Maintaining control over West Papua issues has been challenging as communications in Melanesian regions have expanded (Ibid.).

According to Julius Trajano, a variety of political and economic circumstances reinforced the West Papuans' ethnic nationalism and forced them to begin their armed forces campaigns for independence (Trajano, 2010). The West Papuans have engaged in anti-Indonesia separatist activities due to a range of factors, including the absence of essential and social services, exploitation of their natural resources, weakening of local institutions, erosion of traditional culture and norms, unequal distribution of wealth, military atrocities, and discrimination. These factors have also strengthened their claims as ethnic nationalists. The present uprising in West Papua is the result of a number of factors, including political and economic issues, and mistrust towards the government. Political separatism aims to obtain sovereignty by separating a territory from the rest of the region (Damanik et al., 2023, p. 325). Damanik explained that separatism is an ideology, whereas separatists are individuals or groups that want to separate away from the state or obtain

support for their cause (Damanik et al., 2023, p. 326). As a result, individuals who participate in separatism are commonly known as separatists. An intriguing case study is the armed criminal group (KKB) in Papua that pushes for West Papua's independence from Indonesia. Southeast Asia's post-independence history reflects a regional endeavor to reconcile the conflict between two nationalistic ideologies (Oishi, 2020, p. 3). During the Cold War, the region managed conflicts by preventing them from crossing national borders and becoming international. Oishi and Bercovitch argued by doing this, the region obtained and sustained stability, which allowed for economic development and replaced the poverty-conflict cycle with a virtuous loop of wealth and peace (Oishi & Bercovitch, 2010, pp. 30–32). Nevertheless, the virtuous cycle has been endangered due to the growing internationalisation of ethnic conflict in Southeast Asia during the post-Cold War era. The solution to resolving conflicts on a worldwide scale is in implementing international conflict management strategies⁹.

According to Barbara Walter, secessionism is the primary cause of global conflict (Walter, 2009, p. 3). The Worldwide number of deaths resulting from organised violence experienced a decline in 2023, marking the first drop since the significant rise reported in 2020¹⁰. The fatalities reduced from 310,000 in 2022 to 154,000 in 2023 (Shawn et al., 2024). Although there was a significant growth, the number of ongoing armed conflicts within individual states climbed by three in 2023, reaching a record high of 59 according to the UCDP. In 2023, there was a decrease in non-state conflicts and one-sided violence compared to 2022 (Ibid.). This is visible in the reduction of active conflicts/actors and the decrease in fatalities associated with these types of violence. Nevertheless, despite the general decline, the number of deaths caused by non-state conflicts remained exceptionally high in 2023. An examination of statistics on conflicts not involving states from the past ten years indicates that these years have been the most violent on record. This rise has been primarily driven by organised crime syndicates. Contrary to rebel groups, organised crime groups often do not have political objectives and are largely driven by economic motives. Conflicts among these groups typically escalate in proximity to drug trafficking routes and in metropolitan regions, propelled by changes in alliances and the dynamics of leadership within the involved parties.

⁹ This may be observed in the examples of Aceh in Indonesia, Mindanao in the Philippines, and the Deep South region of Thailand. See more (Baikoeni & Oishi, 2016; Druce, 2016; Quang & Oishi, 2016)

¹⁰ See Figure 1.1 and 1.2 in Appendices.

An informal examination of the numerous secessionist conflicts worldwide, encompassing both violent and nonviolent actions, reveals a diverse range of categories. Some regions, such as Catalonia, are pursuing their objectives through a mix of gaining control through elections and organising civic protests (R. Griffiths & Muro, 2020, pp. 1–2). Simultaneously, the Spanish government is employing legal measures to prevent any independent efforts to secede, while also seeking to undermine the legitimacy of the self-proclaimed ‘right to decide.’ (Ibid.). Regions such as West Papua and Tibet are confronted with the difficult decision of whether to engage in civil resistance or resort to violence. Their respective governments are determined to repress their actions and keep them concealed from the global community. According to Griffiths and Muro, the process of secession comprises two primary actors, the sovereign state and the secessionist movement (R. Griffiths & Muro, 2020, p. 2). The first actor is the sovereign state, that reflects the established authority of the current state from which the secessionist movement aims to secede. The function of a sovereign state encompasses several key components, including political responsiveness, legal and constitutional measures, and foreign diplomacy (Caspersen, 2011, p. 42; Fazal & Griffiths, 2011). The sovereign state may request international assistance to strengthen its position, by using international law and norms that generally support the preservation of current state borders (R. Griffiths & Muro, 2020). The second actor in this context is the secessionist movement, which may be defined as a group that identifies itself as a distinct country inside a sovereign state and aims to break away from it in order to establish a new independent state (R. D. Griffiths, 2016, p. 205). While each situation is unique, secessionist movements can have several reasons, such as cultural or ethnic distinctions, economic inequalities, historical resentments, or political subjugation. The strategies utilised by these groups might vary from nonviolent campaigning and democratic procedures (such as referenda) to armed conflict and rebellion.

The collection of secessionist movements exhibits significant diversity. The list encompasses unacknowledged yet de facto governments such as Abkhazia, separatist movements in areas like Quebec, as well as territories and various kinds of partial self-governance like Iraqi Kurdistan and the Faroe Islands. Scholars employ various definitions for these entities, although they unanimously concur that the requests for statehood have escalated since the middle of the twentieth century (Coggins, 2014; R. D. Griffiths, 2016; Mendez & Germann, 2018; Sorens, 2012; Walter,

2009). The primary goal of a secessionist movement is to establish an internationally recognised independent state. In order to get recognition, a movement must either (1) persuade their own state to grant them independence or (2) persuade the international community to use pressure on the central government or bypass its desires altogether by acknowledging the aspiring nation (R. Griffiths & Muro, 2020). To counteract these strategic actions, the governments of origin must actively oppose and diminish the influence exerted by the independence movement, therefore resisting its efforts to garner backing from the international community. The example of Kosovo illustrates the challenge faced by a newly established political entity in obtaining global acknowledgment, particularly when the original governing state opposes it (R. Griffiths & Muro, 2020; Pavkovic, 2020). Over the last two decades after the proclamation of independence, Serbia has not recognised Kosovo, while the five permanent members of the United Nations Security Council remain divided on this matter¹¹.

Several nations expressed their disapproval of Kosovo's unilateral declaration of independence or made it clear they would not recognise it as an independent state. Kosovo has received recognition as an independent state from 117 different countries as of July 2022 (MPJD, MFAD, 2023; WPR, 2024). Some countries have retracted their recognition as a result of political pressure from nations that support Serbia's position over Kosovo, however a small number of such recognitions remain unclear or contested. Consequently, the actual number of nations who acknowledge Kosovo is closer to 99 (WPR, 2024). Kosovo has been granted 114 diplomatic recognitions by UN member states; however, disputes have emerged over the precise number of nations acknowledging Kosovo. Within the G20 nations, eleven countries, which include all seven G7 countries, have officially acknowledged Kosovo as a sovereign state. These countries are Australia, Canada, France, Germany, Italy, Japan, Saudi Arabia, South Korea, Turkey, the United Kingdom, and the United States. However, eight nations, namely Argentina, Brazil, China, India, Indonesia, Mexico, Russia, and South Africa, have not joined the group, including all five original BRICS members. The Republic of China, on the other hand, has voiced concerns and asked that the prior framework for negotiations be kept in place. The Russian Federation, which maintains strong diplomatic

¹¹ The Permanent Five (P5) consists of France, Russia, China, United Kingdom, and the United States, who have the power of veto. The P5 serve as the main caretakers of access to the organisation (R. Griffiths & Muro, 2020, p. 2).

relations with Serbia (Chiappa, 2023), has categorically dismissed the proclamation and deems it to be unlawful (Harding, 2008), refusing to acknowledge the independence of Kosovo. Spain and Greece are among the most vocal opponents of Kosovo's independence in the EU (Armakolas, 2020; Ferrero-Turrión, 2020). The Spanish government's refusal to recognise Kosovo is connected to its opposition to the independence movements in Basque and Catalonia, while the Greek government's refusal to recognise Kosovo is tied to the Cyprus conflict and Greece's historical ties to Serbia (Ibid.). At a broad level, all instances of secession may be represented in this manner. While it is true that most movements interact with both their home state and the international society, there is significant diversity in the extent of this engagement.

There is currently no internationally recognised legal document that provides a clear definition for the term secession. Secession, as defined by Van den Driest, refers to the creation of a new independent state by the withdrawal of a significant portion of territory from an existing state. This withdrawal is initiated by the resident population of the territory, with or without the consent of the parent state or domestic constitutional authorization (van den Driest, 2013, p. 6). The underlying assumption in this definition of secession is that when some of the territory separates, the remaining part of the State retains the legal identity of the original parent State. It is important to highlight that the description provided above includes both cases of secession with the approval of the parent State or a domestic constitutional framework allowing withdrawal, as well as cases of secession without such consent. Therefore, based on the definition above, secession may be classified into three types: Unilateral Secession, Constitutional Secession, and Consensual Secession. The author will focus on unilateral secession in the following section and provide example based on Quebec and Kosovo independence.

3.2.1 Examining Separatism from an International Law Perspective

The issue of separatism in Papua raises concerns about human rights, state sovereignty, autonomy, and conflict settlement under international law. The perspective of international law on separatism, such as the situation of the Free Papua Movement (KKB) in Papua, might differ based on the perspectives and approaches taken by the countries and international agencies concerned. International law prioritizes state sovereignty and integrity, while simultaneously protecting human rights. The majority of states and the global community generally endorse these values,

highlighting the significance of upholding stability and the territorial integrity of countries as a foundation for peace and international collaboration. Within the context of Papua, this entails endorsing the autonomy and geographical boundaries of the Republic of Indonesia. Under such circumstances, certain international institutions, human rights organisations, or advocacy groups may contend that the persecution or unjust treatment of particular people can incite aspirations for independence or self-determination. In general, the matter of separatism is complex and sensitive, and the international legal standpoint on it is contingent upon multiple aspects. Nevertheless, the prevailing ideas in international law primarily centre on the importance of upholding state sovereignty and territorial integrity.

It is crucial to highlight that international law does not recognize the right to secession (Damanik et al., 2023, p. 326). International law protects the freedom to express political beliefs and safeguards universal human rights freely. At the same time, aggressive behaviour and the use of force by the KKB's unlawful conduct violate international law norms. Examining the KKB separatist movement in Papua through the lens of international law might shed light on the problems of resolving the conflict and promoting regional security. In terms of international law, secession is an act that is neither legal nor illegal, but its implications are governed by international regulations. According to the concept of equal rights and self-determination of peoples stated in the United Nations Charter, all peoples have the freedom to select their political status and pursue their economic, social, and cultural development without any external intervention (UN General Assembly, 1970). Each State is obligated to enforce this right in accordance with the provisions of the Charter. Although, international law does not specifically include the topics of constitutional and voluntary secession. If a new state is established with the approval of a parent state, international law generally offers favourable circumstances for recognising the new state. That unequivocally demonstrates that states have the ability to relinquish their territorial integrity and sovereignty without any stipulations. The Declaration on Friendly Relations, specifically Article 5 (8), has an implicit clause stating that 'every state must abstain from any action intended to partially or completely disrupt the national unity and territorial integrity of any other state or country' (UN General Assembly, 1970, art. 5). According to the International Court of Justice's (ICJ) interpretation of this clause, each state is prohibited from interfering with the territorial

integrity of another state (Marxsen, 2015). The Declaration on Friendly Relations does not explicitly prevent internal uprisings by groups seeking self-determination. However, it does prohibit other nations from threatening the sovereignty of another state. Neither the friendly relations declaration nor any other international law explicitly prohibits domestic revolts or protests aimed at claiming independence as a solution for internal grievances resulting from severe human rights violations.

Internationally, the West Papuan cause is somewhat neglected as a human rights issue, but there are indications that it is currently garnering more interest. In February 2001, Ireland was advised to put pressure on the United Nations to obtain a response about the recent instances of human rights violations in West Papua (Suter, 2001). The inquiry was made by a journalist who had personally observed the fatal assault on a pro-independence activist within a prison facility in West Papua. While Phil Goff, the foreign minister of New Zealand, advocated for a peace agreement and encouraged Jakarta to contemplate a new referendum (Ibid.). International human rights groups will advocate for the United Nations to reconsider the case of West Papuan self-determination. In 1969, the United States endorsed Jakarta's acquisition of power. The current concern is whether it will participate in the reassessment of that act of free choice.

The classification of the KKB as a terrorist organisation broadens the scope of law enforcement's efforts to combat criminal acts of terrorism, specifically those that are rooted in the ideology of ethnonationalism (Anakotta, 2021). The KKB seeks to separate itself from the Unitary State of the Republic of Indonesia and form its own independent state. According to the Indonesian criminal law, this action constitutes treason against the territorial integrity of the Unitary State of the Republic of Indonesia (Napang & Rohman, 2021, p. 2). Treason is a criminal offence that pertains to matters of state security and the protection of the state. The recognition of corporations as legal entities subject to criminal law has been acknowledged on a global scale. This was evident during the 14th International Conference, which focused on Corporate Criminal Liability and was held in Athens, Greece, from July 13–August 6, 1994 (Napang & Rohman, 2021, p. 5). Finland is an example of a country that enforces regulations on corporations, treating them as entities that may be held accountable under criminal law (Ratomi, 2018). The inclusion of corporations as subjects

of criminal law is influenced by the unique historical and experiential contexts of each nation, such as Indonesia.

Pujiyono stated that in the current period of globalisation, corporations, whether national or transnational, play a crucial role as non-state actors (Pujiyono, 2016). They have a strategic purpose not only in the economy but also have substantial influence on political and defence policy. Corporate crime is a diverse offence that has the traits of crimes done by those in positions of authority, since it is perpetrated by individuals who possess both financial and political influence (Ibid). Meanwhile Jonkers argued that there has been a conceptual evolution of the company in the Netherlands. In 1976, the lawmakers made changes to Article 51 of the Dutch Criminal Code based on the Law of June 23, 1976, State Gazette no. 337 (Jonkers, 1987). According to this recent provision, individuals and corporations have the ability to conduct all types of criminal crimes (Ibid.).

International Criminal Law (ICL) comprises a body of legal concepts that constitute and specify international offenses, including genocide, war crimes, crimes against humanity, and crimes of aggression occurring within its member nations (PHAP, 2021; Webb-Gannon et al., 2021, p. 9). Additionally, it identifies the precise procedures that must be adhered to in international courts and tribunals (PHAP, 2021). These crimes frequently occur during conflicts and are intimately connected to humanitarian crises. In contrast to traditional international law, ICL creates individual criminal liability rather than state behaviour. The Rome Statute, which established the International Criminal Court (ICC), is a primary source of International Criminal Law (ICL) (UN Secretary-General, 1998). Although, Indonesia is not a participant of the International Criminal Court (ICC), but Indonesia is a member of the Human Rights Council. If the United Nations Security Council is concerned that a state is engaged in human rights violations or genocidal actions, it has the authority to submit the issue to the International Criminal Court (ICC) and request the ICC to start an investigation. The United Nations should conduct an impartial inquiry into other reported violations of human rights. Given that Indonesia currently holds a position on the UN Human Rights Council, it is imperative for them to wholeheartedly endorse this probe. The military continues to have significant political power in Indonesia, making it politically challenging to hold accountable commanders who have perpetrated human rights violations within

the country's legal framework. Nevertheless, with the support of the United Nations, this objective may become achievable.

3.3 Remedial Secession

The concept of a state's territorial integrity places restrictions on the right to self-determination. In the ICJ 2010 Kosovo Advisory Opinion, sections 82 and 83, the court explicitly notes that it is unnecessary to address these problems in the current case (ICJ, 2010). The General Assembly has specifically asked the Court to provide its decision solely on the conformity of the declaration of independence with international law. Discussions around the scope of the self-determination right and the potential for a remedial secession right pertain to the ability to break away from a nation-state. In order to address that inquiry, the Court only needs to ascertain whether the proclamation of independence contravened either customary international law or the specific legal framework established by Security Council resolution 1244 (United Nations, 1999). According to the Declaration on Friendly Relations¹², a state cannot use the principle of territorial integrity unless it has a government that represents all people in that region (Vidmar, 2010). This interpretation is backed by significant support in judicial publications and even has some limited support in jurisprudence. It is proposed that secession could be the final option for putting an end to oppression. This principle is commonly known as remedial secession (Ibid.). Remedial secession refers to a form of unilateral secession that is undertaken as a direct response to tyranny, human rights violations, or exclusion from participating in the developmental or governance processes of the parent state (Adimassu, 2021, p. 1254). Therefore, while not considered as an absolute right, remedial secession can be implemented through international recognition. During the time of the United Nations (UN) Charter, the secessions of Bangladesh and Kosovo, as well as the dissolutions of the Soviet Union and Yugoslavia, are occasionally cited as examples that support the concept of remedial secession.

¹² The General Assembly adopted the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations on 24 October 1970 (resolution 26/25 (XXV)). This adoption took place during a commemorative session held to celebrate the twenty-fifth anniversary of the United Nations (A/PV.1883) (UN General Assembly, 1970).

The wording of the Declaration on Friendly Relations implicitly supports the idea of remedial secession, which is well-known among researchers of self-determination. At the same time, it emphasises the significance of territorial integrity. Regarding the relationship between minority rights and secession, it is important to consider the principle of territorial integrity as stated in UN General Assembly Resolution 3314 (XXIX) on aggression (UN General Assembly, 1974). The ICJ's Kosovo Advisory Opinion also examines the balance between territorial integrity and other factors. Advocates of the concept of remedial secession concur that a compelling interest may only be challenged in situations involving severe and ongoing injustices (Cassese, 1995, pp. 119–120). James Summers highlights that many writers express their acceptance of remedial secession with caution, sometimes suggesting that such a right potentially might not exist. They may also allude to several commentators without firmly stating their position on the existence of this right (Summers, 2007). Therefore, the concept of remedial secession, which serves as a final option to put an end to the persecution of a certain group, continues to have an impact on the recognition policies of the state.

3.3.1 Quebec Case

During the time of the United Nations Charter, it is highly unlikely that an effort to secede unilaterally would lead to the establishment of a new nation, but this possibility cannot be completely ruled out (Vidmar, 2010, p. 41). For instance, the theory of remedial secession is strongly supported by a significant judicial ruling from the Supreme Court of Canada in the Quebec case (Vidmar, 2010, p. 39). The Court made a distinction between internal and external self-determination for this case (Benziger & Castellino, 2023, p. 90). According to the Secession Reference of 1998, internal self-determination refers to the efforts made by a group of people to achieve their political, economic, social, and cultural development while remaining part of an existing state (Supreme Court Judgments, 1998, para. 126). The Court saw external self-determination, which may involve claims to secession, as a possibility that only occurs in very rare and severe instances, and even then, only under specific and well-defined circumstances (Ibid.). In addition to secession, the Court considered the alternative methods for creating independent states during the decolonization process as outlined in UN General Assembly Resolution 2625 XXV of 24 October 1970 (Friendly Relations Declaration) as potential options in cases involving

external self-determination (Ibid.). External self-determination refers to the concept described in the Declaration on Friendly Relations as

[t]he establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people. [Emphasis added.] (Supreme Court Judgments, 1998, para. 126)

Therefore, as per above mention, the terms internal and external were used to explain how the right may be exercised, rather than what it represented (Raič, 2002, p. 227). One may view domestic independence referenda as instances of internal self-determination, given the procedural regulations governing the referenda are often set under constitutional law (Levrat, 2017, p. 8). Alternatively, one could argue that in this case, the relationship between a State and its citizens is the main concern (van den Driest, 2013, p. 60). Regardless of the situation, this would seem to fit within the boundaries of internal self-determination. In contrast, one could argue that a separatist movement that achieves success, even if it is legally initiated according to domestic laws, will always involve interactions with third-party countries, thus transforming into a situation of external self-determination (Benziger & Castellino, 2023, p. 90). The issue was also brought up in the case of Reference re Secession of Quebec, in which the Court was requested to determine if Quebec had the legal right to separate unilaterally under international law (Supreme Court Judgments, 1998, paras 16–23). Vidmar argued that the Court's stance indicates that two things are necessary for a unilateral secession to succeed: (1) international recognition; and (2) parent state behaviour towards the entity seeking independence will be taken into account when governments choose whether to give recognition (Vidmar, 2010, p. 41). The judge's decision suggests that remedial secession might be implemented through recognition. This aligns with Shaw's theory that recognition may be more likely when secession is a result of human rights breaches (Shaw, 1997, p. 483). Although, the Court confirmed that there is no recognised right to unilateral secession in international law eventually (Supreme Court Judgments, 1998, para. 111).

According to Kartsonaki, Unilateral Declarations of Independence (UDIs) are a strategic approach that separatists may employ in order to get international recognition (Kartsonaki, 2020, p. 31).

Since the host state is by definition opposed to independence and hence the endeavour is unilateral, the significance of international recognition increases even more in circumstances of UDIs. The primary objective of a Unilateral Declaration of Independence (UDI) is to persuade established nations to acknowledge the aspiring nation's sovereignty, or to garner international backing that would exert pressure on the host government to grant independence (Ibid).

3.3.2 Kosovo Independence

Crawford argues that unilateral secession, as a legally impartial action, does not derive from any right granted by international law (Crawford, 2006, p. 388). Some scholars have raised concerns about whether non-State actors can actually violate the principle of territorial integrity, as the ICJ's Kosovo Advisory Opinion stated that the principle only applies to relations between States (ICJ, 2010, p. 6; Wilde, 2011, p. 303). Remedial secession, like to other types of secession, would violate the fundamental principle of a State's territorial integrity. According to Benziger and Castellino, there are three factors need to be highlighted: first, this type of self-determination is more hostile to the parent State than other forms of secession and typically takes place during hostilities; second, it aims to support the idea that a State must conduct itself in a certain way in order to comply with the principles of international law; and third, that there is a threshold that may put a community in danger due to the possibility or experience of serious violations of human rights, such as ethnic cleansing, crimes against humanity, or possibly even genocide (Benziger & Castellino, 2023, pp. 97–98).

Although the Kosovo Declaration of Independence is frequently brought up in discussions about remedial secession, its fit into this category might be questioned given that the act was passed after the Kosovars' human rights situation significantly improved (Oeter, 2015, pp. 63–65). Therefore, the action was not an immediate act of self-defence against an invading army, but rather a deliberate choice to not remain under the authority of a recognised government due to severe abuses of human rights that had already taken place. Furthermore, it is undeniable that Kosovars constituted a minority inside Serbia and Montenegro during the mentioned period. However, their status as a minority was influenced by the fact that they were ethnically related to a group in a neighbouring country, Albania, which already had established sovereignty. Regarding this matter,

it is worth noting that the uncertainties surrounding the definition of peoples are of lesser significance when considering the theory of remedial secession. The doctrine's potency typically arises from an ethnic, religious, or linguistic distinction between the entity and the parent State. However, the triggering actions must surpass mere establishment of structural discrimination in order to reach the perceived threshold where secession becomes a possibility.

3.4 Rights to Self-Determination

3.4.1 Overview

Self-determination has been a major driving force in the emerging international community. It has initiated a process of reorganising and redefining the fundamental principles that govern the global society. Simultaneously, its ideological roots make it a complex and highly unclear concept. This concept symbolises the essence of international law during the twentieth century specifically emphasising its importance following World War II and among decolonization actions (Cassese, 1995). Cassese offers a thorough examination of the historical development and present state of the right to self-determination in international law, clarifying its consequences and constraints. The principle of self-determination in international law gained significance in the early 20th century as a response to the consequences of World War I. It was viewed as a mechanism to prevent future conflicts and promote peace by granting nations the ability to determine their own political status and pursue their economic, social, and cultural progress without any interference (Cassese, 1995, pp. 3–5). This was demonstrated through the creation of the League of Nations and the incorporation of the principle of self-determination in its Covenant. Over time, it has been closely linked to and has played a significant role in major upheavals, and even large-scale conflicts, in modern international relations. Examining the development of self-determination in both theory and practice therefore turns into a narrative of a significant portion of the history of the modern era. Glen Anderson identifies three treaties that specifically pertain to the definition of ‘peoples’ in self-determination: the United Nations (UN) Charter, the International Covenant on Economic, Social and Cultural Rights (UN General Assembly, 1966b), and the International Covenant on Civil and Political Rights (UN General Assembly, 1966a) (Anderson, 2023, p. 41). The United Nations General Assembly declared that ‘[a]ll peoples have the right to self-determination’ (UN

General Assembly, 1960, para. 2). The application of these principles to all peoples implies a global understanding of self-determination. In fact, it exhibits several forms that have little similarity except for a particular affinity, which can range from being closely related to more distantly related, with the concept of having the ability to make choices independently. In terms of self-determination, such a group is commonly referred to as a people. For instance, the word ‘people’ is commonly used as a single person in this context, despite its plural meaning in conventional English. Scholars frequently refer to a people (single) as having or being entitled to self-determination, rather than people (plural). This aligns with the concept that self-determination refers to a collective organism's ability rather than its individual members' separate free wills. The concept of free will in a society is likewise an invention or creation, but it is not as easily understood or apparent. It is challenging to disentangle oneself from nationalist ideology, or alternatively, from another sense of identification that determines which individuals are included in the larger group, especially for a group of people that is not recognised as a country. Given that individuals typically exercise their autonomy through methods such as a plebiscite or other democratic procedures, it can be challenging to distinguish it from concepts associated with democracy (Nicholson, 2023, p. 4).

Another argument is that many scholars explain self-determination holds significant potential to establish a new nation. However, for others, it is a more flexible notion with less tangible legal implications. In certain situations, it may just serve a rhetorical purpose. According to Rowan Nicholson, the concept of self-determination originates from the field of moral philosophy (Nicholson, 2023, p. 3). Self-determination, in moral and political thinking, refers to the inherent ability of an individual to exercise free choice (Ibid.). The principle of self-determination was applied to allocating territories following inter-state armed conflict, as well as to colonies and non-colonised peoples. Unlike colonised peoples, non-colonised peoples were expected to achieve independence through a plebiscite rather than violence. These circumstances share a commonality. Each instance included the specific matter of determining which State would have authority over a particular group of individuals, allowing them to exercise their free will. This decision pertained to the external status of the people in issue. During colonialism, only the territorial connection with the metropolitan authority was altered (Vidmar, 2010, p. 37). Gaining independence did not come

at the expense of a neighbouring colony's territory or another sovereign state (Ibid). The right to self-determination, however, conflicts with the idea of territorial integrity in non-colonial contexts. Due to the fact that self-determination is not an absolute right, the territorial integrity of states imposes restrictions on its extent of influence. Hence, unless in the context of decolonization, the act of exercising the right of self-determination typically does not lead to the establishment of a new nation-state. Secession in non-colonial contexts requires the consent of the parent state. This consent may be granted by the parent state's constitution or in another way, either before or after the first unilateral declaration of independence (Raič, 2002). Regardless of the circumstances, the absence of parent-state consent prevents the existence of a recognised right to secession under international law. However, the right of states to territorial integrity may not be completely absolute and unconditional.

3.4.2 Self-Determination Disputes in Indonesia

Since gaining independence in 1949, the government has encountered separatist threats in many regions, particularly in East Timor, Aceh, and West Papua (Rohrbach, 2020, pp. 200–201), which the author will discuss further in the following chapter of this thesis. After President Suharto's authoritarian administration collapsed in 1998, the self-determination issues received renewed pace and led to a resurgence of inter-communal warfare due to religious and ethnic divisions (Cunliffe et al., 2009, p. 9). Generally, when rebel organisations opposed the Indonesian military, there were many violations of human rights and combatant death tolls. The process of democratisation created a chance to renegotiate the existing state of affairs. As the result, the independence struggle in East Timor was successful. In 1975, Indonesia took control of the former Portuguese territory (Rei, 2011, p. 167). However, because of a lengthy clandestine conflict and with the support of the global community, a referendum was eventually held, resulting in the establishment of an independent state in 2002. In the other two situations, the government provided exceptional autonomy to mitigate separatist concerns. For instance, in Aceh, the region was given extensive self-governance as a result of a negotiated and internationally facilitated peace agreement following a significant escalation of the conflict into a full-scale civil war in the 2000s (Paul et al., 2013a). However, in West Papua, the self-determination movement chose to renounce low-level insurgency and instead adopted peaceful resistance. As a result, the government also

decided to provide special autonomy. It appears that Jakarta has been conducting a methodical campaign to disrupt West Papua ever since the special autonomy law was implemented. Leaked documents obtained by human rights activists in Jayapura indicate that in June 2000, high-ranking officials from the Indonesian government and military convened to strategize on how to counter and mitigate the demands of the Papuan people for a meaningful discussion to address their disputes in West Papua (Tebay, 2005, p. 17). The plans entail eliminating the Papuan separatist movement, forming militia formations, and enhancing the socioeconomic welfare of the Papuan population. However, in this particular scenario, the autonomy statute might be deemed unsuccessful, primarily due to its failure to address the underlying concerns, and the execution of the provision can be seen as faulty at its most optimal state. The disagreement remains unresolved, as seen by the current escalation of violence and political tensions. The comparison highlights how the international community's position affects not only the outcome of self-determination disputes, but also the strategies and tactics used by key actors, especially when the government is uncompromising. All three separatist groups utilised international standards related to democracy and human rights, which are directly connected to self-determination, to advance their demands and gain recognition and backing both domestically and internationally (Rohrbach, 2020, p. 201). Although the Indonesian government strives to minimise concessions, it is open to international pressure when it reaches a critical threshold. This suggests a necessity for a more comprehensive knowledge of how international regimes affect conflicts related to self-determination.

Self-determination disputes may be defined as a sequence of strategic interactions between the central authority and a group that is seeking to alter the status quo (Cederman et al., 2015). The strategic playing field has two levels: the domestic level and the international level, where the final choice on achieving independent statehood is taken. The process is characterised by its dynamic nature, with both the government and the group striving to achieve the best advantageous solution. The administration endeavours to reduce the costs incurred by an ongoing self-determination conflict on the state, while simultaneously making the smallest feasible concessions. The primary objective of the organisation is to get concessions pertaining to self-determination, ranging from safeguarding their identity through cultural rights to achieving complete independence through secession. If a group's objective is complete autonomy, it is highly improbable that the central

government will let it to secede. The reasons for this are multifaceted - the region occupied by the separatist organisation is often of significant importance to the central government. According to Siroky, Mueller, and Hechter, it can possess economic, political, and symbolic significance, or even a combination of these (Siroky et al., 2016). The organisation will attempt to compel the government into discussions, employing both violent and peaceful methods simultaneously. If the home state engages in negotiations, it has a range of choices, one of which is to provide autonomous concessions to the separatist organisation. While not achieving complete independence, the majority of parties are likely to accept an autonomy agreement provided their needs are adequately met (Sorens, 2012). On the other hand, if the government is unwilling to engage in discussions, and the organization is lacking the ability to force it, the involvement of the international community becomes essential. In the following chapter, the author will elaborate more regarding West Papua conflict and possible solution to what extend the States can solve this on-going conflict without violating the human rights of its citizen and the terrorist group.

4 DISCUSSIONS

This section primarily examines the analysis of the descriptive analytical study and the method of using secondary data from previous studies, national and international journals, pieces in online media and news, official government websites, and reliable and factual accounts of Papuan activists. It then explores potential solutions to the research questions.

4.1 Special Autonomy in Indonesia to Promote Peaceful Agreement

Each successive government after Soeharto has attempted various strategies to rule Papua and suppress the rebellion, but all have been unsuccessful due to distinct factors (IPAC, 2017). According to IPAC, these strategies which were not mutually exclusive and frequently conflicting, can be classified as ‘get them to like us’, ‘hit back without mercy’, ‘divide and rule’, ‘end their isolation’, ‘give them money’, and occasionally, ‘Talk to them’ (IPAC, 2024, pp. 2–4). However, each strategy has been influenced by a refusal to acknowledge the necessity of addressing political complaints and by the belief that Papua was a homogeneous entity that needed to be dealt with as a unified whole. A new president should be persuaded that an entirely fresh strategy is required by their own repeated failures.

In 2014, President Joko Widodo (Jokowi) pledged to adopt an innovative approach in dealing with the crisis in Papua (IPAC, 2021). He recognised that the Papuans require more than just schools and roads; their voice need to be heard. However, rather than taking the opponents' demands for a reassessment of previous mistakes, his administration persists in addressing the increasingly intense violence and worsening political complaints in Papua with outdated and hierarchical development plans. Thus yet, all attempts have proven unsuccessful. The Free Papua Movement (OPM) has experienced an increase in strength, with escalating racial tensions and a rise in street protests against the central government. Additionally, the provinces of Papua and West Papua continue to be the most economically disadvantaged regions in Indonesia. The proposed modification of the Special Autonomy (OTSUS) Law presented an opportunity to restore the declining relationship between Jakarta and Papua (Ibid.). Both parties have long recognised that the existing special autonomy has resulted in the allocation of substantial funds that have been inadequately handled, without effectively enhancing the living conditions of the average Papuan

individuals. Nevertheless, the diagnosis of the problem and the solution sought by each party have diverged entirely.

Despite the fact that Jokowi visited Papua more often than any prior president, the visits had little effect on addressing the sources of violence. In addition, he implemented a strategy of recentralization, reclaiming powers that had previously been delegated to provincial administrations (IPAC, 2021). Jokowi will leave a legacy in Papua for his successor when his final term ends in 2024. This legacy includes a pro-independence insurgency that is better armed, resourced, and coordinated, more civilian casualties, and the inability to secure the release of a New Zealand pilot who has been held captive by the guerrillas for a year. The conflict between the insurgents of the TPNPB, which is the armed group of the Free Papua Movement and the Indonesian government significantly deteriorated during Jokowi's decade-long tenure as the president of Indonesia. With the arrival of a new president, it is important to consider the reasons behind this change and whether there are any successful models for decreasing violence at a domestic level. These models might potentially be duplicated in the six provinces, four of which were established in 2022, that now make up the region known as the 'land of Papua' (IPAC, 2024, p. 3). The Papuan independence movement is unlikely to be overcome, either via military or political means, yet the prospect of achieving independence remains distant. Therefore, a more pragmatic objective for a new government would be to minimise the occurrence of violence. An effective approach to achieve this objective is by establishing a ceasefire or implementing a humanitarian pause. However, this necessitates a formal agreement and a strong commitment from high-level authorities to ensure its implementation. There is a significant likelihood that any progress made could be undercut by individuals or groups who intentionally disrupt or hinder the process from both sides.

Similar to its approach in East Timor and Aceh, two regions that previously experienced insurgencies, the Indonesian government allocated significant financial resources to Papua through the Special Autonomy Fund, Infrastructure Fund, and General Allocation Fund. Consequently, the provincial budget of Papua in 2023 became one of the highest in Indonesia, despite its population being the most impoverished (Ibid.). Following the recent loss of East Timor, Indonesia's military was determined to prevent any similar occurrence in Papua. The concept of providing Papuans

with something that Jakarta believes they desire, with the expectation that it will sufficiently appease them politically, is a strategy primarily linked to the short-lived president of Abdurrahman Wahid (2000-2002) (IPAC, 2024, p. 2). In a similar manner to what occurred in 2001, he authorised Aceh to enforce specific elements of Islamic Law, naively hoping that this would lead to the cessation of armed uprising. Additionally, he permitted Papuans to display the pro-independence flag, known as the Morning Star, alongside the national flag, and to refer to their province as Papua instead of the previous Irian Jaya used during the Soeharto era. In addition, he lifted constraints on the expression of pro-independence sentiments, however, he was compelled by the military to reverse his decision. Wahid also advocated for the creation of a special autonomy statute to tackle the issue and offer a political alternative to military warfare.

4.1.1 East Timor

Peter King believes that the concept of autonomy in Indonesia originated in 1998 following the Reformation Era (King, 2004). Since then, the central government's power as it was during the New Order Era has been the subject of considerable debate inside Indonesia over alternate options. Three different concepts such as autonomy, federalism, and independence – were discussed by politicians and scholars. Nevertheless, the prospects of achieving independence and federalism were quickly dismissed due to past negative encounters, notably the East Timor situation. As a result, autonomy became the only legitimate political option. Autonomy remained the only option that was acceptable from a political standpoint. Consequently, autonomy, whether at the regional or special level, was established across Indonesia, encompassing West Papua and Aceh as well.

The Portuguese revolution in 1974 precipitated a swift political transformation in Portugal, resulting in the rapid initiation of decolonization in its colonies (Paul et al., 2013b; UCDP, 2024c). Indonesia, which is adjacent to East Timor (commonly referred to as Timor-Leste), asserted that East Timor lacks the ability to function as an independent nation and expressed its readiness to incorporate the former colony into the Republic of Indonesia. The majority of the Timorese population, however, rejected this alternative. In 1975, there was an unsuccessful coup attempt by pro-Indonesian groups, which resulted in confrontations between pro-independence and pro-Indonesian groups. The Portuguese, driven by fear of entanglement, expedited their withdrawal

and inadvertently left behind an unpredictable and disordered situation. The National Council of the Timorese Resistance (CNRT), previously named the Frente Revolucionária de Timor-Leste Independent (FRETILIN), was a democratic socialist insurgent organisation that opposed the Indonesian government in its quest for independence for the colonised region of East Timor (UCDP, 2024b). In 1974, they underwent a transformation from a political party to a national liberation organisation (Ibid.). They subsequently published a political manifesto that addressed several problems related to war goals. The East Timorese proclaimed their entitlement to an independent state, with the aim of transforming the political structure towards democratic socialism. They placed significant emphasis on safeguarding the rights of their citizens, such as freedom from racial bias and freedom of expression.

Additionally, they expressed their determination to enhance the efficiency of the police forces and bureaucratic processes within the nation. In contrast to Papua, the international world has challenged the legality of East Timor as part of Indonesia from its inception. East Timor was under Portuguese colonisation, not the Dutch, and as a result, it was not a part of Indonesia. The incorporation of East Timor into Indonesia occurred in 1976 through Indonesian occupation and annexation, facilitated by the backing of pro-integrationist East Timorese groups and the tacit assistance of anti-communist western nations, namely the USA and Australia (Manan, 2016, p. 80). However, the majority of countries did not officially recognise East Timor as the 27th province of Indonesia. At first, only a small number of countries, including Australia, acknowledged it either in practice or in law (Ibid.). However, the United Nations did not provide official backing for it. Instead, the UN maintained that Timor-Leste was a non-self-governing province of Portugal (Reiger & Wierda, 2006, p. 4). The East Timorese troops, who were against the process of unification, initially resisted and then participated in a deadly struggle with Indonesia until 1999. Therefore, it was certain that there would be disagreement between the two parties. From 1976 to 1999, a multitude of human rights crimes occurred in the area during Indonesia's rule. The abuses encompassed arbitrary arrest, torture, sexual assault, forced displacement, enforced disappearance, and murder. The initial involvement by the Indonesian army transformed into a ruthless counterinsurgency (COIN) operation over the following twenty years, approximately one-third of Timor-Leste's population, leading to the loss of up to 200,000 civilian lives while ultimately failing

to eradicate the insurgency (Paul et al., 2013b, p. 374; Reiger & Wierda, 2006, p. 4). The most prominent instances of human rights violations include the Dili massacre, also known as the Santa Cruz massacre (Morgan, 2018), which occurred when the Indonesian military forcefully suppressed East Timorese individuals participating in a pro-independence march. In 1993, the United Nations Human Rights Commission issued a severe condemnation of Indonesia for its serious human rights violations in East Timor (Naidu, 1999). The direction of the battle shifted in the mid-1990s when FRETILIN implemented a more subversive urban strategy and gained increased worldwide recognition for its struggle for independence.

The end of the Cold War also resulted in Indonesia losing a distinct justification for its control over East Timor, and also losing the implicit backing of Western nations. Although Indonesia acknowledged the pressing need to address the East Timor situation but was unable to act due to several constraints. Initially, Indonesia implemented its transmigration programme to resettle a significant number of Indonesians, primarily Javanese, who were confronted with an uncertain future if the desire for independence was granted. Second, Indonesia has invested significant amounts of money in developmental initiatives in order to suppress the persistent demand for independence. This would be rendered futile if East Timor opted for a split. Third, considering the presence of other insurgent groups seeking independence, such as those in Aceh and West Papua, the granting of independence to East Timor might potentially lead to similar demands for secession from the Republic of Indonesia by these regions and others. Lastly, the army's unwillingness to relinquish control of East Timor was mostly driven by their resistance to international censure, which outweighed other considerations. According to the Indonesian Army, they invaded and took control of East Timor, incurring significant human and material losses (Naidu, 1999). Therefore, they believe that it should not be relinquished. Due to the army's pivotal role in Suharto's regime, he was compelled to consider the sentiments of the military.

Additionally, there was significant violence and destruction in 1999 following the referendum to determine the ultimate status of East Timor. The outcome of the referendum, conducted on August 30, 1999, indicated that 80 percent of the East Timorese populace had declined the proposal of special autonomy inside Indonesia put forth by the Indonesian government (Reiger & Wierda, 2006, p. 6). The statement signifies that the people of East Timor have made a deliberate decision

to establish themselves as a sovereign nation apart from Indonesia. Shortly after that, Jakarta finally gave in to international pressure and agreed to hand over sovereignty to East Timor; as a result, its COIN strategy failed (Kingsbury, 2005). East Timor then spent three years under UN transitional administration before declaring independence on May 20, 2002.

4.1.2 Aceh

The process of democratic transition in Indonesia, which began after the downfall of President Suharto's New Order administration in 1998, was characterised by an increase in conflicts and violations of human rights in regions with ongoing disputes: Aceh, Irian Jaya (commonly referred to as West Papua), and Timor-Leste. During the initial stages of Indonesia's transition, there were violent communal clashes that arose in the provinces of Maluku, Central Sulawesi (Poso), West Kalimantan (Sambas), and other regions of the extensive archipelago country (Cunliffe et al., 2009, p. 9). All of these conflicts had substantially settled down by the end of 2005, except for Papua. Peace accords, particularly in Maluku, Aceh, and Poso, served as the impetus for ceasing widespread human rights abuses. Additionally, they established social, political, and economic measures to construct peace to different extents. The discussions and subsequent accords provide a structure for maintaining justice and seeking accountability for crimes perpetrated during the opposition.

The majority of Indonesians believe that the Acehese insurgency poses the biggest threat to the Republic's territorial integrity. According to some historians, the province of Aceh, located near the northern point of Sumatra and home for around 5.4 million residents, was the first to introduce Islam to the archipelago and Southeast Asia (Ekawati & Hidayatullah, 2024; Rabasa & Haseman, 2002, p. 99). Prior to the late 19th century, the province functioned as an autonomous sultanate, maintaining its independence for about 500 years. Human rights breaches in Aceh occurred as a result of a confrontation between dissatisfied Acehese and the central government, which began on December 4, 1976 (Manan, 2016, p. 79). Under the leadership of Hasan di Tiro, the Acehese established the Free Aceh Movement, or Gerakan Aceh Merdeka (GAM), and subsequently unilaterally declared their independence from Indonesia (Cunliffe et al., 2009, p. 17). GAM's secessionist ambitions were partly rooted in the belief that Aceh had never formally accepted

Dutch colonial authority and hence was not a legitimate part of the Indonesian nation-state established in 1945. The Acehnese held the belief that they were subject to discrimination and that the Indonesian central government was excessively exploiting their abundant natural resources (Cunliffe et al., 2009, p. 17; Manan, 2016, p. 79). President Soeharto deployed a large number of troops to Aceh in order to quell the separatist movement. Consequently, the military faction of the GAM and the Indonesian security forces have engaged in armed confrontations for an extended period of time. These innocent citizens have been subjected to the consequences of this prolonged conflict. Following the military confrontation, di Tiro and a small group of GAM commanders sought refuge in Sweden in 1980, where they resumed their resistance efforts. The military confrontation in Aceh persisted. In 1989, President Soeharto proclaimed Aceh as a Military Operation Area (Daerah Operasi Militer: DOM) in order to enhance its persecution of the GAM (Ibid.). The proclamation provided a valid rationale for deploying additional soldiers, weaponry, and other military resources to Aceh. Numerous instances of human rights violations had place throughout the time of DOM. The military action was then halted immediately upon the ousting of President Soeharto in 1998.

The Swiss-based Centre for Humanitarian Dialogue initiated efforts to achieve a ceasefire in 2000, which led to the signing of the Cessation of Hostilities Agreement (CoHA) in 2002 (Cunliffe et al., 2009, pp. 17–18). Nevertheless, in early 2003, the CoHA process disintegrated due to GAM's refusal to surrender its weapons and Indonesia's military forces' refusal to remove soldiers during a discussion in Japan (Kingsbury, 2005). Following a string of unsuccessful ceasefires, this was the initial all-encompassing peace accord, with the capacity to resolve the political and economic grievances that contributed to the aspiration for independence in Aceh. According to Cunliffe et al., there was the Helsinki Peace Agreement, which took place at Königstedt Manor from January to August 2005, led to the signing of a Memorandum of Understanding (MoU) between GAM and the Indonesian government (Cunliffe et al., 2009, pp. 18–22). The negotiations that resulted in the peace accord occurred in the aftermath of the catastrophic tsunami on December 26, 2004, which claimed the lives of more than 100,000 individuals in Aceh (Kingsbury, 2005, p. 73). Additionally, there was an intensified military offensive conducted by the Indonesian armed forces against the GAM insurgents. The negotiations were facilitated by an international mediation body and

endorsed by the European Union (EU). The agreement had six provisions pertaining to the government of Aceh, human rights, amnesty and reintegration, security arrangements, the formation of the Aceh Monitoring Mission (AMM), and dispute settlement. The primary objective of the AMM was to supervise the dismantling of GAM weaponry and the evacuation of the majority of Indonesian military and police forces. Although facing resistance in Jakarta, the negotiations proved to be successful, resulting in an agreement that effectively tackled the core issues raised by the Acehnese, particularly on the redistribution of economic resources and the representation of local politics.

From the standpoint of transitional justice, the Helsinki Memorandum of Understanding (MoU) seemed to signify progress in Indonesia's efforts to confront historical human rights abuses. However, despite the fact that over three years have passed since the agreement was signed, only a small number of terms have actually been put into effect. Former leaders of the GAM have acquiesced to this circumstance without expressing public discontent, seemingly because maintaining relations with Jakarta takes precedence over holding the state accountable for previous transgressions (Cunliffe et al., 2009, p. 21). Civil society and victims of war do not want the promises made to them in Helsinki to be twisted for political ends or to remain in procedural limbo. These groups have actively supported and promoted the establishment of a Truth and Reconciliation Commission (TRC) established by the Acehnese people, as well as urging state officials to address accountability and restitution matters with seriousness (Cunliffe et al., 2009, p. 22). The impact of the current inability to execute key justice elements of the Helsinki Memorandum of Understanding on Aceh's capacity to establish a lasting peace is yet to be determined. In contrast to the situation in East Timor, there was a lack of international backing for Acehnese independence. On the contrary, state governments reaffirmed Indonesia's authority to safeguard its unity and territorial integrity. Following the international community's effective abandonment of GAM, its leaders altered their tactics. In terms of infrastructure and security, Aceh's current state does appear to be better than it was 10 years ago. Consequently, Acehnese people choose to look forward to a brighter future rather than look backward to the past. They were now open to considering what Indonesia had to offer instead of relying on foreign support for independence (Schulze, 2007, pp. 94–95).

4.1.3 West Papua

Papua is the easternmost province of Indonesia and distinct from the rest of the country in terms of its ethnicity and historical background. Papua has a wealth of natural resources, including gold, wood, copper and oil. It has enticed global firms to harness its resources, including Freeport McMoran, a US-based multinational enterprise. Improper local government governance is a key factor contributing to instability in Papua. Enhancing governance would expedite the progress in Papua. In addition to that, the progress in Papua unquestionably encounters obstacles, starting with the challenge of difficult geographical conditions. The consequences encompass increased expenditures for development, disparities in the prices of vital and indispensable resources, notably in the mountainous region of Papua, and substantial hazards and disturbances to security instigated by the Armed Criminal Group (Sabir, 2018).

According to Oishi, the dispute between the Papuan population and Indonesia is primarily characterised by two fundamental incompatibilities; the first category consists of two incompatibilities (Oishi, 2020, pp. 196–197). First, the Papuan community has consistently pursued self-determination for West Papua, seeking independence from Indonesia. Although, Indonesia's transition from an authoritarian to a democratic political system since the late 1990s, it remains steadfast in its commitment to maintaining West Papua as an integral part of its territory. Second, the central government maintains that the Papuan population expressed its desire to become part of Indonesia through the Act of Free Choice, however the Papuan community see it as a fraudulent process. The second category pertains to the development process in the province, namely the acts taken by the Jakarta government, which have infringed upon the rights of the West Papuan people on land usage, access to natural resources, and the right to a clean and healthy environment. Under the Suharto regime, the central government resolved conflicts on self-determination by using military force to eliminate the OPM. Nevertheless, subsequent administrations after Suharto have started to heed the concerns of the Papuan population and have granted them the opportunity to engage in discussions through councils or forums such as the PDP [Papua Presidium Council]. Measures have been implemented to mitigate the severity of these incompatibilities. Nevertheless, successive administrations after the new order era strongly oppose the idea of West Papuan self-determination and are unwilling to hold a referendum to decide the

fate of the region. The ongoing events under the Jokowi administration can be seen as a collaborative effort by both parties to establish an acceptable framework for autonomy (Oishi, 2020, p. 197). This is also an attempt to resolve the incompatibilities that arise in relation to development. Notably, there are positive indications, such as the formation of a collaboration between many parties, particularly the local community and the American mining corporation. One of the primary responsibilities would be to officially establish the traditional rights of the former to land and natural resources.

Indonesian strategy was primarily focused on military actions aimed at eliminating Papuan separatism for over thirty years after it initially occupied the region. This strategy, however, has proven unsuccessful. Conversely, the military actions have resulted in the commission of crimes against humanity and bolstered the Papuan people's call for political independence. In 1999, Abdurrahman Wahid, the fourth president of Indonesia, implemented a new policy by proposing the concept of special autonomy. President Megawati Soekarno Putri, who succeeded him in 2001, signed Law number 21/2001, which granted Special Autonomy to the province of Papua (OTSUS), allowing it to govern itself and enjoy certain privileges, which was similar to Aceh (Manan, 2016, p. 86; Rohrbach, 2020, p. 213; Tebay, 2005, p. 16). The special autonomy saw a gradual dilution by the subsequent two Indonesian administrations prior to its implementation. In the future, conflicting stances about independence and national unity may potentially align towards granting autonomy through the amended OTSUS or OTSUS Plus. The government predicted that by extending special autonomy to West Papua, it would prevent a situation similar to what happened in East Timor or the escalating failure of the peace process in Aceh. The legislation granted extensive self-governance and established a distinct governing body known as the Papuan People's Assembly (MRP) to advocate for the rights of indigenous populations in West Papua, with representatives from many sectors of society. In addition to advocating for and safeguarding the rights and traditions of the indigenous Papuan population, the MRP's authority was restricted to providing advice and recommendations, while the legislative powers were vested in the province legislature (Dewan Perwakilan Daerah Papua [the Papuan Regional Representative Council]) (Bertrand, 2014, pp. 179–182). The majority of the stipulations outlined in the special autonomy legislation for West Papua were not put into effect. The prolonged execution of the policy is partly

due to the absence of agreement within the Indonesian administration and the concern that any compromise will bolster the call for independence. The administration's implementation of the divide-and-rule strategy, which involved dividing West Papua into three provinces without prior consultation (Rohrbach, 2020, p. 213), significantly weakened the group. Additionally, there was a lack of international pressure to address the West Papua issue (Bertrand, 2014). In West Papua, the Indonesian military maintains a significant level of influence and operates a parallel government system alongside the civilian administration (Mietzner, 2013, p. 108). This military presence is characterised by the use of very oppressive policies (Bertrand, 2014, p. 183).

Despite the central government allocating substantial sums for development in Papua under the Special Autonomy policy, it remains one of the significant obstacles to progress in the region. The establishment of Papua's special autonomy as a political agreement arose as a means of resolving the conflict in Papua (Syamsir & Rohman, 2022, pp. 8–9). Furthermore, the management and utilisation of the natural resources in Papua Province have not been effectively utilised to enhance the quality of life for the Indigenous population. As a consequence, this has led to a disparity between Papua Province and other regions and represents a disregard for the fundamental rights of the indigenous Papuans. Moreover, in order to narrow the disparity between Papua Province and other provinces, enhance the quality of life for the inhabitants of Papua Province, and create avenues for indigenous Papuans, it is imperative to implement a distinct policy within the framework of the Unitary State of the Republic of Indonesia (Syamsir & Rohman, 2022, p. 9). The main features of special autonomy, such as the division of authority between the federal government and the Papua Province, have been defined by the central government. With the exception of subjects relating to defence, security, international affairs, the judiciary, and the monetary and fiscal systems, Papua is accorded broad jurisdiction within a distinctive governmental structure. The purpose of this action is to establish political stability in Papua and enhance the well-being of its inhabitants, hence reducing the occurrence of conflicts. Both the provincial and national governments have an ongoing responsibility to safeguard the rights of the Papuan people. Preservation of the traditional rights of indigenous peoples. Ensuring the preservation of the right to life for Papuans in the Land of Papua involves safeguarding their well-being, both physically and spiritually, by providing a fear-free environment and meeting their

needs in a satisfactory and equitable way. Preservation of the rights of the Papuan people to land and water within certain boundaries, including the natural resources found within. Syamsir and Rohman state that the primary goals of Papua's development under special autonomy are: a) enhancing the quality of life for the Papuan people or Papuan Indigenous people, b) upholding the fundamental rights of indigenous Papuans, and c) implementing effective government (Syamsir & Rohman, 2022, p. 9). If this is done appropriately, the conflict and the KKB actions' political aim of independence will vanish on their own.

As in Aceh and East Timor, the government's strategy against the separatist organisation in West Papua has been driven by the security approach ever since the region's integration into Indonesia (Singh, 2012). In each of the three cases, the emergence of separatist movements was a direct response to the methods employed by the Suharto-led New Order government in its pursuit of Indonesian nationalism (Aspinall & Berger, 2001, p. 1004). These movements were further fuelled by the excessive and indiscriminate use of state violence. The case studies of East Timor, Aceh, and Papua are used to compare different regions within a nation or 'a sub-national within-nation comparison' (Snyder, 2001). Despite being part of the same state and subject to the same central governments, East Timor, Aceh, and West Papua employ different strategies and tactics in their self-determination disputes. These variations over time provide valuable insights into the use and evolution of strategies and tactics, and their correlation with specific outcomes. Also, the significance of the two-tiered level playing field may be demonstrated by the significant variations in access to and support from the international community throughout time and across different cases. While not asserting generalizability, the dynamics seen in these three cases are quite pertinent to several other self-determination disputes.

4.2 Human Rights Violation in Indonesia

West Papuan nationalists have consistently maintained that the Act of Free Choice was a fraudulent process carried out by the Indonesian government with the tacit consent of the international community, led by the United States (USA), that merely transferred their land to Indonesia against the will of the people and denied them the right to self-determination.

Meanwhile, Indonesian administrations have continually denied West Papuan self-determination, claiming that the Act is legally enforceable and denying its existence. The opposition to integration by West Papuans has a lengthy history that predates the controversial Act. Originally, this sentiment arose from educated and intellectual Papuans who were incensed by the lack of consultation with the indigenous population by both the Dutch and Indonesian governments during their dispute over the future and status of West Papua. After the handover of administration, the Papua Volunteers Corps, previously established by the Dutch, engaged in conflicts with Indonesian forces until being dissolved. In 1965, the fractured Organisasi Papua Merdeka (OPM), also known as the Free Papua Movement, engaged in armed resistance as a result of the growing Indonesian dominance and violations of human rights.

Separatist movements have the ability to utilise a diverse range of strategies, which can include conventional political methods, nonviolent actions, or as last option, committing to violence. The people involved carefully evaluate the expenses associated with these methods, with the expectation of attaining success via them. This success, in turn, is influenced by the structural characteristics of both the state and the group (Cunningham, 2013). Both violent and nonviolent strategies can be employed to inflict consequences on the government; nevertheless, the crucial distinction lies in the fact that they demand distinct forms of organisation and action (Rohrbach, 2020, pp. 202–203). While nonviolent methods, such as rallies and boycotts, need the involvement of a significant number of individuals to achieve their desired impact, violent tactics, such as suicide bombings, can impose substantial burdens on the government without the need for a huge number of participants (Chenoweth & Stephan, 2012). Ever since Indonesia invaded West Papua in 1962, its control over the province has been characterised by acts of extreme violence that plainly fit the definition of crimes against humanity according to the Rome Statute of the International Criminal Court (United Nations, n.d.). Reports from prominent analysts of the West Papua conflict have extensively recorded numerous cases of rape, torture, summary executions, disappearances, land seizures, cultural appropriation and denigration, unlawful imprisonment, economic exploitation, racism, intimidation, and political oppression inflicted upon Indigenous West Papuans by representatives of the Indonesian government (Webb-Gannon et al., 2021, p. 2). The OPM does not appear to be a significant military danger, even though its precise size is hard

to determine. The insurgency is now characterised by a low level of intensity, resulting in a very small number of deaths from armed confrontations, which primarily consist of individual hit-and-run actions. The separatist struggle in Papua resulted in 144 reported fatalities from 2009 to 2014 (IPAC, 2015, p. 3). However, this number is far lower compared to the peak of the Aceh insurgency in the early 2000s, during which yearly mortality exceeded 2,500. In several regions, local authorities seem to have established a method of predominantly peaceful cohabitation with the local OPM through the utilisation of diverse types of patronage.

The methodical campaign of destabilisation has led to an ongoing threat to the human security of the Papuan people. Generally, the Papuans bear the burden of suspicion, detention, torture, execution, and oppression at the hands of the Indonesian security forces, just as they have in the past. They are unable to obtain any reliable assurance for their personal safety and well-being under the governance of Indonesia. They have a constant sense of vulnerability, perceiving that their lives are at risk at any given moment and in any location. As a result, people have been residing in a state of apprehension, lacking the ability to use their rights and freedoms. The influence on the local government's capacity to encourage development in West Papua is another effect of the unstable environment. The local authority is consistently occupied with addressing the repercussions of the controversial policies implemented by the central government, leaving them with minimal opportunity to focus on development due to the frequent occurrence of security issues.

In 2005, all member nations of the United Nations including Indonesia made a commitment to a principle called the 'responsibility to protect', or R2P, as stated by the United Nations General Assembly in 2005 and the United Nations General Assembly Security Council in 2017 (Webb-Gannon et al., 2021, p. 4). This concept was established in response to the international community's inability to prevent the horrors in Rwanda and the Balkans during the 1990s (Ibid.). Indonesia is an independent state, and any interference in its domestic affairs, even under the Responsibility to Protect (R2P) principle, might be considered an assault of its sovereignty. According to the Responsibility to Protect (R2P) principle, Indonesia bears the main obligation to safeguard its population against genocide, war crimes, ethnic cleansing, and crimes against humanity (United Nations, 2005). In West Papua, the objective would be to guarantee that the

Indonesian police and the Indonesian National Army refrain from perpetrating human rights violations against the indigenous Papuan population. Nevertheless, there have been other accounts of violence orchestrated by the state, such as extrajudicial murders, torture, and enforced disappearances, which suggest a lack of commitment to fulfilling these obligations. The situation in West Papua serves as a powerful illustration of the intricate challenges associated with the application of the 'responsibility to protect' principle. The international community of United Nations member states is accountable for utilising diplomacy, humanitarian intervention, or other suitable measures to protect populations in other countries when those countries are incompetent or unwilling to do so independently. Nevertheless, the application of this idea is sometimes impeded by practical and political challenges. The prolonged conflict in West Papua underscores the need for internal reforms and ongoing international attention to adhere to the principles outlined in the Responsibility to Protect (R2P) and protect vulnerable communities.

4.3 Armed conflicts in Indonesia between the State Forces and the TPNPB

The conflict over West Papua resumed and was documented as active between 2018 and 2021¹³, following a relatively peaceful moment subsequent to the peace deal. In 2018, the situation worsened when the OPM launched an assault on construction workers in the Papuan highlands, resulting in the deaths of at least 17 individuals (UCDP, 2023a). In 2021, the escalation occurred with the assassination of an intelligence official by the OPM (Ibid.). This event led to a presidential directive for the security forces to actively pursue and eliminate all OPM insurgents. The degree of organised violence in the state-based conflict stayed consistent with that of 2021, as documented by the UCDP data for the third time since 2006¹⁴. State-sanctioned violence was limited to the West Papua regencies, resulting primarily in civilian casualties. In November, the Indonesian Government engaged in negotiations with civil society, political, and religious organisations in West Papua. They reached a consensus on implementing a temporary cessation of hostilities, as well as establishing designated routes for the safe passage of humanitarian aid. Nevertheless, the OPM, which is one of the parties involved in the fight, did not participate in the negotiations.

¹³ See Figure 3 in Appendices.

¹⁴ See Indonesia: Number of Deaths for further details (UCDP, 2023a)

Additionally, the rebels present on the battlefield have refused to accept the deal. The level of organised violence in the state-based conflict between the Indonesian government and OPM experienced a modest increase compared to 2022 and 2021, although it generally maintained an equivalent level (UCDP, 2023a). It was documented as being active in the UCDP dataset for the fourth occasion since 2006. State-sanctioned violence primarily occurred in the regencies of West Papua, resulting in a significant number of civilian casualties. In addition to the conflict between Indonesia and West Papua, the OPM engaged in acts of one-sided violence. The overall number of deaths is 304, with 220 attributed to state-based violence and 84 to one-sided violence (UCDP, 2023a). Nevertheless, there were no instances of non-state violence documented in 2023¹⁵.

From 2006 to 2021, civilians have become victims of the violence resulting from confrontations between the State and the TPNPB troops and have been deliberately targeted by both parties involved (Widjajanto, 2023). The TPNPB has targeted civilians thought to be connected to the government in an effort to obstruct development initiatives and transmigration in the area, and the state has used violence against Papuans, both inside and outside of the country, who are accused of supporting the group. The TPNPB's targeting of civilians has been limited to the region of Papua. Although state forces have been responsible for a larger proportion of violence against civilians in Papua and West Papua provinces in prior years, there has been a significant increase in the amount of violence against civilians by the TPNPB in 2022. Widjajanto also mentioned that in 2009 and 2011, quite a lot of acts of violence attacked PT Freeport employees. However, in the following years, data shows that acts of violence related to PT Freeport tended to target multiple targets due to the intervention of the Indonesian police and the Indonesian National Army. Attacks against the Indonesian military [Tentara Nasional Indonesia, TNI] have become increasingly regular, deadly, and extensive.

The initial indication of a shift in strategy by the OPM became apparent in 2017. Between August and November, a local armed gang under the leadership of Sabinus Waker and Hendrik Wamang conducted many attacks in three villages near the Freeport mining site in Tembagapura¹⁶. On 5 October, the gang utilised excavators to demolish the roads that provided access to the three

¹⁵ See Figure 2 in Appendices.

¹⁶ Polisi Daerah (POLDA) Papua [The Papua Regional Police], "Chronology of KKB Operations Restricting Residents in Kimbeli and Banti Villages, Tembagapura District," press release, 15 November 2017 (IPAC, 2022, p. 2).

settlements, so obstructing the occupants' ability to leave and essentially trapping them¹⁷. The Tembagapura incident was KKB's initial and noteworthy endeavour to seize control of a specific area (Ondawame, 2000, p. 139). Two law enforcement officers and a worker from the local Freeport company were fatally injured. Approximately 1,300 inhabitants, primarily migrants from Sulawesi and Java, were compelled to evacuate their residences (Jensen & Wanda, 2017; Pranoto, 2017). In November 2017, the Indonesian National Armed Forces (TNI) collaborated with the Indonesian National Police (Polisi Republik Indonesia, Polri) to reclaim control of the villages. The KKB announced a paper called 'The Rules of War for the TPNPB' on 1 January 2018 (Ajaraya et al., 2022). The KKB has presented a comprehensive plan for conducting warfare in order to attain West Papuan independence, including political objectives and a specified set of valid targets for fighters. Additionally, they have detailed requirements for engaging in negotiations and achieving a peaceful resolution (TPNPB, 2018). The statement acknowledged Goliat Tabuni's leadership within TPNPB's 'national' command, even though he has been absent from combat for a long time. It also noted that most of the attacks since 2018 were carried out by Lekagak Telenggen, a younger subcommander based in Ilaga, Puncak¹⁸.

In December 2021, Andika Perkasa, the newly appointed TNI chief, proposed a new security strategy for Papua (IPAC, 2022). This strategy aims to gain the support and loyalty of the Papuan people by establishing military formations at the local level, similar to those seen in other parts of Indonesia. However, it fails to acknowledge the profound dread and animosity experienced by Papuans towards Indonesian security forces as a result of a long-standing history of racism and violence. This has, therefore, resulted in a surge of financial support and new members for rebel organisations. To ensure success, the new strategy must include training, monitoring, and accountability mechanisms to prevent impunity for human rights violations by security personnel. In addition, it is necessary to implement comprehensive strategies to restrict the supply of weapons to the KKB and safeguard civilians against heightened aggression by armed groups.

According to IPAC Report, as of June 2022, the anti-terrorism law has not been implemented in

¹⁷ Ibid.

¹⁸ Goliat Tabuni was appointed as the national commander of TPNPB during a high-level summit of the OPM in Biak from 1-5 May 2012 (KTT TPN 2012). During that period, other commanders, like Mathias Wenda, refused to accept Goliat's leadership. Wenda, who commanded his own faction called the West Papua Revolutionary Army, was based in Vanimo, Papua New Guinea (IPAC, 2022, p. 3).

Papua, mostly because of resistance from the government's own high-ranking counterterrorism personnel (IPAC, 2022, p. 3). However, this action creates the possibility for future deployment of troops, which increases the probability of heightened aggression against local people. Additionally, it establishes a legal justification for apprehending peaceful activists before any potential acts of violence occur.

In April 2024, the confrontation between Indonesian security forces and the West Papua National Liberation Army (TPNPB) escalated again, posing a threat to the safety of residents in the Highland and Central Papua provinces. Within the Yokatapa village in Intan Jaya, a child was killed and another sustained severe injury during a confrontation between the police and the TPNPB. The TPNPB was attempting to release a detained member of their group. The rebels in Highland Papua murdered a non-Papuan local public servant and the son of a head of a Papuan village (Irawan, 2024; Wahyudi, 2024). Both individuals were accused as spy on behalf of the Indonesian government. Compared to six recorded fatalities in March, ACLED records 11 confirmed fatalities in April related to TPNPB events (Ajaraya et al., 2024). At least four of the deaths were caused by civilian casualties. In response to the surge in aggression, the Indonesian military has declared their intention to revert to referring to the TPNPB as OPM (Free Papua Movement) instead of KKB (Armed Criminal Group) (Ibid.). The military has undergone multiple revisions in its classification of the TPNPB, with the latest revision highlighting its perception of the TPNPB as a hostile entity comprised of military personnel or fighters. The modification modifies the group's classification according to humanitarian law, resulting in less legal supervision of military activities against the TPNPB.

4.4 Civilians tend to be the target of violence

Following TPNPB's Declaration of War, the subsequent four years witnessed a swift and significant increase in the level of violence in Papua and West Papua. According to data collected by IPAC, using a combination of publicly accessible sources, the frequency of violence associated to insurgency in the region has risen from an average of eleven events per year between 2010 and 2017 to 52 incidents per year between 2018 and 2021 (IPAC, 2022, p. 4). From 2018 onwards,

there have been a total of 183 confrontations between government forces and TPNPB combatants in Papua, along with 74 instances when one party resorted to violence against civilians.

Out of the total of 320 deaths connected to insurgency in Papua and West Papua from 2010 to 2021, 211 deaths (66 percent) occurred between 2018 and 2021 (IPAC, 2022, p. 6). Between 2018 and 2021, an estimated 52 members of the Indonesian security forces and 34 TPNPB militants were claimed to have been killed. However, it is important to note that these statistics are approximate, given neither side has a vested interest in providing precise figures.

There has been a significant surge in the number of fatalities among non-military individuals. From 2010 to 2017, a total of 53 non-combatants lost their lives as a result of violence associated with insurgency. From 2018 to 2021, there was an increase in the number of recorded civilian deaths, reaching a total of 125 (Ibid). Civilian casualties encompass Papuans inadvertently caught in the midst of conflicts between government troops and the TPNPB, as well as civilians intentionally targeted and killed due to suspicions of collaboration with the enemy. The level of violence in the central highlands significantly increased towards the end of 2018, possibly as a deliberate move by OPM militants to intensify the conflict.

On 5th December 2018, an armed group affiliated with the Free Papua Movement (OPM) killed at least 20 persons in Nduga regency, Papua (IPAC, 2020, p. 4; Tehusjarana, 2018). The casualties comprise 19 employees of the state-owned construction firm PT Istaka Karya, who were tasked with constructing a 275-kilometer segment to link Wamena and Mamugu as part of President Joko Widodo's prominent trans-Papua Road initiative. Additionally, one member of the Indonesian Military (TNI) lost their life. Based on the statements of Jimmi Aritonang, a surviving worker from Istaka Karya, who reported to the Cendrawasih Military Command, a gang of armed individuals abducted 25 workers from the Istaka Karya camp in Nduga regency on Saturday and forcibly led them to the nearby Karungame River (Tehusjarana, 2018). On Sunday, the workers were compelled to relocate once more, this time in the direction of the Puncak Kabo hill. During their journey, they received instructions to bend down and form five rows. The perpetrators subsequently opened fire on the labourers, resulting in the immediate demise of 14 individuals, while the remaining 11 individuals pretended death. Egianus Kogoya, a leader of a faction within

the National Liberation Army of West Papua (TPNPB), has acknowledged that his group is responsible for the fatalities of the construction workers and the TNI soldier. The OPM spokesperson clarified that their targets are accurate, as they are able to distinguish between civilian workers and TNI Zipur members, even when they are not in uniform (Ibid.). Meanwhile, Jokowi has made a commitment that the government will actively pursue and apprehend the individuals accountable for the shootings. Furthermore, he has asserted that the ongoing infrastructure development in Papua will continue without interruption. He stated that there was no space for such militant factions in Papua or other part of Indonesia. In addition, he urged both domestic and international human rights organisations to examine the occurrence with unbiased and objective perspectives. The frequency and intensity of TPNPB attacks in and around Nduga increased during 2022 due to the acquisition of more advanced guns by Egianus Kogoya's gang. On March 26, 2022, the gang launched an assault on a marine outpost in Kenyam, resulting in the deaths of two soldiers and the injury of eight more (IPAC, 2022, p. 11). On April 22nd, the insurgents initiated a subsequent assault on a naval outpost in Kalikote district, resulting in the fatality of one soldier and the injury of two more (Ibid.). Egianus Kogoya asserted that he orchestrated an assault in the adjacent Wamena district in Jayawijaya. During this incident, his combatants eliminated a Papuan paramilitary police (Brimob) officer and returned with a number of stolen rifles to Nduga.

These attack in West Papua region, which targeted mostly non-Papuan individuals, was the most lethal assault carried out by the OPM in recent times. The consequences included an increase in military personnel, expanded military operations, and the relocation of several Nduga locals. However, these operations and the additional troops failed to significantly enhance security. Egianus evaded capture and stayed free. In July 2020, he participated in an internet interview where he boasted that his whole arsenal of weapons and ammo was acquired from the military and police (Kopeuw, 2020). According to Khairul Fahmi from the Institute for Security and Strategic Studies, the trade of weapons, particularly in regions of conflict like Papua, is not a recent phenomenon (Ibid.). However, it is undeniable that this cannot be justified. The OPM continues to carry out ambushes against troops, police officers, and suspected informants in the regions of Nduga, Lanny Jaya, Intan Jaya, Puncak, and Pegunungan Bintang. Indonesian military patrols,

lacking the ability to differentiate between their adversaries and regular citizens, sometimes fired against the latter¹⁹. In late February and early March 2020, the vicinity of the Freeport mine in Tembagapura, Mimika, was subjected to a prolonged attack. On 30 March, eight armed individuals launched an assault in the Freeport administrative area of Kuala Kencana, resulting in the death of a New Zealander and severe injuries to two Indonesian colleagues (Ibid.).

Intan Jaya, a district located in the highlands, has seen a deteriorating situation since late 2019. In October 2019, members of the OPM militant group caused the death of three motorcycle taxi drivers who were not from Papua (Ibid.). The OPM fighters claimed that these drivers were actually undercover police officers. In December, they initiated assaults among Christmas festivities, resulting in the demise of two military personnel. In January and February 2020, there were other confrontations with the TNI. On May 22, 2020, a pair of healthcare professionals transporting resources for the regional Covid-19 response team were targeted by a faction of OPM combatants in Wandai subdistrict. Tragically, one of the medical personnel lost their life as a result of the attack. Both individuals were of Papuan descent. The efforts made by the OPM and certain diaspora leaders to hold the TNI accountable for the shootings lacked credibility, as the survivor of the incident provided a comprehensive and reliable description of his experience.

Additionally, on September 18, 2023, the TPNPB attacked a market and seven kiosks held by locals in the Serambakon District of the Bintang Mountains Regency, located in the Mountainous Papua Province (News Desk, 2023). According to Adj. Sr. Comr. Bayu Suseno, the spokesperson of the Cartenz Peace Task Force, the TPNPB intentionally burned the market and kiosks after engaging in a gunfire with the joint patrol of the Cartenz Task Force and the Bintang Mountains Police (Ibid.). Bayu stated that the market was under the ownership of the Bintang Mountains Government, although the kiosks were possessed by persons from Buton, Southeast Sulawesi. Following the committed act of arson, at approximately 5 p.m on the same day, the TPNPB also perpetrated the shooting of two civilians, specifically identified as Regina Bitdana (50) and Jonan Kalakmabin (35), when they were present at their residence in Okpol Village. Bayu provided a

¹⁹ In December 2019, the deputy's adjutant in Nduga was fatally injured during a military action. The deputy tendered his resignation as a form of protest, expressing his unwillingness to continue serving under a government that engages in the arbitrary killing of its citizens (Broek, 2020).

detailed account of the shooting incident, stating that it commenced while the two victims were attending a mourning gathering in front of the Old Market on Mabilabol Street, Oksibil District, at approximately 4 p.m. Later, around 4:45 p.m., as they were in the kitchen of their home on Okpol Street, making supper, they heard gunshots and were struck by them. Bayu emphasised that the Cartenz Peace Task Force will persist in its efforts to catch and prosecute the TPNPB group accountable for its actions in the Bintang Mountains area.

4.5 Violence by the State Against Papuans

UN human rights experts have raised grave concerns on the worsening human rights conditions in the Indonesian provinces of Papua and West Papua. They have highlighted alarming instances of mistreatment of indigenous Papuans, such as the death of children, disappearances, torture, and the forced displacement of large numbers of people. Furthermore, several regions have reported cases of severe malnutrition due to insufficient access to sufficient and timely provisions of food and healthcare. The experts demanded immediate humanitarian access to the region and asked the Indonesian Government to carry out comprehensive and impartial investigations into the violations committed against the indigenous peoples.

Starting from 1989, the Indonesian government has used one-sided violence mostly in the separatist conflicts in East Timor, Aceh, and Papua Province (Irian Jaya). They have targeted individuals believed to be supporters of the insurgents as well as nonviolent protestors. Occasionally, anti-government protests in various regions of the country were met with one-sided acts of violence, particularly under the authoritarian rule of the Suharto administration, which was overthrown in 1998. The one-sided brutality against alleged sympathisers of insurgent activities was predominantly carried out by the Indonesian military forces in regions where martial law had been declared (UCDP, 2024a). In these regions, the government frequently imposed limitations on media and non-governmental organisations (NGOs), resulting in several instances going unreported or with ambiguous circumstances. Occasional reports indicated that government forces, particularly the military and secret intelligence services, engaged in policies of harassing the civilian population. These policies involved one-sided brutality, torture, and arbitrary detentions.

Typically, in instances of such unilateral aggression, the victims were subjected to solo or small group executions. The second instance of one-sided violence committed by Indonesian government forces occurred amid protests against the government (Ibid.). Such incidents were documented in the capital Jakarta and other urban areas, but were especially prevalent as a reaction to nonviolent protests advocating for the separation of East Timor. During numerous occurrences, the Indonesian military strategically positioned themselves around the protesters and subsequently initiated gunfire on the crowd, resulting in frequent fatalities numbering in the dozens.

According to OHCHR reports, the total number of persons who have been forced to leave their homes since the increase in violence in December 2018 is estimated to be between 60,000 and 100,000 (OHCHR, 2022). The Indonesian administration maintained that the UN was biased while denying the atrocities. Additionally, Papuans living outside the region have also been targeted by state authorities. According to ACLED data, there were the most instances of violence against Papuan people by state troops throughout Indonesia in 2020, and these assaults have remained at high levels in 2021 (Ajaraya et al., 2022). The government has presented much of this violence as a consequence of operations aimed against TPNPB members or those with affiliations to the group. The arguments denying the practice of targeting civilians without discrimination are frequently made without presenting solid evidence (You, 2022).

Four Papuans were murdered and mutilated on 22nd August 2022, in the Mimika Baru district of Papua province (Newton, 2022). According to HRW, on 2nd September 2022, six soldiers were arrested for their participation in the incident (Ibid.). The reason behind the men's killings remains unknown. The authorities stated that the individuals were insurgents and purportedly their route to Timika to purchase firearms. The relatives of the men disputed this claim, claiming that they were carrying cash from the village funds to purchase agricultural equipment. It is evident that the money that the men were carrying is missing. The killings occur during a period of escalating tensions between the Indigenous population of Papua and the Indonesian security forces, with instances of violence growing more regular and lethal. In Nduga, where the Indonesian government has a substantial military presence, nine non-Papuan people were killed on August 2022 by unidentified individuals (Ibid.). This violence comes after a string of anti-racism demonstrations that were organised under the hashtag #PapuanLivesMatter. The demonstrations

were partly in response to President Joko Widodo's controversial decision to split Papua and West Papua into four distinct regions. Activists are expressing concerns that the proposed plans will result in further militarization of the region. Critics are characterising the proposals as a strategy to 'divide and conquer' the Indigenous Papuans (Ibid.).

In addition, the heightened military presence in Papua leads to the deliberate targeting of people, especially children. Indonesian soldiers launched an attack on seven Papuan children at a military station in Puncak regency on 22 February 2022 (Ajaraya et al., 2022). They accused the youngsters of stealing a rifle from the post earlier that day, however no evidence was provided to support this charge. Subsequently, one of the children passed away at the hospital (Yeimo, 2022). Furthermore, on April 5, 2022, the Indonesian armed forces fatally shot a Papuan teenager in Nduga regency while conducting military operations against the TPNPB (You, 2022). Over the past three years, both students and college students from Nduga district have experienced the persistent effects of conflicts on civilians. The most recent incidence involved the shooting of a 17-year-old teenager by security personnel in Nogolaid, Keneyam district. Warnus Tabuni, the chairman of the Nduga Student and Student Association branch (IPMNI) in Jayapura, expressed profound sorrow on the ongoing armed conflict in his hometown, which has yet to see any signs of improvement (Ibid.). Warnus stated that, in addition to experiencing starvation and illness, a number of individuals murdered due to the Indonesian military's attack on civilians who were unaware of how to respond. Additionally, there were individuals who were abducted and then murdered, while the individuals who were shot were either intentionally or unintentionally hit by stray bullets. The current circumstances have resulted in civil society being not only casualties, but also victims of residence and victims of freedom without adequate protection, due to the oppressive actions of security forces. Hence, it is imperative that the authorities of Papua province and Nduga district prioritise their attention towards the current situation.

4.6 Protests by Papuans and Papuan Organisations Received More Intervention

Protests, violence, disputes, rebellions, and resistance are manifestations of issues stemming from separatist movements. These acts of rebellion might potentially undermine the security and sovereignty of the established state. The consequences of rebellious actions include economic

losses and loss of lives, which are extremely serious outcomes. Rebellion is the act of engaging in armed or unarmed opposition against a recognised government. Rebellious efforts will continue until they succeed in seizing territory and establishing their own state. The creation of the armed criminal group (KKB) in Papua can be attributed to the historical disparities in integration, as well as the social and economic conditions that exist between Papua and Indonesia. Another contributing aspect is the endorsement from South Pacific nations towards Papua, which signifies their belief in Papua's potential to achieve independence from Indonesia and become a sovereign state (Damanik et al., 2023, p. 328).

In addition to the military battle between the government and the TPNPB, demands for Papuan independence have also been manifested through public demonstrations. Demonstrations involving Papuans and Papuan groups are addressed with excessive official involvement compared to protests that do not include Papuans or Papuan groups. In August 2019, a series of protests of exceptional magnitude occurred in the heavily disputed region of West Papua. The protests in West Papua initially began as a response to racial violence and attacks on West Papuan university students in Java, Indonesia (Barker, 2019). These demonstrations later intensified across West Papua in response to the global resurgence of the Black Lives Matter movement, which was sparked by the racist killing of George Floyd in the USA in 2020 by white police officers (Yaung, 2020). The continuing demonstrations have drawn attention to the comparable societal injustices experienced by Indigenous Papuans due to the actions of Indonesian security forces in West Papua. Indonesian security forces and Jihadi inspired militia have caused the deaths of more than 50 individuals since August 2019 (Blades, 2020a).

Following the anti-racism protests and communal riots that took place in Papua between August-September 2019, there was a significant increase in the number of troops deployed in the area (Firdaus, 2019). The violence was instigated by an event in Surabaya, located in East Java, where a collective of Papuan students declined to hoist the Indonesian flag in commemoration of Indonesian Independence Day on the 17th of August (Gunia, 2020). The local authorities, including the regional army commander and police, employed paramilitary organisations to intimidate the students and subsequently forcefully entered the dormitory to apprehend them. The dissemination of videos of the commander uttering derogatory racial remarks towards Papuan

students within the dormitory gained significant online attention and incited extensive demonstrations against racism. After the protests, violent confrontations erupted between migrants and indigenous Papuans in many areas, including as Jayapura, Deiyai, Wamena, Fak-Fak, and Manokwari. In Jayapura city, a group of people set fire to multiple government buildings and shops that were owned by individuals who had migrated from other parts of Indonesia (IPAC, 2022, pp. 14–15). Despite testimony indicating that numerous demonstrators were killed during the Jayapura incident, no fatalities were officially reported by any media or human rights organisation (IPAC, 2022, p. 15). On 28 August, in Deiyai, law enforcement officers discharged their firearms at protesters in response to a soldier being struck by an arrow. Eight individuals from Papua lost their lives during demonstrations where demonstrators were advocating for a referendum on self-determination (Yeimo, 2019). Wamena had the most severe violence, with an anti-migrant riot resulting in a death toll ranging from 33 to 60 (Ibid.). Additionally, around 15,000 individuals, primarily migrants, had to be evacuated by air to ensure their safety. However, there is plenty of dispute on the exact number of casualties that occurred during the Wamena riots in September 2019. Following the riots, the authorities promptly announced that a total of 33 individuals had lost their lives, with eight of them being indigenous Papuans (Mambor & Bachyul, 2019).

Nonetheless, a collaborative investigative team consisting of the Jakarta Post, Jubi, and Tirto.id has uncovered that the government's reported fatality count was underestimated, and the actual number of fatalities was at least 42 (Ibid.). The government has always abstained from acknowledging any instances of security forces engaging in gunfire against protestors. Nevertheless, they have attributed blame to the West Papua National Committee (KNPB), a self-determination activist group with strong ties to the proindependence movement. Papua Governor Lukas Enembe informed the Post on October 1st that he had been informed about an incident involving three indigenous Papuan junior high school students who were subjected to an act of violence by rioters (Mambor & Bachyul, 2019). The children were drenched with petrol and set on fire because they declined to participate in a rally. Regardless of whether the riot was intentional or not, it has significantly damaged the relationship between nonnative and native Papuans in Wamena. Dominikus Surabut, the chief of the customary council of La Pago, expressed his apology to non-native Papuans, acknowledging that the issue caught them off guard and was

beyond their ability to manage (Ibid.). He expressed that they provided assistance to as many individuals as possible on that particular day, but he regretted their inability to assist everyone.

4.7 Illicit Arms Trafficking in West Papua

The illicit trafficking of small firearms has received greater global interest from international organisations, national governments, policy analysts, and scholars. This emphasis mostly stems from the abuse of firearms, which result in fatalities and injuries, especially in the context of armed conflicts. Every country is vulnerable to transnational risks and their potential consequences. The global proliferation of illicit small guns is widely acknowledged as a significant problem and has been observed in several regions across the globe. These weapons are commonly employed in conflicts and have a devastating impact on individuals. Extensive research has been undertaken on the illicit trafficking of small guns in various regions, including Africa, Central Asia, South Asia, Southeast Asia, and the Pacific. The illicit trafficking of small guns in Southeast Asia, like in other regions, has played a significant role in fuelling violent crime in Malaysia, insurgency in Indonesia, communal strife in Maluku, the Mindanao conflict, insurgency in southern Thailand, and hindering development in Cambodia. Extensive research has been conducted on the dangers associated with the illicit trafficking of small guns in Indonesia, with particular emphasis on the Aceh insurgency and communal conflicts in Maluku and Ambon (Walker, 2020). However, there has been limited research regarding illicit arms trafficking undertaken in West Papua.

Indonesia prioritises gun control at the national level. Yet, illegally obtained weapons persist in contributing to extremist and separatist violence, as well as regular criminal activities. Indonesia has consistently provided annual reports on its execution of the United Nations Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons since 2003 (ICG, 2010). The system features strict controls for the registration and surveillance of firearms, applicable to both security personnel and citizens. The ownership, sale, exchange, storage, manufacture, import, or use of unauthorised firearms or explosives is considered to be a criminal offence according to Emergency Law 12/1951 (Ibid.). This law was adopted during a time when newly independent Indonesia felt threatened by hostile forces from all directions. The law's

reputation suffered during the Soeharto era due to its frequent utilisation against alleged insurgents in Aceh, East Timor, and Papua in the absence of any other additional proof. As it also penalises the possession of sharp equipment, it can be employed to apprehend individuals who are carrying a knife or machete. Nevertheless, it is the law that is most commonly employed nowadays to prosecute anyone found in possession of illicit firearms or ammunition.

The violent conflict in West Papua is worsened by the escalating proliferation of illicit weaponry among the members of the TPNPB, coupled with a continuous influx of ammunition. The weapons have been acquired either through attacks on military posts and security personnel or obtained by the TPNPB through illegal marketplaces. According to Latifah Anum Siregar, the Executive Director of the Alliance for Democracy for Papua (AIDP), the illicit trade network for firearms and ammunition in Papua is highly powerful (News Desk, 2022a). The courts have resolved numerous instances of illicit arms trafficking, although the primary providers and funders of this unlawful activity have remained unaffected by the judicial proceedings. The illicit arms trade purportedly encompasses multiple entities, including government officials, lawmakers, the Indonesian National Army (TNI), and the Indonesian National Police (POLRI). Out of the total of 51 individuals who were found guilty in arms trafficking cases from 2011 to 2021, 14 were members of the military and six were members of the police force (Human Rights News, 2022). Siregar emphasised the need for the Indonesian Military (TNI) and police to enhance their internal oversight in order to expose illicit networks involved in the transfer of firearms and ammunition in Papua (News Desk, 2022a). The government should disclose the primary suppliers and financiers involved in the procurement of illicit weapons. ‘Because trade destroys humanity and threatens the peace process from occurring in Papua,’ stated Siregar (Ibid.). Siregar clarified that the illicitly sold firearms were acquired through cross-border commerce, specifically from countries like the Philippines or Papua New Guinea. Meanwhile, domestically, Ambon and Poso were identified as the sources of weaponry subsequent to the past conflict in those two regions (News Desk, 2022b).

The Cartenz’s Peace Operation Task Force reported that the KKB received money from the government’s village funds to purchase weapons. According to the task force spokesman, Senior Commissioner Donny Charles Go, investigators are currently dealing with multiple instances

related to the origin of illegal firearms used by the separatists (Arkyasa, 2023). The individuals who were caught claimed that they successfully acquired illicit weaponry from village authorities. Donny informed *Tempo* on Friday, 9th June 2023, that in addition to being provided by local authorities, there had also been instances of village funds being stolen. ‘The perpetrator [of the robbery] is KKB and had been caught. The perpetrator admitted that [the funds] were used to buy guns,’ he stated (Ibid.). It has been stated that money allocated for village funds, Special Autonomy fund, and political party campaigns funds in local elections have been misused to acquire illicit firearms and ammunition (Human Rights News, 2022). Instances of illicit arms trafficking were documented in the regencies of Nabire, Timika, Wamena, Jayapura, Biak, Serui, Merauke, Nduga, Pegunungan Bintang, Sorong, and Manokwari. The village funds [Dana Desa], which was initiated by President Joko Widodo in 2015 and currently valued at \$4.7 billion, has faced persistent criticism for its susceptibility to corruption (Lamb & Teresia, 2023). The oversight of the project is particularly tough in the remote highlands of Papua. Lawyers and court records indicate that the increasing insurgency is happening at the same time as a significant rise in the illegal trade of weapons in the region. The village fund is identified as a crucial source of income in this regard. According to Otomi Djiwangge, a representative of the Nduga district administration, stated that the village funds lacked proper monitoring and that the local government did not possess the jurisdiction to oversee it (Ibid.). Therefore, it is understandable if the village fund is used loosely, and anyone can do whatever they want with it. Additionally, Court documents and reports from 2015 indicate that there was only one instance of illicit trafficking of firearms and ammunition in Papua. By 2021, the number increased to 14 (Ibid.). Therefore, the government needs to take serious action to prevent KKB taking control over the village funds.

Indonesia especially in West Papua region has four primary sources of illicit firearms (ICG, 2010). Firearms can be acquired through theft or unlawful transactions with security personnel, obtained from remaining supplies in previous conflict zones, produced by local craftsmen, or smuggled into the country from foreign sources. The lack of record-keeping has led to a rising concern regarding the thousands of guns that were first obtained legitimately but have since turned illegal due to expired permits. Corruption across the nation enables the illicit distribution of weapons through various means and weakens the supposedly stringent regulatory framework. To tackle the issue in

West Papua, the Indonesian government should consider evaluating and enhancing adherence to protocols for the storage, inventory, and disposal of firearms. Additionally, they should implement stricter screening and supervision measures for individuals responsible for safeguarding armouries. Conducting audits on gun importers and online weapon vendors, including those operating through e-commerce platforms, would also be beneficial. The national police might form a special task team to investigate internet weapons sales and determine how they may be properly supervised. Customs officials or other relevant authorities should perform a comprehensive inspection of all companies authorised to import firearms, examining imports, inventory, and sales, and ensuring that all firearms are properly documented and tracked. The Indonesian government has enhanced its border management and strengthened cooperation with local people in Papua. It will take a long time to resolve this issue, though, if there is no strong domestic enforcement and no international cooperation. The ineffectiveness of current measures to combat the illicit small arms trade as a result from the limited border cooperation with neighbouring states, especially Papua New Guinea and the Philippines. Indonesia should engage in international cooperation and promote legal cross-border commercial activities to achieve mutual benefits. Lastly, enhancing anti-corruption systems in a broader sense is the most crucial step to effectively reduce the prevalence of illicit firearms in conflict zones. The presence of corrupt authorities poses the most significant challenge to crime prevention efforts in Indonesia.

5 CONCLUSIONS

In conclusion, the thesis emphasises the need for the Indonesian government to employ nonviolent strategies and international diplomacy to address the ongoing conflict in West Papua. The Armed Criminal Group (KKB), a terrorist organisation, demands independence in the region. The conflict in West Papua demands a holistic approach that addresses historical grievances, promotes sustainable development, protects human rights, and engages in peaceful negotiations with all stakeholders. The government can negotiate and provide autonomous concessions to the separatist organisation as a nonviolent approach to resolving the long-lasting conflict in West Papua.

The international community's role in influencing peaceful resolutions and supporting the West Papuan cause as a human rights issue is crucial in mitigating violence, promoting stability, and fostering lasting peace in the region. Although International law does not recognise the right to secession, it protects the freedom to express political beliefs and safeguards universal human rights. The KKB separatist movement in Papua violates international law norms, as it violates the United Nations Charter's concept of equal rights and self-determination of peoples. However, international law generally offers favourable circumstances for recognising new states with the approval of a parent state. The Declaration on Friendly Relations prohibits states from interfering with the territorial integrity of another state. However, it does not explicitly prohibit domestic revolts or protests aimed at claiming independence as a solution for internal grievances resulting from severe human rights violations. The author advocates for the West Papua National Liberation Army to resolve the dispute peacefully through international third-party mediation and for the government to authorise impartial inquiries into West Papua.

The current phenomenon in the West Papua conflict between State troops and the Armed Criminal Group (KKB) includes armed conflicts in various regions such as Intan Jaya, Puncak, and Yahukimo, with incidents of violence against Papuan civilians by both state troops and the KKB. The conflict has seen a significant rise in KKB attacks on civilians since 2020. The author discusses the rise of separatist movements in Indonesia, such as the Free Aceh Movement and the Melanesian Spearhead Group (MSG). The current uprising in West Papua results from political and economic issues, mistrust towards the government, and the armed criminal group (KKB).

In the discussion, the author emphasises the need for a new strategy to address the crisis in Papua, as previous approaches have failed due to various factors. President Joko Widodo recognised the importance of hearing the voices of Papuans beyond just providing infrastructure. However, the administration's response to the escalating violence and political complaints in Papua has been criticised for being outdated and hierarchical. The conflict in West Papua between the Indonesian government and the Armed Criminal Group (KKB) is deeply rooted in historical grievances, human rights violations, and struggles for self-determination.

The Indonesian government approved Law Number 21 of 2001, which grants Special Autonomy to the Papua Province, but this has negatively impacted the welfare of the people. This special autonomy allowed West Papua to govern itself, enjoy certain privileges, and establish a distinct governing body known as the Papuan People's Assembly (MRP) to advocate for the rights of indigenous populations in West Papua. However, the implementation of special autonomy laws aimed at addressing the conflict has faced challenges in complete execution, leading to ongoing armed resistance, state-sanctioned violence, and civilian casualties. Meanwhile, factors contributing to violence in Papua include governmental negligence in education, health, and the economy, lack of favourable outcomes from natural resources, elevated inflation, and corruption.

The conflict in Papua has significantly worsened under President Jokowi's leadership. While a new administration may wish to leave its mark on Papua, it would be better to support regional efforts to reduce violence and casualties among civilians rather than attempting any large-scale, ambitious attempts to solve the conflict there. The government should incentivise local officials to ensure peace by promoting regular communication with the TPNPB and adopting a tolerant and non-interfering attitude. The policy should refrain from engaging in aggressive pursuit, which involves pursuing independence fighters in areas lacking authority, access to communication, or fundamental needs. The sole means of effectively handling war is to guarantee that the government, military, and insurgents maintain a significant separation from one another and refrain from exploiting the civilian population. Discussing ideas that would apply to the entire region of Papua is not feasible. Over the past two decades, the conflict has progressively deteriorated, with a significant increase in violence over the previous ten years. This has occurred despite substantial financial resources and a large deployment of troops. The current objective should be to reduce

violence from all parties concerned. This may be achieved by initiating efforts at the local level, involving individuals who possess expertise at the municipality or subdistrict level, to devise effective strategies for addressing the concerns of different factions. For instance, establishing a Kodap (Komandan Daerah [Regional Commander]) on the TPNPB side would be a step in the right direction. An impartial institution should conduct a fresh evaluation of the local expenses associated with prolonged conflict. This assessment should focus on the financial burden imposed on local government rather than the expenditures incurred by the state.

On another hand, the illicit arms trade further exacerbates the situation, involving government officials, the military, and the police, with funds allocated for development misused to purchase illegal firearms. The concepts of self-determination, collective rights, and international influences play significant roles in shaping the conflict dynamics in West Papua. The struggles for independence in East Timor, Aceh, and West Papua underscore the complexities of governance, historical injustices, and the central government's opposition to separatist movements. The Melanesian region's shared cultural heritage and the West Papuan cause as a human rights issue highlight the global implications of secessionist movements and the need for international conflict management strategies. The Indonesian government's efforts to address the conflict through diplomatic means and military actions have not fully resolved the underlying issues of poverty, underdevelopment, and natural resource exploitation. The escalation of violence against civilians by both state forces and the TPNPB rebel group in Papua and West Papua provinces underscores the urgent need for sustainable peace, human rights protection, and international intervention. The worsening human rights conditions, mistreatment of indigenous Papuans, and protests for independence further complicate the conflict landscape. Addressing these challenges requires comprehensive strategies that prioritise dialogue, inclusivity, and respect for human rights while combating illicit arms trafficking and corruption.

Future research from this thesis could potentially focus on evaluating the effectiveness of the Indonesian government's security strategies, such as Special Autonomy, in addressing the conflict in West Papua while ensuring the protection of human rights and promoting sustainable peace.

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APPENDICES

Figure 1.1 – Worldwide Number of Deaths in 2020 - 2023

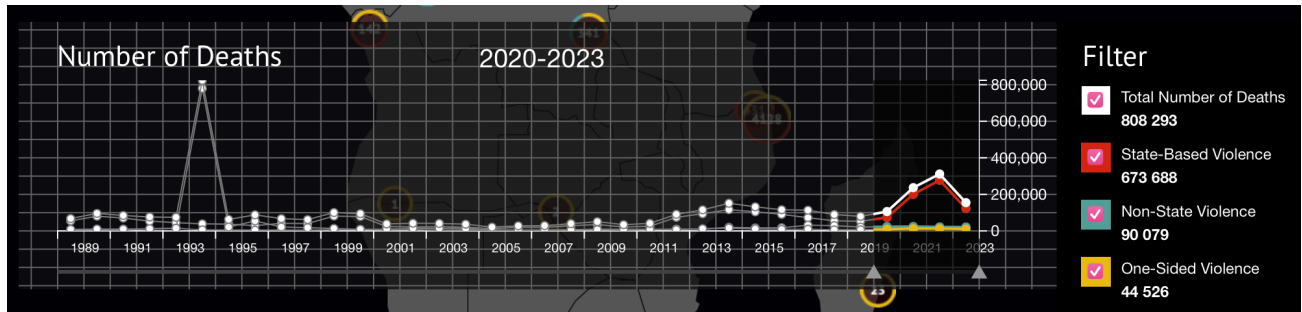
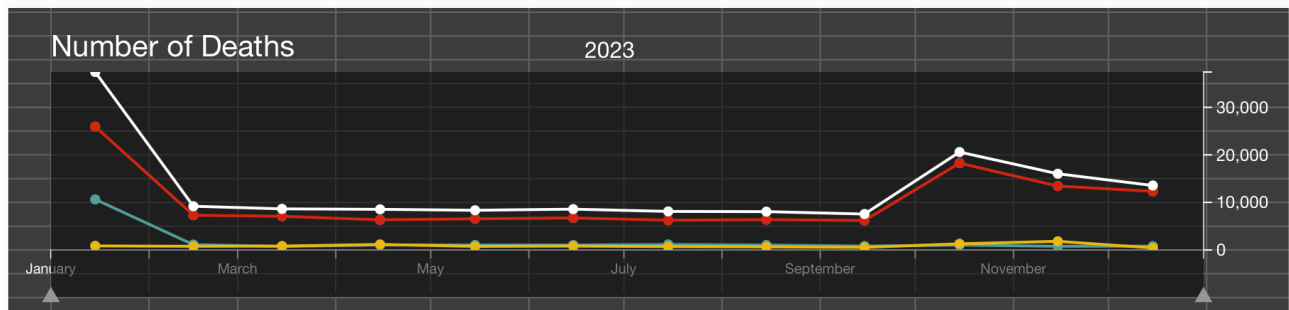
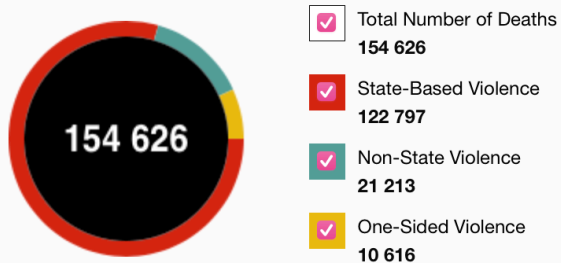


Figure 1.2 – Worldwide Number of Deaths in 2023

2023

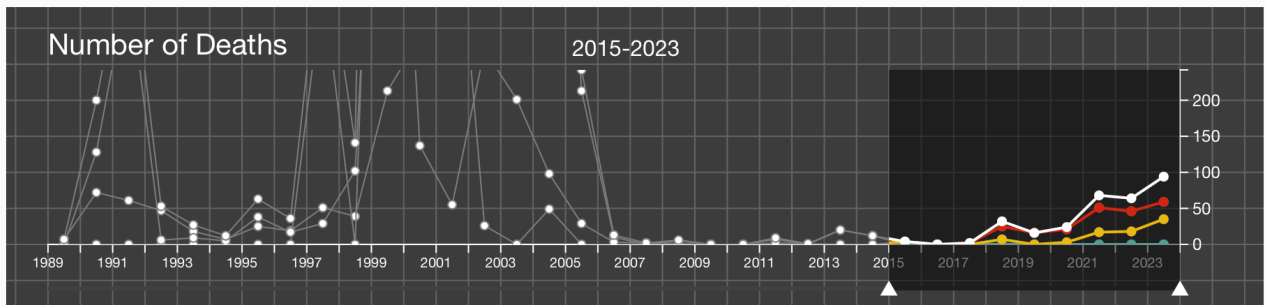
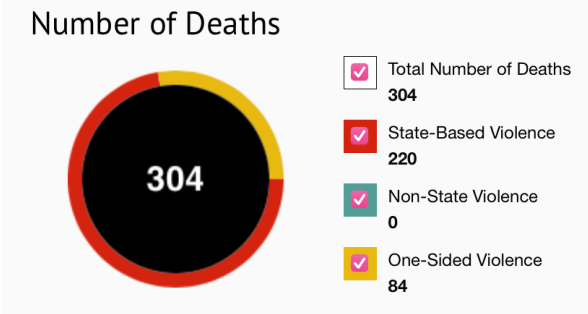
Number of Deaths



Source: (Shawn et al., 2024)

Figure 2 – Indonesia Number of Deaths in 2015-2023

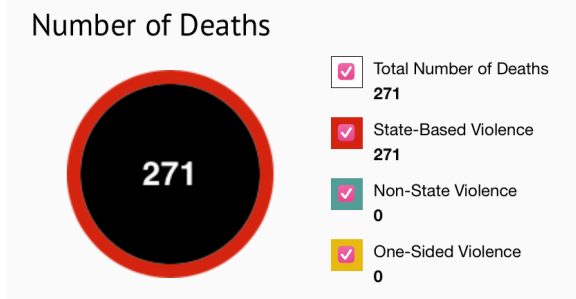
Indonesia

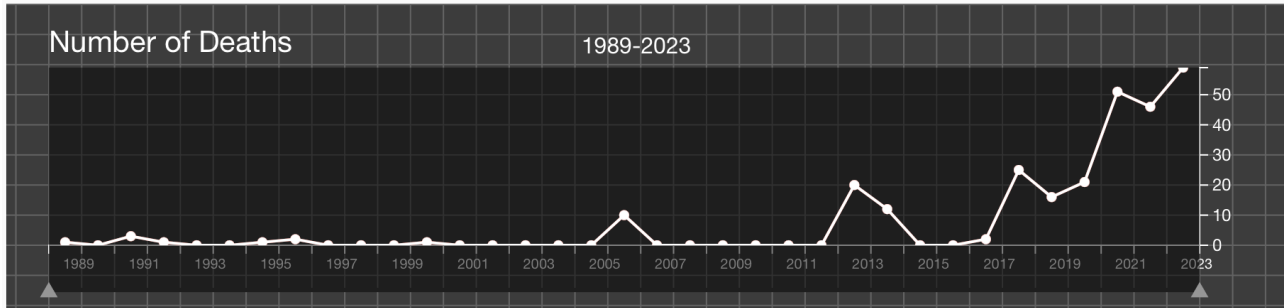


Source: (UCDP, 2023a)

Figure 3 – West Papua, Indonesia cases in 1989 - 2023

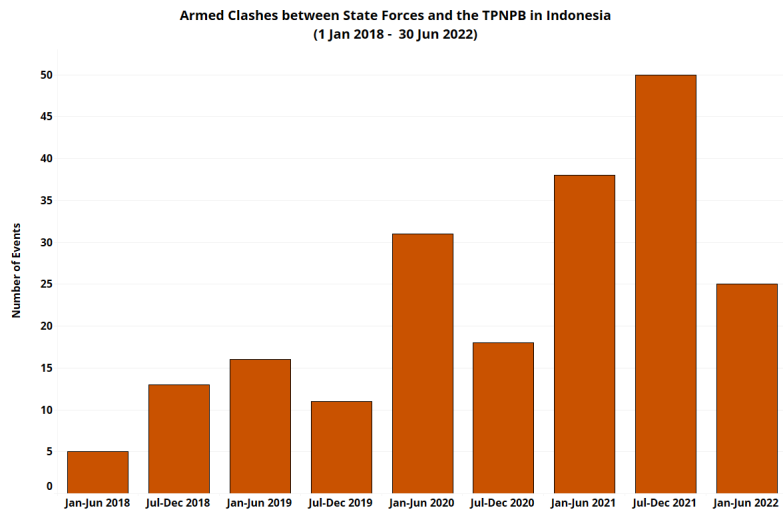
Indonesia: West Papua





Source: (UCDP, 2023b)

Figure 4 – Armed Conflict in West Papua



Source: (Ajaraya et al., 2022; IPAC, 2022)