



Legal and Political Implications of Designating the Free Papua Movement as a Terrorist Organization

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Abstract

This article examines what the legal and political implications are of the recent Indonesian government's decision of designating the Free Papua Movement (OPM) as a terrorist organization. For that purpose, armed separatism in West Papua will be explained and then followed by an elaboration of the threat of terrorism in Indonesia and a discussion of the labelling of OPM as a terrorist organization. The terrorist designation of the OPM will apply the Indonesian anti-terrorism law that gives longer pre-trial detention power to the Police and the possibility of placing OPM on the terrorist list. The Indonesian government seems to gain political support from the Muslim community that has criticized the government for using the terrorism issue against Islam only before the designation was announced. The method and approaches used in this work are grounded in descriptive as well as normative judicial analysis.

Keywords: OPM, separatism, terrorism, anti-terrorism law, self-determination

1. Introduction

Violence that occurs in armed conflict in West Papua between Indonesian forces and OPM, frequently named as an armed criminal group (KKB, *Kelompok Kriminal Bersenjata*) by the Indonesian government, is not a new phenomenon. This is the longest armed conflict that has happened in Indonesia. It has been more than 50 years, is still continuing, and there are no signs that the armed conflict and the violence will end. Victims include civilian population, members of the police and the military, damage to public facilities, as well as victims on the OPM side itself. Within the last five years there have been more than 200 shootings committed by the KKB, with 144 reported deaths (Anakotta, 2021). The longterm violence in West Papua is not a concern in Indonesia alone, but has been the focus of various international forums, including the United Nations.

The latest development with regard to the armed conflict between Indonesia and OPM is the labelling of OPM as a terrorist organization as announced in April 2021 by Moh Mahfud MD, the Coordinating Minister for Security and Political Affairs. Reactions have arisen from within Indonesia and abroad regarding this designation of OPM/KKB as a terrorist group. Some support while others oppose the label. This article explores the terrorist label and examines from legal and political perspective what the implications are of designating OPM/KKB as terrorist.

The first step in this analysis is to explain the background and history of the armed separatist movement pursued by OPM/KKB in West Papua. Further background is also presented regarding the latest developments on the threat of terrorism in Indonesia generally. Attention then turns to an analysis of the designation of OPM/KKB as terrorists within the Indonesian legal system. The labelling of OPM/KKB as a terrorist will be discussed separately before providing conclusion on what the legal and political implications of the designation of OPM/KKB as a terrorist group.

2. Material and Methods

The methods and approaches used in this work are grounded in descriptive as well as normative judicial analysis.

3. Result and Discussion

3.1. Armed Separatism in West Papua

The process of West Papua integration into Indonesia was based on the New York Agreement between Indonesia and the Dutch government in 1962. Not only Indonesia and the Dutch government were involved in the New York Agreement, the United Nations also took part in the discussion that finally formed the New York Agreement. The New York Agreement requires that an act of free choice must be held to determine whether West Papua will integrate into Indonesia or not. The UN's involvement is reflected in the UN GA Resolution No. 1752 (XVII). The General Assembly took note of the New York Agreement and authorised the Secretary-General to appoint a representative to assist and participate in the arrangements for self-determination.

To follow up the New York Agreement, an Act of Free Choice was held in July-August 1969, in accordance with the UN General Assembly Resolution No. 1752 (XVII). The population opted for Indonesia and the General Assembly took note of this choice in its resolution 2504, 19 November 1969 (Cassese, 1995). The UN GA Resolution 2504 (XXIV) then endorsed the West Papuan's integration into Indonesia. The Assembly Resolution 2504 by 84 votes to none with 30 abstentions acknowledged that the Netherlands and Indonesia accepted the result (Webb-Gannon et al., 2020). West Papua officially became part of Indonesian territory and Indonesian territorial integrity was protected under international law, especially Article 2 (4) of the UN Charter. "To the wider world, West New Guinea or West Irian as it would now be known, was officially considered to be part of Indonesia". According to Article 6 of the UNGA Resolution 1514, 1960, "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations."

Since the integration of West Papua into Indonesian territory based on the Act of Free Choice conducted under the New York Agreement and endorsed by the UN.GA Resolution 2504, the Free Papua Movement (OPM), which is also known in Indonesia as a criminal armed group (KKB), questioned the validity of the West Papua integration into the Indonesian territory." From the start of Indonesian rule, an independent campaign emerged with the establishment of the Free Papua Movement OPM. This included an armed wing that soon initiated an insurgency that continues to this day. This, in turn, led to reprisals from Indonesia.

The OPM that campaigned for the establishment of an independent West Papua state opines that the integration of West Papua into Indonesian territory through the Act of Free Choice is an invalid process, illegal, and Papuan people have the right to self-determination (Janki, 2010). Thus it can be stated here that, in the eyes of the OPM, the UNGA Resolution that endorsed the legitimacy of the West Papuan integration into Indonesian territory is legally defective and therefore invalid.

The existence of the right to self-determination is ruled in Article 1 (2) and 55 of the UN Charter, but in its application, the right to self-determination is not necessarily ending with the establishment of an independent state, separated from the mother state. There is external self-determination and internal self-determination. External self-determination will end with the establishment of an independent state separated from the mother state, meanwhile internal self-determination is a selfrule within the mother state, a kind of autonomy (Janki, 2010).

West Papua has become an autonomous region within the Indonesian state based on Law No. 21/2001 on Special Autonomy for West Papua Province (Halmin, 2006). In this law, West Papua natives receive special treatment with regard to who can become governor in Papua. Only a native Papuan can be selected to be West Papuan governor (Mosko, 2007). To further develop Papua, on June 25, 2022 President Joko Widodo signed three laws on three new provinces or new autonomous regions based on Law No. 14/2022 on South Papua, Law No. 15/2022 on Middle Papua, and Law No. 16/2022 on Mountainous Papua. However, some segments of the West Papuan population protested against these new laws (Sembiring & Simon, 2022). Voices emerged claiming that the laws would not bring benefits to the Papuan people. These laws will make Papuan people alienated (Sembiring & Simon, 2022). The Papuan Peoples Assembly (Majelis Rakyat Papua) took this issue to the Indonesian Constitutional Court. There were also demonstrations in Jaya Pura, Wamena, Paniai and Yahukimo during which some people died (Mosko, 2007).

If OPM sees the integration of West Papua into Indonesia as an invalid process, on the other side, Indonesia believes that the integration is final and legitimate under international law. West Papua is officially part of Indonesia and Indonesian territorial integrity is protected under international law and UN General Assembly Resolution No. 1514/1960 entitled: Declaration on the Granting of Independence to Colonial Countries and Peoples. Article 6 of this Resolution states that "any attempt to disrupt the territorial integrity of a colony is contrary to the UN Charter, Jakarta therefore argues that West New Guinea should never have been carved off by the Netherlands" (Webb-Gannon et al., 2020). Therefore, all efforts to establish an independent West Papua state is considered a separatist act. Separatism is a criminal act under Indonesia Criminal Law. Indonesia has prosecuted members of the OPM and sent them to prison for separatist acts (Byman, 2016).

At the international level, many countries like the US, Great Britain, Australia, and Papua New Guinea, as well as international organizations like the UN and the European Union, recognize that West Papua constitutes Indonesian territory. Those not recognizing Indonesia include some small Pacific Islands countries like Solomon Islands, Vanuatu, Tuvalu, Nauru, Tonga, and the Marshall Islands, all of which claim the right to self-determination for West Papua (May, 2021). To make the Papuan State become a reality, the OPM uses armed force and violence in many parts of West Papua, organizing campaigns in various international forums by their lawyers Janki and Jennifer

Robinson, OPM figures in many parts of the world like Benny Wenda in Europe, Herman Waingai in the US organizing protests and public demonstrations in various parts of West Papua. They raise the right of self-determination question to the UN General Assembly, but these efforts have not succeeded.¹⁶ West Papua was not registered in the UN Decolonization Committee 24, which is a list of countries that can be independent. East Timor was once on the list, but West Papua never was (Rye & Allen, 1980).

Benny Wenda, the chairman of United Liberation Movement for West Papua (ULMWP) declared the formation of a temporary West Papua's Government on 1 December 2020 (Rye & Allen, 1980). Benny Wenda announced himself as the temporary President of temporary West Papua's temporary government. This temporary government has its own law and constitution (Halmin, 2006). International law does not forbid a declaration like what has been done by Benny Wenda. The International Court of Justice (ICJ) in its advisory opinion on July 22, 2010 in the case of the Unilateral Declaration of Independence in Respect of Kosovo, states that "...state practice during the eighteenth, nineteenth and early twentieth centuries ... "points clearly to the conclusion that international law contained no prohibition of declaration of independence" (Aust, 2010). Furthermore, a unilateral declaration of independence like what has been announced by Benny Wenda is just a political statement and has no legal implications regarding Indonesia's territorial integrity, nor is it legally binding under international law.

On the other side, Indonesia has responded to the armed violence committed by the OPM in various parts of West Papua by deploying military and police units. For this policy Indonesia has often been accused of committing human rights violations in West Papua that cause victims among the civilian population. The latest data, in 2020-2021, from the Indonesian Human Rights Commission (Komnas HAM) recorded 1,182 violence cases committed by the military, the Police and the OPM in West Papua (Halmin, 2006). Human Rights violations that have been perpetrated by the military and the police have become a serious issue that hinders the Indonesian government's effort to gain sympathy from West Papuans and the international community in order to accept the presence of the Indonesian government in West Papua. Indonesia claims to be making programs to improve the welfare and security of Papuan people. If the human rights violations continue and reach the level of gross violations of human rights that are considered as a serious violence of international law, obviously this situation will invite the involvement of the UN as well as give ammunition to the OPM to state that they deserve to gain their right to self-determination and establish an independent state.

If the OPM claims the right to self-determination with the final end to establish an independent West Papua state, the Indonesian government would view this problem as an act of separatism with an end to separate from Indonesia. Separatism constitutes a criminal act under the Indonesian Criminal Code (Kitab Undang-Undang Hukum Pidana, KUHP). This criminal act would be prosecuted in a court of law.

"The Indonesian Ministry of Foreign Affairs states that the violence conducted by armed groups in Papua and West Papua is a separatist movement that runs in contravention with the UN Charter and the principles of international law".

The latest development in response to the separatist movement in West Papua, the Indonesian government, upon the proposal of the Indonesian Counter-Terrorism Agency (Badan Nasional Penanggulangan Terorisme, BNPT) imposes a terrorist label on the OPM. BNPT considers that the terrorist label must be given to the OPM or what the government often calls armed criminal group (Kelompok Kriminal Bersenjata, KKB). One reason is that the OPM often attacks the military and the police (Byman, 2016).

The Head of West Papuan Intelligence Body, Brigadier General Putu Danny Karya, was killed in an armed shooting with the KKB in Beoga, Puncak regency West Papua (Halmin, 2006). In addition to attacking the military and the police personnel, civilians have also become victims (Halmin, 2006). This condition shows clearly that the victims of armed violence in Papua are quite varied. They include teachers, health workers, and even students. The latest violence also includes KKB attacks on workers of Palapa Ring and military personnel in Beoga district, Puncak Regency on March 2, 2022. Eight civilians, including telecommunication workers, were killed. One military officer was also killed in this incident (Rye & Allen, 1980). The spokesman of the West Papua National Liberation Army (Tentara Pembebasan Nasional Organisasi Papua Merdeka, TPNPB), Sebby Sambom, said that the attack in Beoga was part of OPM's rejection of the infrastructure development program of the Indonesian government in Papua (Rye & Allen, 1980). The Indonesian Commission on Human Rights stated that in the last two years armed violence in Papua has caused 160 deaths, from the security apparatus to civilians (Rye & Allen, 1980).

3.2. Threats of Terrorism in Indonesia

More than two decades after the Bali bombing in 2001, terrorism remains a serious threat to Indonesian security. As of March 2002, the Indonesian Police had arrested 56 terror suspects. Marthinus, the head of Indonesian anti-terror unit (Densus 88), stated that ideologically and spiritually they still exist, even though they lost territory in the Middle East, but with the presence of new leader, they have fresh breath and wind (Rye & Allen, 1980). Prevention Director of the Indonesian Anti-Terror Agency (BNPT), Ahmad Nurwakhid, added that there are 33 million Indonesians who are influenced by radicalism across the country (Sembiring & Simon, 2022).

There have been several terrorist networks operating in Indonesia like Jamaah Anshurat Daulah (JAD), Jamaah Anshurat Tauhid (JAT), Jamaah Islamiyah (JI) and Mujahidin Indonesia Timur (MIT) led by Ali Kalora. Ali Kalora was killed by security forces on September 18, 2021 in Perigi regency, Moutong Central Sulawesi. MIT ideologically

embraces Salafi-Jihadi and is affiliated with ISIS. JAD and JAT are also affiliated with ISIS. Meanwhile, JI, which embraces Islamic fundamentalism, is affiliated with the Taliban and Al-Qaeda (Sembiring & Simon, 2022). MIT was established in Poso, Central Sulawesi in 2010, and JAD was formed by Aman Abdurrahman in 2014. JAT was founded by Abu Bakar Ba'asyir in July 27, 2008 in Solo established several branches throughout the country. JI was established in the 1980s in Malaysia by Indonesian extremists that went into exile there.

Terrorist acts committed by groups affiliated with ISIS have occurred since 2016. These acts of terror started with the bombing in Thamrin, Kampung Melayu, bombing and suicide bomb at Katedral Church in Makassar perpetrated by JAD, led by Zainal Anshori (Rye & Allen, 1980). JAD was classified as terrorist organization by South Jakarta District Court on 31 July, 2018.

Indonesia uses a law enforcement approach to respond terror attacks committed by the above groups. The accused terrorists are arrested and prosecuted in courts that are open to the public. The terror suspects and defendants have the right to counsel in the court's process. "In response to a terrorist threat, Indonesia employed the full spectrum of counter-terrorism measures, ranging from judicial prosecution to military based special operation to conciliatory based religious persuasion. Indonesia's primary stand in countering terrorism was based on an offensive approach (Haripin, 2019).

There are two bodies formed to respond to terrorism – Densus 88 under the Indonesian Police and BNPT, a body that coordinates efforts to overcome terrorism conducted by other governmental agencies. Even though law enforcement is the main approach in tackling terrorism, the Indonesian military has also been given a role in handling terrorism under the Anti-Terror Act.

Densus 88 was formed not long after the 2002 Bali bombing and is considered successful in its work. Densus was established by Police Chief decision No. 30/VI/2003 dated June 20, 2003, to implement Law No. 15/2003. Detachment 88 (Densus 88), an elite police unit, was established as a counterterrorist unit to track and apprehend suspected terrorist operatives. With time, Densus 88 became recognized as an exemplary and commended unit within Southeast Asia (Haripin, 2019). However, Densus 88 is not the only anti-terror unit that exists in Indonesia. There are others such as Detasemen C Gegana Brimob, the Army Group 5 Anti-Terror, the Kopassus Detasemen 81, Detasemen Mengkara of the Navy, and Denbravo of the Air Force, State Intelligence (BIN) Anti-Terror Unit (Rye & Allen, 1980).

Internationally, Densus 88 is respected and has gained praise for its success in confronting terrorists in Indonesia. "Densus 88 is one of the world's best task forces because it has successfully prevented many threats in the country. Since 2002 Densus 88 has arrested 88 jihadists and thwarted 15 attacks in 2017, proving how robust and effective the task force has become" (Galamas, 2015). In its efforts to tackle terrorism in Indonesia, Densus 88 has been involved in international cooperation with many countries such as Australia, the UK, Northern Ireland, Japan, Thailand, Malaysia, Singapore, Sri Lanka, France and Germany. Indonesia views terrorism not only as a domestic problem, but also a global threat that needs to be confronted with international cooperation in the field of intelligence and police operation.

The other body, BNPT, was established by President regulation No. 46/2010 and is also respected in Indonesia as it actively performs its function in overcoming terrorism. BNPT has been given special authority to coordinate counter-terrorism strategies and address preventive measures against radicalization (Fitriani et al., 2018). BNPT applies soft and hard approach strategies to defeat terrorism. Soft approaches are aimed at groups that are easily influenced and ex-terrorists, deradicalization efforts, and the spreading of counter-narrative through digital media and inter-faith dialog. Hard Approaches are conducted together with Densus 88 to confront terrorism, gathering intelligence information, detection, investigation and the prosecution of terror acts and networking.

Article 43 E (2) of the 2018 Terrorism Law states that the BNPT shall serve the role as the analysis and crisis center to facilitate the President in formulating policy and responses toward any terrorism-related crisis, including policies related to resource mobilisation. The law, in other words, has inaugurated BNPT as the focal point for national counter-terrorism efforts especially when it comes to assisting the President in conducting threat assessments. In this framework, other stakeholders, including the Police and TNI, are involved in threat assessments to the extent that they are under the coordination of the BNPT (Singh, 2016).

With regard to the role of the TNI in handling terrorism in Indonesia, it is regulated by Presidential regulation (Perpres) No. 7/2021. This regulation is an implementation rule to Law No. 5/2018 on Terrorism. Terrorism threat that involves the TNI in high intensity terrorist acts where the military is needed in its handling. In conducting its role, this Presidential regulation stresses that the military will coordinate with the Police and the BNPT. Technically, when the military/TNI is in operation, the result of its work will have to be submitted to the Police to follow up according to the existing law. This mechanism guarantees that what is done remains within a law enforcement context.

3.3. Terrorist Label for OPM

OPM has committed armed violence aimed at establishing an independent state, separated from Indonesia since West Papua become part of Indonesia based on New York Agreement and the UN GA Resolution No. 254/1969 that recognizes West Papua integration into Indonesian territory. Two members of the Indonesian Marine Corp (KKO) died in an attack in Manokwari (Rye & Allen, 1980). Since that time the Indonesian government has responded to the armed violence committed by OPM with a law enforcement approach, using the anti-separatism article of the

Indonesian Criminal Code (KUHP) against perpetrators of separatist acts, even though some critics note that the law enforcement approach has the potential to raise an ethnic cleansing issue (Anakotta, 2021).

Besides the law enforcement approach that place the Police in the front line and end with the judicial process, Indonesia also involves the military to respond to attacks from OPM/KKB that need the military involvement. So, there is considerable cooperation between the Police and the military/TNI to respond attacks perpetrated by OPM. But until 2021, the Indonesian government has never responded to the OPM/KKB attacks against civilian populations and public facilities with the Anti-Terrorism Law nor imposed the terrorist label to the OPM/KKB. Until that time, the Anti-Terrorism Law had been applied exclusively to jihadist groups that commit terrorist acts in the name of religion, not separatism.

This changed in April 2021 when the Indonesian government declared that the OPM/KKB was a terrorist group and that the government would use the Anti-Terrorism Law to respond to armed violence intended to separate Papua from Indonesia. In April 2021, the Coordinating Minister for Political, Legal and Security Affairs, Mahfud MD, declared West Papua's armed resistance movement, the National Liberation Army for West Papua, TPNPB (Tentara Pembebasan Nasional Papua Barat, also known as OPM, Organisasi Papua Merdeka) to be a 'terrorist organisation,' with the support of the National Counter-Terrorism Agency, BNPT (Haripin et al., 2020).

What was the background and aim of using the the Anti-Terrorism Law to suppress violence and separatism committed by OPM/KKB? Compared to the application of the Indonesian Criminal Code (KUHP) articles on separatism, the application of the Anti-Terrorism Law will have a larger scope, both nationally or internationally. The imposition of the Anti-Terrorism Law will cover individuals, organizations, and the financing of terrorism as well as national and international networks of terrorists. OPM/KKB would now be registered as a terrorist organisation either domestically or internationally. Furthermore, Indonesia could cooperate with other countries to suppress terrorist acts committed by OPM/KKB.

The use of the Anti-Terrorism Law against OPM/KKB politically gained the support domestically from Islamic organisations like Nahdlatul Ulama (NU) and Muhammadiyah, as has been mentioned by Coordinating Minister for Political Affairs Mahfud MD (Haripin et al., 2020). In its efforts to suppress terrorism, the Indonesian government had until this time often been criticized by Islamic groups stating that on the issue of terrorism the government only used the terrorism issue against Muslims. Labelling OPM/KKB as a terrorist organisation could finally calm down loud voices from Islamic groups that criticized the government.

Since the government announced OPM/KKB as a terrorist group and intend to apply the Anti-Terrorism Law to suppress violence the OPM commits, there is no evidence that violent incidents occurring in West Papua have shown any decrease in numbers. Between January 1 and July 16, 2022, 45 attacks were committed by KKB in Papua (Rye & Allen, 1980). 11 civilians died and 2 were injured as a result of attacks led by Egianus of KKB in Nogolait village, Kenyam District, Nduga regency, Papua on 16 July 2022. The West Papua National Liberation Army (Tentara Pembebasan Nasional Papua Barat, TPNPB) declared that the terrorist label imposed on OPM would not make them scared and would not stop their struggle to establish an independent Papua state.

Arie Ruhyanto, a researcher on the Papua conflict at Gadjah Mada University stated that many attacks launched by KKB shows that the real problem in Papua is not the development program and the welfare of the people there, but rather the political question that has been unresolved for over half a century. For that reason, he argued, the government must engage in dialogue with the Papuan Independence groups (Rye & Allen, 1980). Could a political dialogue with groups that want to separate and establish an independent state become a reality? Every indication is that this would be extremely unlikely if not impossible.

The Indonesian government is unwilling to sacrifice the country's territorial integrity. In the government's view, any efforts to push for Papuan independence is illegal. The Indonesian government has made it clear that it will not tolerate any steps that recognize Papuan independence. Every move towards Papuan independence is a direct violation of Indonesian Criminal Law (KUHP), especially the articles on separatism.

From an International Humanitarian Law perspective, terrorism can occur in armed conflict region/area. Armed conflicts occurring in West Papua can be categorized as an armed conflict as ruled in International Humanitarian Law. With regard to when violence can be categorized as armed conflict is ruled in ICTY decision on Prosecutor v. Tadic (Cassese, 2005). Other than the Geneva Convention and its two additional protocols, the basis of international humanitarian law application on terrorism are The Terrorist Bombing Convention 1977, The Hostages Convention 1979, and The Financing Terrorism Convention 1999. These anti-terrorism conventions clearly stress the applicability of the law of armed conflict for terrorist acts (Cassese, 2005).

The argument here is that terrorist acts that occur in armed conflicts between OPM/KKB and the Indonesian armed forces must also be regulated by International Humanitarian Law, especially rules on the need to respect human rights during the armed conflict. International Humanitarian Law prohibits attacks on the civilian population; random attacks; hostage taking; killing; attacks on religious sites, and attacks on installations that contain dangerous materials (Cassese, 2005).

The question of respect for human rights is a serious problem faced by both the Indonesian government and the OPM in Papuan armed conflict. Both sides have engaged in acts of violence that can be classified as human rights violations. The human rights violations that occur in the West Papua armed conflict have also gained wide attention from the international community and the United Nations. UN Human Rights experts have demanded that humanitarian access must be provided, and they have urged the Indonesian government to conduct independent

investigations into the all rights violations (Knuckey & Jenkin, 2015). The latest development that Indonesia has made is to respond judicially to the human rights violations concerns in Papua by establishing an ad hoc human rights court for rights violations in the Paniai regency. Trials before this court are held in Makassar South Sulawesi and began on September 21, 2022.

4. Conclusion

For the Indonesian government, the labelling of OPM/KKB as a terrorist organization implicates the use of the anti-terrorism law that makes the scope of suppressing OPM/KKB become wider both nationally or internationally. The Indonesian Anti-terrorism Law No. 5/2018 includes crimes committed not only by an individual person but also those perpetrated by terrorist organizations, its funding, networks, and can also be used to enlist OPM/KKB as a terrorist organizations forbidden to operate in Indonesia, such as JI and ISIS. Of course, this legal step will need court decision as its legal basis as has been ruled by South Jakarta District Court with regard to JAD on July 31, 2018 (Rye & Allen, 1980).

The involvement of the Indonesian military to assist the Police to suppress the OPM/KKB has its legal basis as ruled by the Anti-Terrorism Law and followed up by Presidential Regulation No. 7/2012 as its operational guidelines in the field. Thus, conflict between the military and the police in the field will be less likely to occur with the existence of this strong legal basis. The involvement of the military in handling terrorism is still within the law enforcement legal framework, and the military's work will be followed up by the police to bring the matter to the court as ruled by the law.

In relation to the possibility of enlisting the OPM/KKB as a terrorist group at the international level, as has been done to Al-Qaeda and ISIS, the Indonesian government still faces political obstacles in getting the approval of the UN Security Council, a UN body that has the political power to issue a resolution.

This is a serious challenge politically for Indonesia in order to be able to propose a UN Security Council Resolution that will state that OPM/KKB is a terrorist organization that is also a threat to international peace and security. The violence committed by the OPM/KKB has not yet reached the level of violence perpetrated by Al-Qaeda and ISIS globally.

Within Indonesia itself, politically the Indonesian government will not face difficulties and obstacles to gain support from the Nahdlatul Ulama (NU) and Muhammadiyah, two big and influential Islamic organization, to impose the terrorist label on the OPM. For the OPM/KKB, the designation as a terrorist organization by the Indonesian government will not make them and their networks fearful. It has been more than a year since the label of terrorist imposed on them in April 2021, the armed violence they commit on the government security forces, civilians, public facility in West Papua has not shown a decreased trend.

Armed Conflict between the Indonesian security forces and the OPM has been going on for more than 50 years and has not shown any sign that it will end in the near future. It appears that human rights violations committed by the military and the police will continue to be an international concern, just like what has been voiced by the UN Human Rights experts recently. Furthermore, at the UN General Assembly Session in 2020 and 2021, the Pacific Islands Coalition has raised the issue of human rights violation in West Papua and demanded Indonesia to resolve them. The Indonesian government's effort to bring to the ad hoc human rights court the perpetrators of human rights abuses committed by the military in Paniai regency that killed four people and injured twelve on 8 December 2004 has the potential to show the international community that Indonesia is very serious in its judicial work to bring justice to Papuan people (Byman, 2016).

References

- Anakotta, M. Y. (2021). The Criminal Acts by Armed Criminal Group in Papua, "Treason" or "Terrorism"?. *Jurnal Komunikasi Hukum (JKH)*, 7(2), 641-662.
- Anakotta, M. Y. (2021). The Criminal Acts by Armed Criminal Group in Papua, "Treason" or "Terrorism"?. *Jurnal Komunikasi Hukum (JKH)*, 7(2), 641-662.
- Aust, A. (2010). *Handbook of international law*. Cambridge University Press.
- Byman, D. (2016). Understanding the Islamic state—a review essay. *International Security*, 40(4), 127-165.
- Cassese, A. (1995). *Self-determination of peoples: a legal reappraisal* (No. 12). Cambridge University Press.
- Cassese, A. (2005). *International law*. Oxford University Press, USA.
- Fitriani, A. S., Putri, P., Sari, N., & Adriana, R. (2018). The Current State of Terrorism in Indonesia: Vulnerable Groups, Networks, and Responses. *Dans Center for Strategic and International Studies*. Jakarta.

- Galamas, F. (2015). Terrorism in Indonesia: an overview. *Research Papers*, 4(10).
- Halmin, M. Y. (2006). *The implementation of special autonomy in West Papua, Indonesia problems and recommendations* (Doctoral dissertation, Monterey, California. Naval Postgraduate School).
- Haripin, M. (2019). *Civil-military relations in Indonesia: The politics of military operations other than war*. Routledge.
- Haripin, M., Anindya, C. R., & Priamarizki, A. (2020). The politics of counter-terrorism in post-authoritarian states: Indonesia's experience, 1998–2018. *Defense & Security Analysis*, 36(3), 275-299.
- Janki, M. E. L. I. N. D. A. (2010). West Papua and the right to self-determination under international law. *West Indian Law Journal*, 34(1).
- Knuckey, S., & Jenkin, E. (2015). Company-created remedy mechanisms for serious human rights abuses: a promising new frontier for the right to remedy?. *The International Journal of Human Rights*, 19(6), 801-827.
- May, R. J. (2021). Fifty Years After the 'Act of Free Choice': The West Papua Issue in a Regional Context.
- Mosko, M. S. (2007). Fashion as fetish: The agency of modern clothing and traditional body decoration among North Mekeo of Papua New Guinea. *The Contemporary Pacific*, 39-83.
- Rye, O. J., & Allen, J. (1980). New approaches to Papuan pottery analysis. *Journal de la Société des Océanistes*, 36(69), 305-314.
- Sembiring, M. E. P., & Simon, A. J. (2022). Papua separatist terrorist groups detection through Osint and counter intelligence effort (Osint Detection Study on the Baintelkam Polri Separatist Management Unit). *Konfrontasi: Jurnal Kultural, Ekonomi dan Perubahan Sosial*, 9(1), 62-69.
- Singh, J. (2016). Operation Tinombala: Indonesia's new counter-terrorism strategy. *RSIS, Singapura: Nanyang Technological University*.
- Webb-Gannon, C. B., Swift, J., Westaway, M., & Wright, N. (2020). Fight for freedom: new research to map violence in the forgotten conflict in West Papua.