Indonesia Law Review

Volume 5 | Number 2 Article 2

8-31-2015

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M. Yakub Aiyub Kadir
" Faculty of Art, Law, and Social Sciences, Anglia Ruskin University, Cambridge, United Kingdom",
m.yakub.akadir@unsyiah.ac.id

Indonesia Law Review (2015) 2 : 123-139
ISSN: 2088-8430 | e-ISSN: 2356-2129

REVISITING SELF-DETERMINATION CONFLICTS IN INDONESIA: AN INTERNATIONAL LAW PERSPECTIVE

M.Ya'kub Aiyub Kadir *

*Ph.D. candidate in International Law, the Faculty of Art, Law, and Social Sciences, Anglia Ruskin University, Cambridge, the United Kingdom. Lecturer of International Law, Syiah Kuala University, Aceh, Indonesia.

Article Info

Received : 30 November 2014 **| Received in revised form :** 6 May 2015 **| Accepted :** 11 May 2015

Corresponding author's e-mail : m.yakub.akadir@unsyiah.ac.id

Abstract

Indonesia is a former Dutch colony which declared its independence on August 17, 1945. However, it was not internationally recognised until December 27, 1949, when the Netherlands formally transferred the sovereignty of the Dutch East Indies to a new political entity called 'Indonesia' at the Round Table Conference in the Hague. This occasion marked the political union of all diverse kingdoms and regional communities spread over the Indonesian archipelago. This step has been frequently associated with the global spirit of many other countries around the world to gain independence from Western colonisers and with the international principle of self-determination. However, the relationship between the central government in Java and some regional communities has been fluctuating for decades after the independence. This paper examines three conflicts over the rights of self-determination in in three areas in Indonesia by reflecting on the historical background of Indonesia's struggle for self-determination. Besides that, it also seeks to demonstrate the way Indonesia's integrity has been negotiated to accommodate internal and external forces to achieve self-determination from international law perspective. Furthermore, this paper also contributes to the scholarly discussion on the concept of self-determination and the conflicts that it caused in Indonesian context, while also proposing some insights into the efforts to preserve Indonesia's unity and integrity for years to come.

Keywords: *self-determination, conflict, resolution, Indonesia*

Abstrak

Indonesia adalah sebuah negara bekas jajahan Belanda yang memproklamasikan kemerdekaannya pada tanggal 17 Agustus 1945. Namun, Indonesia baru diakui secara internasional pada tanggal 27 Desember 1949 ketika Belanda secara formal menyerahkan kedaulatan negeri Hindia-Belanda kepada entitas politik baru yang disebut 'Indonesia' di dalam Perundingan Meja Bundar yang diadakan di Den Haag. Peristiwa ini menyatukan secara politis berbagai kerajaan dan komunitas lokal di seantero nusantara. Peristiwa ini pun dianggap sebagai implementasi dari semangat global anti penjajahan asing dalam bingkai hukum self-determination. Namun demikian, hubungan antara pemerintah pusat di Jawa dengan wilayah-wilayah tertentu mengalami dinamika dalam bentuk konflik yang terjadi selama beberapa dekade. Tulisan ini ditujukan untuk mengkaji latar belakang dari tiga konflik yang berhubungan dengan hak self-determination dan cara Indonesia bernegosiasi dengan kekuatan-kekuatan self-determination, baik internal maupun ekternal, ditinjau dari sudut padang hukum internasional. Kajian ini diharapkan dapat menambah pemahaman teoritis tentang konflik terkait self-determination dan upaya penyelesaiannya dalam rangka mempererat persatuan dan integritas bangsa Indonesia di masa yang akan datang.

Kata kunci: *self-determination, penyelesaian, konflik, Indonesia*

DOI : http://dx.doi.org/10.15742/ilrev.v5n2.116

I. Introduction

The decolonisation of former European colonies and the conclusion of Cold War led to the emergence of struggles for self-determination in many countries. In Indonesia, this phenomenon has been accompanied by hostilities and armed conflicts in various frontier regions, such as Aceh, East Timor, and West Papua, as well as in other parts of the world.[1] Seen from the perspective of international law, the concept of self-determination was initially interpreted as merely the process of decolonisation or the independence of a country from European empires. However, this interpretation has shifted and has been extended to include the movements of various minority communities, ethnic groups, local inhabitants, and indigenous people within an independent state to achieve some degree of freedom from the central government in their respective territories. Nevertheless, the national power tends to focus on the transfer of territorial powers rather than the transfer of welfare, justice, and non-discriminatory acts.

It is obviously stated in the Charter of the United Nations (UN) of 1945, Article 1 (2) which states that

> *To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.*

Article 55 further states:

> *With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.*

In addition to that, Article 1 (1) of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights (1966) states that:

> *All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*

A similar principle is also expressed in several UN Resolutions, such as the General Assembly Resolution 1514 (XV) of 14 December 1960 containing the declaration on the granting of independence to colonial countries and people; the UN General Assembly Resolution 2621 (XXV) of 12 October 1870 on the program of action for the full implementation of the declaration on the granting of independence to colonial countries and peoples; the Declaration of Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (1970). Other related resolutions are 2625 (XXV) of 24 October 1970 and 629 (XXV) of 30 November 1970.

However, self-determination movements and conflicts following the European decolonisation tend to be ignored by international law system. Therefore, the role of individual states becomes essential to handle such conflicts. On the one hand,

[1] J. Andrew Grant, "National Self-determination and Secession: East Timor, Eritrea, Aceh, and Cabinda in Comparative Context" (paper presented at the 47th annual meeting of the International Studies Association, Town & Country Resort and Convention Center, San Diego, California, USA, 25 March 2006), http://www.allacademic.com/meta/p98794_index.html, accessed on 15 October 2012.

this situation to some degree may support the integration of new emerging states, thus limiting the number of states in the world. On the other hand, it may hide self-determination movements from international attention, which may increase the potential of human rights violations.

This paper evaluates three prominent self-determination conflicts in Indonesia which occurred in Aceh, East Timor, and West Papua Provinces in two principal aspects: the origins and the settlement of the conflicts. All cases show that self-determination conflicts in Indonesia were primarily caused by an inherent dilemma concerning the unitary characteristic of Indonesia. This, compounded by other factors such as historical background, has caused an unequal distribution of welfare, while human rights violations are considered as a contributing factor in shaping the dynamics of the movements. The central government has a strategic role in defining the ideal character of Indonesia, which would be used as a determinant for strengthening the integrity of Indonesia for years to come.

This paper is divided into four main parts: introduction; a short account of self-determination movements in Indonesia; short accounts of self-determination conflicts in three regions in Indonesia: Aceh, East Timor, and West Papua; and conclusion.

II. Self-Determination Movements in Indonesia

It is assumed that the term 'Indonesia' was taken from the word '*indonesie*' which initially appear in a book written by two British scholars; Earl and Logan in 1850.[2] Several decades after that, this term was reintroduced by Soekarno and Hatta when they proclaimed the independence of Indonesia on August 17, 1945. The area claimed as part of Indonesia was the former Dutch colony which covered various islands, kingdoms, tribes, and languages. However, almost all of the local powers had declined due to the Dutch's oppressive policy and military approach during their long occupation of Indonesia. This vulnerable situation eventually put those local powers in the state of "vacuum of power" or post-colonial syndrome. This situation inspired Soekarno to unite those powers into a single political entity of the Republic of Indonesia, and this union is symbolized by the Sanskrit slogan of *Bhinneka Tunggal Ika* which means "unity in diversity." However, in the following years, the unity of Indonesia was challenged by a couple of strong regions, such as Aceh, East Timor, and West Irian. Oey Hong Lee provides an explanation of this phenomenon:

Before the Second World War, Indonesia was known as the Netherland East Indies. It comprised more than three thousand islands, the larger among them being Java, Sumatra, Borneo (now Kalimantan), Celebes (Sulawesi) and the western part of New Guinea (west Irian), now called Irian Jaya. On the eve of Japanese invasion the population of this Dutch colony numbered approximately 70 million, two-thirds of which were living in Java, the centre of Dutch administration with Batavia (now Jakarta) as the capital.[3]

Before they entered into agreements with the Kingdom of the Netherlands in 1910's, there were actually several sovereign kingdoms in the East Indies which were considered as having an equal standing with the Netherlands. These kingdoms

[2] G. J. Resink, *Raja dan Kerajaan yang Merdeka di Indonesia*, 1850-1910 (Jakarta: Penerbit Djambatan, 1987), p. XXV.

[3] Oey Hong Lee, *Power Struggle in South-East Asia* (Switzerland: Inter Documentation Company AG, 1976), p. 53.

were Soppeng, Gowa, Torete, Bone, Wajo-Luwu, Baikonka, Aceh, Kerinci, Dalu-Dalu, Rokan, Batak, and several others.[4] Resink argued that the various sovereign regions in the East Indies should not be generalized as a single political unity as is commonly stated in many historical books.[5] This statement questioned the validity of the 1947 *Linggadjati Agreement* which declared that Sumatra, Java, and Madura Islands are part of the so-called "Indonesia." This issue was then brought up in the Round Table Conference in the Hague in 1949.

On the other side of the globe, competitions and wars among the colonisers (Western) countries had situated the world powers in an uncertain situation. The Netherlands since May 1940 was occupied by Germany, and the Dutch were forced to establish a government-in-exile in London. It was fortunate for Indonesia that the allied power focused on weakening the Japanese power in the East Indies because it opened a great opportunity for Indonesian nationalists to work toward the unity of Indonesia, which was symbolized by the use of Indonesian language and the prohibition of Dutch. At this time, the Japanese supported and trained military volunteers and promised independence to the Indonesian nationalists. However, it should be noted that the Japanese merely gave political autonomy to the Javanese nationalists, not to the nationalists in Sumatra and other territories in the former East Indies.[6] This situation greatly contributed to the development of centralistic power in Indonesia in the following decades. Furthermore, it can be argued that, during the era of Indonesian self-determination movements, Sumatra and other non-Java territories were not totally involved. This could be due to the lack of human resources and access to information for people outside Java, which was the central of the Dutch colonial government.

Indonesia's effort toward self-determination can be observed in many crucial phases in the country's history. The first phase is the Declaration of Independence on August 17, 1945, two days after Japan's capitulation to the Ally power. Soedjatmoko pointed out that Dutch power in Indonesia collapsed in the face of Japanese advance in 1941-1942. During this period of Japanese occupation, the nationalists made their best effort to gain support and consolidate their power.[7] The second phase is the signing of Linggadjati Agreement in 1947 between the Netherlands Commission-General and delegations of the Republic of Indonesia. However, this agreement practically nullified the independence proclamation; instead, it declared the establishment of the United States of Indonesia (USI) under the Kingdom of the Netherlands which covered Java, Madura, and Sumatra Islands. However, the Dutch East Indies could decide not to join USI, which means that they would remain part of the Kingdom of the Netherlands. This agreement implied the Netherlands' recognition of the new republic as a 'de facto government'.[8] Then these results were strengthened by the Renville political

[4] Resink, *op.cit.*, p. XVIII.

[5] *Ibid.*

[6] Yong Mun Cheong, *H. J. van Mook and Indonesian Independence: A Study of His Role in Dutch-Indonesian Relations* (the Hague: Martinus Nijhoff, 1982), pp. 24-37.

[7] Soedjatmoko, "Choice and Circumstances, the Indonesian Revolution 45 Years on: Some Personal Reflections" in *The Decolonization of Indonesia: International Perspectives, edited by Cornelis A. van Minnen,* (Middleburg: Roosevelt Study Center, 1988), p. 10.

[8] See Article 1 of the Linggadjati Agreement 1947. See also Articles 4-8 of the Linggadjati Agreement which stated that "the component part of the United States of Indonesia shall be the Republic of Indonesia, Borneo, and the great east without prejudice to the right of the population of any territory to decide by democratic process that its position in the United States of Indonesia shall be arranged otherwise." The Linggadjati Agreement basically proposed a new political arrangement which was called the Netherlands

principles of January 17, 1948. The third is the 14 UN Security Council's resolutions on Indonesian question which were issued from August 1, 1947 to January 28, 1949.[9] This included the UN Security Council's call for ceasefire on August 1, 1947 at Lake Success, New York, which stated that

> *Noting with concern the hostilities in progress between the armed forces of the Netherlands and the Republic of Indonesia, call upon the parties to cease hostilities forthwith, and to settle their dispute by arbitration or by other peaceful means and keep the Security Council informed about the progress of the settlement.*[10]

The fourth is the establishment of the United Nations Commission for Indonesia (UNCI) under the resolution of January 28, 1949 in order to ensure the implementation of the Security Council resolution and the transfer of sovereignty from the Netherlands to Indonesia.[11] The fifth is the Round Table Conference (RTC) on December 27, 1949 in the Hague, when the Dutch transferred its sovereignty to Indonesia as the successor of the Dutch East Indies, excluding West Papua.[12] The sixth is the *de facto* recognition of the Republic by the members of the Arab League on March 15, 1947, recognition of the United States on April 27, 1947, a treaty of friendship with the Republic of Egypt on June 11, 1947, and a treaty of friendship with Syria on July 2, 1947.[13]

The shift from the United States of Indonesia to the Unitary State of Indonesia was not immediately apparent for analysis. This shift actually took place following the transfer of sovereignty in March 1950 when President Soekarno promulgated an emergency law. According to Taylor, this was intended to enable 'political reform' to be initiated by each state, the USI government, or by any territory without the status of a state.[14] This period is considered to be essential for the establishment of a unitary Indonesia on May 19, 1950. However, it is not clear how Soekarno, in just two days after issuing the emergency law, could secure agreements which stated that the *federal* territories of East Java, Central Java, Madura, Padang, and Sabang were to be incorporated into *the Republic of Indonesia*. These claims clearly violated the rights of self-determination of the people as mentioned in the Linggadjati Agreement, the agreement of transitional actions, and Article 2 of the Round Table Conference; it also opened an opportunity for any territory within the former territory of the Dutch East Indies to plebiscite.

The dispute concerning the best form of government for Indonesia—between the United States of Indonesia as proposed in the Linggadjati Agreement and the Unitary Republic of Indonesia as proposed by Indonesian nationalists—has been a matter of contention since the early stages of Indonesian independence.[15] The claim of Indonesia as a post-colonial territory of the Netherlands was supported by some arguments in the General Assembly Resolution of 1946 which included the Netherlands East Indies as 'non self-governing territories'.[16]

Indonesian Union covering the Netherlands, the Netherlands Indies (Indonesia), Suriname, and Curacao. This union shall be led by the king/queen of the Netherlands.

[9] Alastair M. Taylor, *Indonesian Independence and the United Nations* (London: Steven and Son Limited, 1960), app. I, pp. 449-458.

[10] *Ibid.*, p. 449.

[11] *Ibid.*, pp. 408-419.

[12] Lee, *op.cit.*, p. 59.

[13] Taylor, *op.cit.*, p. 349.

[14] *Ibid.*, pp. 416-419.

[15] *Ibid.*

[16] United Nations, General Assembly, *Transmission of Information under Article 73e of the Charter,* A/

The Dutch claimed that for more than 300 years the Netherlands had wielded sovereignty over the Indonesian archipelago, which was known as *the Netherlands East Indies*. Consequently, the disputes concerning Indonesia was to be considered as an internal affair of the government of the Netherlands. However, the Republic of Indonesia then maintained that the Netherlands had lost its claim for sovereignty over the archipelago as a consequence of the Japanese occupation during the Second World War. Concerning this, Taylor commented:

> *The Republic of Indonesia was not born as a result of rebellion against the Dutch, but that it came into existence after the Dutch had completely surrounded Indonesia to the Japanese, without any shadow of a proper attempt to defend it.*[17]

III. Self-determination Conflicts in Indonesia

Self-determination conflicts in Indonesia can be viewed from two perspectives: internal self-determination and external self-determination. The former is more concerned with inter-community conflicts motivated by racial, economic, and religious backgrounds.[18] This notion also applies to many communities and provinces that seek for a higher degree of autonomy and privileges from the central government. The latter is more concerned with people's movements to separate themselves from Indonesia, which may be triggered by historical, economic, social, or political factors. Marc Weller stated that

> *Self-determination conflicts outside the colonial context have previously appeared virtually impossible to settle. Long-running and very destructive internal armed conflicts have been the result.*[19]

However, according to Kooistra, the emergence of self-determination conflicts in Indonesia might be caused by some underlying factors: (1) the strong role of the Army and their widespread abuse of human rights, (2) the imbalance of development between Java and non-Javanese regions, (3) the effect of transmigration policy, and (4) the political manipulation of religion by the Soeharto government.[20] Below are the short accounts of several self-determination conflicts in three frontier regions in Indonesia.

A. Aceh

Historically, Aceh is considered as the first Islamic kingdom in South East Asia, along with Perlak and Pasai, as observed by Marcopolo in 1292. It reached its golden age under Sultan Iskandar Muda (1607-1636). For centuries, Aceh was renowned for its strong determination and its never-ending spirit of struggle for dignity and prosperity. However, the failure of Acehnese fleet to recapture Malacca from the Portuguese has been considered as a major drawback following decades of political

RES/66 (I) (14 December 1946).

[17] Taylor, *op.cit.*, p. 346.

[18] C. S. Bamualim et al., (ed.) *Communal Conflicts in Contemporary Indonesia*, (Jakarta: The Center for Language and Culture IAIN Syarif Hidayatullah, 2002).

[19] Marc Weller, "Settling Self-determination Conflicts: Recent Developments", The European Journal of International Law, Vol. 20 No. 1 (2009): 111, doi: 10.1093/ejil/chn078.

[20] Miekekooistra, Indonesia: *Regional Conflicts and State Terror* (UK: Minority Right Group International, 2001), p. 13.

bargaining with Western colonial emporia.[21] Furthermore, the failure of negotiation between the Dutch and Aceh resulted in the Dutch declaring war against Aceh, which occurred from 1873 to 1942 without a clear date of conclusion. Then, the Japanese continued the Dutch's practice of ruling through traditional chieftains.[22] It was not really clear who was the leader of Aceh in this period. However, Siegel suggested that Daud Beureueh, a representative of the youth Islamic group, was the leader of Aceh until the transfer of sovereignty from the Netherlands to Indonesia in 1949. Unfortunately, Indonesia integrated Aceh into a larger province of North Sumatra, and this inevitably sparked dissatisfaction among the Acehnese at the new form of Indonesian government.[23]

The Acehnese's demand for autonomy, expressed by supporting a Javanese Islamic rebellion in the 1950's, was partially met by the central government's acceptance of a 'special region' status for the province in 1959. However, it did not alleviate central government's power, which was regarded as 'foreign' control over Aceh's economic and natural resources, while the formation of the Unitary State of Indonesia was conceived as Javanese imperialism.[24] Daud Beureueh began to rebel in 1953 until he reached an agreement with the central government of Indonesia under Soekarno's administration.[25] However, Indonesia was considered to defy the agreement until a new self-determination movement was declared on December 4, 1976. In his book, Siegel also explained the situation of Aceh in the 19th century and the construction of Aceh society in relation to the Dutch and Indonesian government.[26]

The spirit of rebellion among the Acehnese has actually emerged since the Portuguese occupied Malacca and since the Dutch colonized the East Indies. After Indonesian independence, the matter of contention came to revolve around the dissatisfaction of the Acehnese at the nature of Indonesian integrity and the central government's exploitation of the resources in Aceh.[27] The Peace Agreement in Aceh was an essential phase to redefine the distinctive identity of Aceh, while the re-determination of Aceh as a distinct society is essential to accelerate development under the law of self-governance. The declaration of Aceh's self-determination is expressed below:

> *We, the people of Aceh, Sumatra, exercising our right of self-determination, and protecting our historic right of eminent domain to our fatherland, do hereby declare ourselves free and independent from all political control of the foreign regime of Jakarta and the alien people of the island of Java. Our fatherland, Aceh, Sumatra, had always been a free and independent Sovereign State since the world begun […].*[28]

[21] See a complete story of Aceh in James T. Siegel, *The Rope of God* (Michigan: University of Michigan, 2000), pp. 5-10.

[22] See a complete story of Aceh in *Ibid.*, pp. 4-6.

[23] See complete analyses of Aceh rebellions in Nazaruddin Sjamsuddin, *The Republican Revolt: A study of the Acehnese Rebellion* (Singapore: Institute of South East Studies, 1985).

[24] Donald E. Wheatherbee, "*Indonesia, Political Drift, and State Decay*," Brown Journal World Affairs, Vol. IX Issue 1(Spring 2002).

[25] There is an oral story circulating among the Acehnese that Soekarno was crying in front of Daud Bereueh in Hotel Atjeh, and this is conceived as Soekarno's strategy to reach an agreement with the Free Aceh Movement. This act is eventually considered as hypocrisy on the part of Indonesia.

[26] Christian Snouck Hurgronje was part of the Dutch's strategy to conclude the war and subdue Indonesian rulers. See Siegel, *loc.cit.*

[27] See a complete story of Aceh in Siegel, *op.cit.*, p. 337.

[28] Tengku Hasan Di Tiro, *The Price of Freedom: The Unfinished Diary* (Sumatra: National Liberation Front of Aceh, 1984), p. 15.

The declaration is recognized as the continuation of the Darul Islam struggle led by Tgk. Daud Bereueuh (1953-1963) in opposition to Indonesia which had claimed Aceh as an integral part of its territory. Moreover, Indonesia abolished Aceh as a distinct political entity and made it a part of Northern Sumatera Province from 1952 to 1953.[29] This was considered as the most disappointing policy issued by the Indonesian central government concerning Aceh. Maintaining their distinct political identity had been a long-standing struggle of the Acehnese since the occupation of the Dutch (1837-1942). When the Dutch transferred the sovereignty of the East Indies to the government of Indonesia in 1948, Aceh was explicitly placed as a part of Indonesia. Some people in Aceh still argue about the process of transfer of sovereignty from the Dutch to Indonesia pertaining to Aceh.[30] They believe that it was a coincidence that Aceh was suffering from the "post power syndrome" following the decline of Aceh Sultanate due to the Dutch's centuries of repressive policies and massive attacks.

After five rounds of tough bargaining from January to July 2005, the Government of Indonesia (GoI) and the Free Aceh Movement or *Gerakan Aceh Merdeka* (GAM) eventually agreed on the Helsinki MoU. This agreement is considered to be more successful than previous peace accords. It is a fundamentally different kind of agreement. The Humanitarian Pause and Cessation of Hostilities Agreement (COHA) both called for ceasefires and demilitarization and led to open dialogue concerning the political status of Aceh. Both parties remained far apart on the core issue of whether Aceh should become independent or should remain as a part of Indonesia. In such circumstances, it was impossible for the two sides to develop trust in one another. In particular, military and government officials of Indonesia believed that GAM was using the peace movement to strengthen its separatist struggle.[31] However, in 2005, the Crisis Management Initiative (CMI)—founded by the former president of Finland Martti Ahtisaari—began to act as the new mediator and reversed the sequence for peace. Using the formula that "nothing is agreed until everything is agreed," he required the two parties to agree on the broad outlines of a political formula *before* a ceasefire; only after that could related security arrangements be put into effect. This placed a great pressure on both parties and eventually forced them to modify their positions.[32]

B. East Timor[33]

East Timor is a forgotten and poor region which was colonized by Portugal since 1515. When the Dutch supplanted the Portuguese and took over the western part of the Timor Island in 1749, its eastern part was not considered part of the East Indies and politically remained under the administration of the Portuguese. However, in December 1975, Indonesia invaded East Timor with relatively little international attention. This invasion sparked the emergence of Fretilin, a nationalist revolutionary front for independence of East Timor in November 1975. This movement was

[29] James T. Siegel, Shadow and Sound: *The Historical Thought of a Sumatran People* (Chicago: The University of Chicago Press, 1979), p. 4.

[30] See an example of self-determination struggle before the signing of a MOU at the International Forum of Aceh in "An Analysis for Self-determination for Aceh," http://Acehnet.tripod.com/determine.htm.

[31] Edward Aspinal, *The Helsinki Agreement: A More Promising Basis for Peace in Aceh*? (East Washington, D.C.: West Center Washington, 2005), p. viii, www.eastwestcenterwashington.org/publication.

[32] *Ibid.*

[33] James Dunn, (ed.), *International Law and the Question of East Timor* (London: Catholic Institute for International Relations, 1995).

established because the proponents felt that the transition of sovereignty from Portugal to Indonesia could not guarantee a better life for the people of East Timor.[34] Indonesia's mistreatment of East Timor has been condemned by the international community and was regarded as an illegal occupation by the United Nations. Therefore, Indonesia's interference in the governing of East Timor was questioned.[35] Keith Sutter stated that the emergence East Timor self-determination movement might be caused by some factors. First, the East Timorese have a tradition of resistance and a thirst for national independence. Second, Indonesia failed to convince the East Timorese that their life would be better under Jakarta's control. Third, they reflected on the experience of Indonesia's brutal treatment of West Papua, another frontier and disputed region in the archipelago. Fourth, the East Timorese guerrilla group for self-determination (FALINTIL) have been campaigning for independence from Indonesia.[36]

The failure of military approaches to maintain East Timor was due to historical and political factors that East Timor was never part of the Dutch East Indies. Moreover, this area had been placed in the UN mandate system for Portugal administration. Therefore, it was not very difficult for the separatists to gain international supports.[37] East Timor had also been included to the UN decolonisation agenda in 1960. The UN General Assembly included East Timor in its list of Portuguese overseas about which Portugal was obliged to supply information.

The General Assembly adopted resolution number 3485 calling for the withdrawal of Indonesian force and recommended that urgent action be taken by the UN Security Council to protect East Timorese territorial integrity and the East Timorese right to self-determination. Portugal complained to the Security Council about the invasion of its territory, but Indonesia ignored it. Later, the Security Council issued the resolution number 384 which included a request to the UN Secretary-General to send a representative for on-site assessment of what was happening. After discussing the report of the representative, in 1975 the UN asked Indonesia to take three approaches: to withdraw all military forces from East Timor, to respect the territorial integrity of East Timor and the right of its people to self-determination, and to cooperate with the decision of the UN Secretary-General. Defying this promulgation, in July 17, 1976 Indonesia proclaimed East Timor as its twenty-seventh province. According to Indonesia, all issues concerning East Timor had become part of Indonesia's domestic affair and therefore it was inappropriate for the affair to remain on the UN's agenda. However, the UN still maintained that East Timor is under Portugal's administrative power. From 1976 to 1982, the East Timor agenda had become a subject of discussion in the UN General Assembly. Indonesia, on the other hand, failed to convince the international community and the people of East Timor that it has a legal right over East Timor.[38] International efforts to settle the East Timor dispute were initiated by the issuance of an agreement between the Republic of Indonesia and the Republic of Portugal on the question of East Timor in New York on May 5, 1999. This was followed by several UN security council resolutions, namely: (1) resolution 1246 of June 11, 1999 to establish UNAMET until August 31, 1999 and (2) resolution 1264 of

[34] Keith Sutter, East Timor, West Papua/Irian and Indonesia (Minority Right Group) (UK: Minority Rights Group, 1997), pp. 10-13.

[35] Ian Martin, Self-determination in East Timor: *The United Nations, The Ballot, and International Intervention* (London: Lynne Rienner, 2001), p. 119.

[36] Sutter, *op.cit.*, pp. 12-15.

[37] *Ibid.*, pp. 12-13.

[38] *Ibid.*,pp. 1-2.

September 15, 1999 which condemns all acts of violence in East Timor and gives the authority to the Secretary-General to plan and prepare for a United Nations transitional administration in East Timor.[39] Concerning the self-determination movement in East Timor, Ramos Horta stated that

> *Self-determination should not be equated only with independence or secession. Rather, it should be an informed choice that ranges from limited autonomy which guarantees their native language, culture, social and economic rights, to full independence [...] what remains are the political will and vision from the Indonesian authority and the international community at large to bring about a swift and peaceful settlement.*[40]

According to Ian Martin, the question on East Timor had been a subject of concern on the UN agenda since 1975. Together with the Kosovo case, the East Timorese movement became a subject of international humanitarian intervention. The East Timor case was finally settled within the UN framework. During the 24 years of Indonesian occupation, East Timor had suffered tens of thousands of deaths. The United Nations General Assembly placed East Timor on its international agenda in 1960 and added it to its list of Non-Self-Governing Territories. At that time, East Timor was still administered by Portugal. Fourteen years later, in 1974, Portugal sought to establish a provisional government and a popular assembly that would determine the status of East Timor. Civil war broke out between those who favoured independence and those who advocated integration with Indonesia. Unable to control the situation, Portugal withdrew. Indonesia intervened militarily and integrated East Timor as its 27th province in 1976.[41]

The civil war between the self-determination movement and the Indonesian Army claimed the lives of about 200,000 people. From 1976 to 1981 the UN General Assembly adopted annual resolutions reaffirming East Timor's right to self-determination. In 1982, the UN General Assembly requested the Secretary-General to hold talk with Indonesia and Portugal aimed at resolving the status of the territory. The tragedy of Santa Cruz massacre on November 12, 1991 had influenced international community to deal with humanitarian issue. The UN Secretary-General Kofi Annan then appointed Ambassador Jamsheed Marker as his personal representative for East Timor in February 1997. In 1999, President Habibie announced two options for East Timor: they could choose between autonomy and independence. On June 11, the United Nation Mission for East Timor (UNAMET) was formally established. During this period of time, violation of applicable agreements increased dramatically without any clear solutions. On August 30, 1999, 98% of registered voters went to poll for referendum. In the referendum, 21.5% voted in favour of special autonomy, while 78.5% voted for independence. On 30 October 1999, the last Indonesian representative left East Timor.[42]

The self-determination conflict in East Timor was stimulated by humanitarian issue which was spread up by international media to the international community.

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[39] Martin, *op.cit.*, pp. 141-156.

[40] Sutter, *op.cit.*, p. 3.

[41] The United Nations never recognized this integration, and both the Security Council and the General Assembly called for Indonesia's withdrawal. See "East Timor - UNMISET – Background," http://www.un.org/en/peacekeeping/missions/past/unmiset/background.html, accessed on 10 December 2010.

[42] See the complete stages of this process in Ian Martin, *Self-determination in East Timor: The United Nations, The Ballot, and International Intervention* (London: Lynne Rienner, 2001).

Consequently, the United Nations became aware of the past and current situation in East Timor and the illegal occupation of Indonesia. This situation occurred coincidentally with the decline of Soeharto's regime and his subsequent replacement with Habibie who was much inclined to adopting democracy and to accommodating the principles of international relations. Different from the West Papua and Aceh cases, East Timor's self-determination movement caught much greater international support and media coverage because of the strong relationship between Dili and Rome, established by centuries of Roman Catholic Church existence in Timor Island, which provided East Timor with great access to international communities and figureheads.

C. West Papua

Due to the Netherlands' opposition to the inclusion of West Papua into the RTC in 1949, the Netherlands and Indonesia then agreed in August 1962 that the Netherlands will transfer the sovereignty of West Papua to the United Nations Temporary Executive Authority (UNTEA). Then, a period of six years had to pass before a nationwide referendum could be held to determine the future of West Papua: whether it would be granted independence or be integrated into Indonesia. However, by May 1963, Indonesia took over the power of UNTEA, so the UN body failed to operate as intended. The 1969 'act of free choice' was conducted with a sample of pro-Indonesian opinion drawn from 1,025 tribal leaders selected by the Indonesian government, all of whom supported integration into Indonesia. To signify this result, West Papua was then renamed 'Irian Jaya' in 1973 by President Soeharto. However, as explained by Keith Suter, this transformation stimulated the establishment of the Free Papua Movement (OPM) in 1963 to oppose Indonesian hegemony in Papua. This movement erupted because of various factors. First, the Papuans felt that they did not share the same identity with Indonesia. Second, the Indonesian central government issued policies which coerced the indigenous Papuans into adopting "Indonesian" culture and values, and this quickly fuelled anti-Indonesian sentiment across the territory. Third, Indonesia designated West Papua as a destination of its transmigration policy, and this measure was considered as a challenge to the customary ownership of land, a tradition which was deemed sacred and highly valued by the West Papuans. As a result, out of 1.8 million inhabitants of West Papua, a majority of 770,000 were migrants brought to Papua by the Indonesian transmigration program.[43]

Self-determination conflicts in West Papua were settled through an agreement between the Republic of Indonesia and the Kingdom of the Netherlands on August 15, 1962 in the presence of the United Nations Secretary-General. In 1963, Indonesia took over the western half of New Guinea; that is West Papua. However, Ian Martin stated that the UN was actually manipulated by Indonesia during the self-determination process of West Papua in 1969.[44] After the signing of the agreement between Indonesia and the Kingdom of the Netherlands, the UN General Assembly issued this following report regarding the West Papua case, which stated that the agreement on West Papua covered two parts:

> *Firstly, shortly after it comes into force, the administration of west New Guinea (West Irian) would be transferred by the Netherlands to a United Nations Temporary Executive Authority (UNTEA), established by and under the jurisdiction of the Secretary-*

[43] Sutter, *op.cit,* pp. 1-2.
[44] Martin, *op.cit.*, p. 123.

General. The UNTEA, which was to be headed by a United Nations administrator, would in due course, after 1 May 1963, transfer the administration to Indonesia. Secondly, the agreement contained certain guarantees for the population of the territory, including detailed provisions regarding the exercise of the right of self-determination under arrangements made by Indonesia with the advise, assistance, and participation of the Secretary-General, who would appoint a United Nations representative for that purpose. The act of self-determination was to take place before the end of 1969.[45]

According to the agreement, the Netherlands transferred the administration of the territory to the UNTEA, which was directly responsible for the administration of West Papua from October 1, 1962 to May 1, 1963. In conformity with Article XII of the agreement, UNTEA transferred full administration control over the territory to Indonesia on May 1, 1963. Article XVI of the agreement highlighted the point that Indonesia would administer the right to self-determination and the act of free choice for the people in West Papua in consultation with the council representatives and under the assistance of the UN Secretary-General.

There was a problem of non-compliance concerning the second phase of the agreement by Indonesia after receiving the authority of West Papuan administration from the United Nations. The report said that

I must state that at the outside of this report that, when I arrive in the territory in August 1968, I was faced with the problem of non-compliance, with the provision of the article XVI of the Agreement. [...] Consequently, their essential function of advising and assisting in preparation for carrying out the provision for self-determination has not been performed during the period 1 May 1963 to 23 August 1968.[46]

However, the Indonesian government would not consider any recommendation for holding plebiscites because they considered that the implementation would conduce to chaos and would therefore jeopardize Indonesia's own vital interests.[47] Therefore, the government denied the Papuans' right to self-determination, both internal and external, ever since the option became a subject of international discourse. This denial then becomes a potential source of the emergence of various forms of hidden self-determination movements. This inconsistency of Indonesian government led international figures to be 'less than enthusiastic' about Indonesia's form of nationalism and made them openly pro-Dutch on the issue of western New Guinea. Eventually, the role of the United Nations in Indonesia was effectively ended without any formalities, as suggested by this statement: "the anti-climax was made complete by the fact that the council did not even formally terminate the existence of the field machinery, but left it in a juridical limbo—a bleak resting place with cold thanks indeed".[48] The UNCI had observed the implementation of the RTC agreement until its adjournment *sine die* on April 3, 1951. Taylor highlighted that:

[It] wanted to know: the extend and character of autonomy to be given to provinces in the unitary states; the right of autonomous provinces to decide whether or not to ratify the final constitution and to realise the right of 'external' self-determination;

[45] United Nations, General Assembly, Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian): Report by the Secretary-General regarding the Act of Self-determination in West Irian, A/7723 (6 November1969), annex I.

[46] *Ibid.*

[47] Taylor, *op.cit.*, p. 417.

[48] *Ibid.*, p. 419.

and the Indonesia government's willingness to request the United Nations Commission for Indonesia to recommend territories in which to hold plebiscites[49]

Taylor also argues that the "political development in the archipelago in 1950 confronted the UNCI with a fundamental issue, which is the right to self-determination." Article 2 of the RTC agreement concerning transitional measures stated that (1) the USI was to be divided into component states established finally by the constituent assembly in conformity with the provisions of the provisional constitution and "with an understanding" that plebiscites would be held where recommended by and under the supervision of the UNCI (another UN organ) on the question whether the population concerned were to form separate component states and (2) each component state was to ratify the final constitution or, if it did not do so, would be allowed to negotiate "a special relationship" with the USI and the Kingdom of the Netherlands. In other words, this article guaranteed the right to exercise 'internal' self-determination and 'external' self-determination, or "the right of Indonesian territories to dissociate themselves from the RUSI and to enter into special relationship with both Indonesia and the Netherlands".[50] Finally, in order to calm down the development of self-determination movements in West Papua, Indonesia decided to give the status of special autonomy to West Papua through Law Number 21 Year 2001.

Among many regions in Indonesia with economic grievances, there are two major conditions which have shaped the degree to which secessionist/autonomist movements have resorted to violence in order to advance their claims.[51] The first is historical condition. Facts show that violent movements are more common in regions that were not deeply integrated into the Netherlands East Indies from which Indonesia was founded.[52] The second factor is a legacy of severe human right abuses committed by the Indonesian military in certain regions of Indonesia.[53] Armed secessionist groups have mostly emerged in regions where Indonesian military violence has been more prominent and intense.

Some groups pushed for independence while others called for a greater degree of autonomy. The role of big countries like the United States of America (USA) in the self-determination movements in Aceh and East Timor was often associated with multinational American companies such as ExxonMobil and Freeport in Irian. Some self-determination efforts after the cold war were considered as human right violations by the United States congress. After that, the United States limited its military aid to Indonesia. This situation suggests the continuing role of international interferences in the process of self-determination in Indonesia.[54] A new notion such as "remedial self-determination" is proposed by some scholars to distinguish it from classical self-determination.[55] People's struggle for self-determination will thus be caused by either the failure of the colonizing countries or the failure of the existing

[49] *Ibid.*, p. 416. The statement was quoted from the letter of the Netherlands High Commissioner to the Indonesian prime minister, 21 June 1950, S/2087.

[50] Taylor, *op.cit.*, p. 415-416.

[51] John Gershman (1), "Indonesia: Islands of Conflict," http://www.atimes.com/atimes/Southeast_Asia/DJ26Ae05.html, accessed on 11 May 2015.

[52] *Ibid.*

[53] *Ibid.*

[54] John Gershman (2), "Indonesia: An Archipelago of Self-determination and Communal Conflicts—Foreign Policy in Focus: Self-determination Regional Overview," http://selfdetermine.irc-online.org/pdf/overview/OVindonesia.pdf, accessed on 15 October 2010.

[55] Marc Weller, Escaping the Self-determination Trap (The Netherlands: Martinus Nijhoff Publisher, 2008).

states to maintain democracy, to exercise justice, and to promote the welfare of their people.

IV. Conclusion

Even though Indonesia has declared its independence and has been recognised by the international community, there remain various struggles over self-determination which have emerged as the consequence of the transfer of sovereignty from the Netherlands in 1949 and of the country's failure to shape a distinctive Indonesian identity which takes account of the diversity of races, cultures, religions, and kingdoms within its boundaries. These historical backgrounds have stimulated the emergence of many external self-determination movements in Aceh, East Timor, and West Papua. On the other hand, internal self-determination movements also emerged gradually after the downfall of Soeharto's New Order regime in 1998. Since then, autonomy policies have always been a preferred solution to eliminate protracted self-determination conflicts for a long period of time. Such situation might be particularly threatening when the central government becomes less powerful because of systemic internal problems such as corruption, legal uncertainty, and inequality of economic development in many areas of Indonesia.

Self-determination conflicts in Indonesia frequently emerged due to the historical fact that the country is a collection of former sovereign kingdoms, ethnic groups, minority groups, and indigenous people. The centralistic and militaristic approaches imposed by Jakarta, compounded by its neglect of economic development in frontier areas, have eventually become the potential source of the establishment of various self-determination movements. Hence, strengthening Indonesian identity and ensuring an equal distribution of welfare and justice to all people must be considered as indispensible measures for preserving and sustaining the unitary characteristic of Indonesia.

The self-determination conflict in West Papua began in 1963 when Indonesia illegally took over West Papua. Then, Indonesia invaded East Timor in 1975 and claimed it as its twenty-seventh province. These *illegal occupations* had contributed to the emergence of self-determination conflicts in both areas. These two cases are different from that in Aceh, which politically and financially supported the establishment of Indonesia in the first decade after the independence of Indonesia. They had a great confidence that the Indonesian central government would respect their right to self-determination as a compensation for their support, but then they were disappointed because of Indonesian centralistic policies. This disappointment in turn stimulated the spirit of nationalism among the Acehnese. These people were aware of their region's historical background as the successor of the Sultanate of Aceh which managed to retain its sovereign status even after centuries of Dutch occupation of the archipelago.

Those three self-determination conflicts were eventually settled with the full support of the international world. Different approaches were used to achieve this goal. The self-determination process in East Timor was completed due to the large support from non-governmental organisations, the United Nations, the Roman Catholic Church worldwide networks, and international media coverage. Unlike the East Timor case, West Papua and Aceh did not have the advantage of huge international support, international networks, and media coverage. One argument says that the East Timor case reached its conclusion under the influence of President

Habibie which significantly changed the contour of Indonesian's policy on self-determination conflicts and international relations. The West Papua case was settled by the UN transfer system and the granting of special autonomy by Indonesia through Law Number 21 Year 2001. The East Timor case was settled through the referendum under the UN system in 1999, and its independence was formally declared on May 20, 2002. The Aceh case was settled by the signing of a peace agreement in Helsinki on August 15, 2005 which granted Aceh a higher degree of autonomy or self-government under Law Number 11 Year 2006. The long and difficult process of settling self-determination conflicts and movements should serve as a valuable lesson for both the central government and the entire Indonesian populace that all internal conflicts must be resolved in a peaceful way and by adhering to applicable international laws. A large number of different cultural identities which Indonesia has inherited from pre-independence eras would continue to pose challenges to the country's integrity and would always be a great contributing factor to the dynamics of the relationship between the central government and its diverse people.

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