

**SELF-DETERMINATION:  
WHAT DOES IT MEAN FOR ETHNIC MINORITIES?  
LESSONS FOR MYANMAR FROM ACEH-INDONESIA EXPERIENCE**

Master of Arts in Law and Diplomacy Capstone Project

**Submitted by Yaw Bawm Mangshang**

27 April 2015

Advisor: Professor Hurst Hannum

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## Introduction

Self-determination is generally accepted as an integral part of customary international law<sup>1</sup>, even though there are those who debate whether or not self-determination should apply outside of the colonial context.<sup>2</sup> General Assembly Resolution 1514 (XV) recognizes that self-determination was a powerful trend and tool used by dependent territories in the struggle for their attainment of independence in the 1960s.<sup>3</sup> Even though colonies (in the traditional sense) no longer exist, struggles for 'self-determination' (either internal or external) continue to exist, especially in Africa and Asia. Two thirds or more of contemporary armed conflicts are along ethnic lines.<sup>4</sup> The causes of such conflicts are material factors (i.e., unequal development, relative deprivation), non-material factors (i.e., identity, culture, religion, fear, old hatred), and elite behavior (i.e., manipulate political narrative to mobilize support).<sup>5</sup> The conflicts along ethnic lines often involve the issue of the self-determination principle, where usually the non-dominant groups or oppressed groups demand the right to self-determination through either autonomy or secession.

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<sup>1</sup> Dinstein, Yoram. "Collective Human Rights of Peoples and Minorities." *International and Comparative Law Quarterly* 25.1 (1976): 102-20. (p-106).

<sup>2</sup> Dinstein, Yoram. "Collective Human Rights of Peoples and Minorities." *International and Comparative Law Quarterly* 25.1 (1976): 102-20. (p-106).

<sup>3</sup> "Declaration on the Granting of Independence to Colonial Countries and Peoples", General Assembly Resolution 1514 (XV), [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/1514\(XV\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/1514(XV)), (accessed: 3 April 2015)

<sup>4</sup> Ackleson, Jason. *Mapping Ethnic Violence*. 8 Vol. Malden, USA: Blackwell Publishing, 2006. (p-492).

<sup>5</sup> Ackleson, Jason. *Mapping Ethnic Violence*. 8 Vol. Malden, USA: Blackwell Publishing, 2006. (p-492).

The armed conflict between Acehese rebels and the government of Indonesia provides one example of a civil war that resulted from the government's unjust, unfair, and repressive policies toward Acehese people. Acehese people from the Sumatra Island of Indonesia, represented by Gerakan Aceh Merdeka (GAM) or Free Aceh Movement fought against the Indonesian army for nearly 30 years in order to achieve independence. GAM started on 4 December (1979)<sup>6</sup> when Muhammad Hasan di Tiro declared Acehese independence.<sup>7</sup> Though GAM did not achieve its original goal of independence, it has achieved significant political power through the negotiations facilitated by the international community.

The purpose of this paper is to analyze the principle of self-determination and Just-Cause theory within the existing international legal framework. As a case study, the Aceh-Indonesia conflict will be analyzed through the principle of self-determination. Specifically, this paper will analyze if the Aceh rebel group—Free Aceh Movement or in Indonesian Gerakan Aceh Merdeka—has the right to self-determination. Questions that will be addressed include: (1) What are the historical narratives of both sides in regard to the conflict? (2) What gave Gerakan Aceh Merdeka (GAM) the ability to achieve what it was able to? (3) What made the Indonesian government come to a political agreement with GAM? (4) How did the international community influence the political negotiation process between GAM and the Indonesian government? (5) What specific lessons can be

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<sup>6</sup> Schulze (2004, p-14) states the the year to be 1976.

<sup>7</sup> Sastrohandoyo Wiryono, "Indonesia and Southeast Asian Territorial Peace Processes." *Asia Europe Journal* 6.1 (2008), page: 22

drawn from the principle of self-determination and the Aceh-Indonesia conflict resolution experience?

The Aceh-Indonesia case was chosen because the author believes that the story offers many lessons to human rights activists, peace brokers, governments, and rebels alike who are locked in a cycle of violent conflict.

## ***Part One: Self-Determination Principle: A Legal Standard for Struggle of Minority Rights?***

### **1. Historical Development of the Principle of Self-determination**

It would make sense to begin with the historical development of the self-determination principle in order to understand and anticipate what the principle can contribute in the struggle for the rights of oppressed minority groups. The root of the principle of self-determination is often traced back to the American Declaration of Independence and the French Revolution in the late 18th Century. The two historical events enlightened the American and French people with the core principle of the government's responsibility to the people.<sup>8</sup> Later, the Soviet leader Vladimir Lenin and the U.S. leader Woodrow Wilson further promoted the principle.<sup>9</sup> Despite its existence, it is well acknowledged that its definition is vague and imprecise.

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<sup>8</sup> Cassese, Antonio. *Self-Determination of Peoples: A Legal Reappraisal*. Cambridge; New York, NY: Cambridge University Press, 1995. (p-11)

<sup>9</sup> Cassese, Antonio. *Self-Determination of Peoples: A Legal Reappraisal*. Cambridge; New York, NY: Cambridge University Press, 1995. (p-16)

In general terms, the principle of self-determination is “the process by which a country determines its own statehood and forms its own allegiances and government” and the process by which a person controls one’s own life as defined by the Oxford dictionary. Cassese (1995) argues that the fundamental recognition of peoples’ right to determine their political course can be applied in many ways, the most important of which are the formation of an independent state and the right to choose between two existing states.<sup>10</sup> Perhaps, the core of the principle of self-determination is best summarized in the UN General Assembly Resolution 1514 (XV) of 14 December 1960, which states that it is about “the principle of self-determination through the free and genuine expression of the will of the people of the Territory.”<sup>11</sup>

One of the early promoters of the self-determination principle, Soviet leader Vladimir Lenin conceptualizes<sup>12</sup> the principle in three components. Under the first component, the principle of self-determination gives all ethnic or national groups—not just those living under the colonial rule—the right to decide their destiny freely. They have the right to choose whether to secede from the power or to demand autonomy and remain within the larger structure. Second, the principle was for later application (i.e., in allocation of territories among victorious states) in the aftermath of the military

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<sup>10</sup> Cassese, Antonio. *Self-Determination of Peoples: A Legal Reappraisal*. Cambridge; New York, NY: Cambridge University Press, 1995. (p-30, note-56)

<sup>11</sup> Dr. Nkosazana Dlamini Zuma, “Report of the Chairperson of the Commission on the evolution of the peace process in Western Sahara and other related issues”, African Union, <http://cpauc.au.int/en/content/report-chairperson-commission-evolution-peace-process-western-sahara-and-other-related-issues>, (accessed: 20 April 2015)

<sup>12</sup> Cassese, Antonio. *Self-Determination of Peoples: A Legal Reappraisal*. Cambridge; New York, NY: Cambridge University Press, 1995. (p-16)

conflict between sovereign states. Third, it is an anti-colonial principle designed to liberate all colonies. Lenin saw ‘self-determination’ as the revolutionary principle for “redistribution of power (i.e., if necessary by force) within existing States or granting independence both to those nationalities oppressed by central governments and to peoples subject to colonialism.”<sup>13</sup>

Meanwhile another early promoter of the principle, U.S. President Woodrow Wilson<sup>14</sup> was also philosophizing his own version of self-determination. Wilson believed that peoples of each state need to be granted the right to self-determination to choose the kind of government they want, and elect their political leaders freely. Self-determination means self-government in Wilson’s view.<sup>15</sup> In other words, Wilson’s version of self-determination derives from the popular will of peoples. He believed that the government must be based on the consent of the governed.<sup>16</sup> Contrary to Lenin, Wilson viewed ‘self-determination’ as a principle to be implemented in an orderly manner without use of violence, under the guidance of international law.<sup>17</sup> Wilson

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<sup>13</sup> Cassese, Antonio. *Self-Determination of Peoples: A Legal Reappraisal*. Cambridge; New York, NY: Cambridge University Press, 1995. (p-21)

<sup>14</sup> Cassese, Antonio. *Self-Determination of Peoples: A Legal Reappraisal*. Cambridge; New York, NY: Cambridge University Press, 1995. (p-19)

<sup>15</sup> Cassese, Antonio. *Self-Determination of Peoples: A Legal Reappraisal*. Cambridge; New York, NY: Cambridge University Press, 1995. (p-19)

<sup>16</sup> Cassese, Antonio. *Self-Determination of Peoples: A Legal Reappraisal*. Cambridge; New York, NY: Cambridge University Press, 1995. (p-19)

<sup>17</sup> Cassese, Antonio. *Self-Determination of Peoples: A Legal Reappraisal*. Cambridge; New York, NY: Cambridge University Press, 1995. (p-21)



believed that if the principle of self-determination were implemented correctly, the risk of renewed global conflict would be significantly reduced.<sup>18</sup>

However, neither Lenin nor Wilson prioritized the principle of self-determination in the long-term. Antonio Cassese (1995)<sup>19</sup> observes that Lenin was more interested in overthrowing bourgeois governments and spreading his socialism than advocating the principle of self-determination itself. Wilson also did not want the principle to be applied in the American context, but elsewhere or for ‘foreign consumption’.<sup>20</sup> Antonio Cassese concludes that “self-determination was deemed irrelevant where the people’s will was certain to run counter to the victors’ geopolitical, economic, and strategic interests”.<sup>21</sup>

Nonetheless, the principle of ‘self-determination’ evolved into an international legal principle, and is proclaimed and codified in Article 1(2) and Article 55 of the United Nations Charter<sup>22</sup>. It is further codified in Article 1 of both International

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<sup>18</sup> Cassese, Antonio. *Self-Determination of Peoples: A Legal Reappraisal*. Cambridge; New York, NY: Cambridge University Press, 1995. (p-20)

<sup>19</sup> Cassese, Antonio. *Self-Determination of Peoples: A Legal Reappraisal*. Cambridge; New York, NY: Cambridge University Press, 1995. (p-18)

<sup>20</sup> Cassese, Antonio. *Self-Determination of Peoples: A Legal Reappraisal*. Cambridge; New York, NY: Cambridge University Press, 1995. (p-22)

<sup>21</sup> Cassese, Antonio. *Self-Determination of Peoples: A Legal Reappraisal*. Cambridge; New York, NY: Cambridge University Press, 1995. (p-25)

<sup>22</sup> “Charter of United Nations”, [www.un.org/en/documents/charter/chapter1.shtml](http://www.un.org/en/documents/charter/chapter1.shtml), (accessed: 4 April 2015)

Covenant on Civil and Political Rights (ICCPR)<sup>23</sup>, and International Covenant on Economic, Social, and Cultural Rights (ICESCR)<sup>24</sup>.

#### Article 1

1. 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.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States party to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

The principle of self-determination also evolved into a kind of nationalistic principle. For example, some also equate the right of self-determination for all peoples with the nominative principle of nationalism. This can be interpreted as all peoples are

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<sup>23</sup> "International Covenant on Civil and Political Rights", 16 December 1966, [www.ohchr.org/en/professionalinterest/pages/ccpr.aspx](http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx), (accessed: 4 April 2015)

<sup>24</sup> "United Nations International Covenant on Economic, Social, and Cultural Rights", 16 December 1966, [www.ohchr.org/EN/ProfessionalInterest/Pages/ICESCR.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/ICESCR.aspx), (accessed: 4 April 2015)

entitled to their own state, and make broad interpretation of the principle as complete political independence or full sovereignty.<sup>25</sup>

## **2. Who is Entitled to ‘Self-determination’?**

It is a well acknowledged view that self-determination is a state-centered principle, and that it was developed in the context of decolonization, which means that the principle does not cover the ethnic minorities who are not considered/recognized as the colonized “peoples” or “nations”. Soviet Union leader Joseph Stalin (one of the early promoters of the principle) was quoted saying that only “the nation itself has the right to determine its destiny, that no one has the right to forcibly interfere in the life of the nation, to destroy its schools and other institutions, to violate its habits and customs, to repress its language, or curtail its rights”.<sup>26</sup> It became apparent that one must fit into the definition of “peoples” in order to have the right to self-determination.

Between 1919 and 1945, five categories of peoples were defined to be qualified for the right to self-determination. They were: “a people living entirely within a state ruled by another people; a people living as minorities in various countries without controlling a state of their own; a people living as a minority group in a state but understanding themselves as forming part of the people of a neighboring state; a people dispersed throughout many separate states; and a people who constitute a majority in a territory

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<sup>25</sup> Buchanan, Allen E. *Secession: The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec*. Boulder: Westview Press, 1991. (p-48)

<sup>26</sup> Cassese, Antonio. *Self-Determination of Peoples: A Legal Reappraisal*. Cambridge; New York, NY: Cambridge University Press, 1995. (p-14, note-7)

under foreign domination.”<sup>27</sup> In post 1945, “peoples” was used to refer to non-Europeans without regard to ethnicity, language, religion or other objective characteristics of colonized peoples.<sup>28</sup>

### **3. Self-determination beyond the Decolonization Context**

Walker Connor argues (as qtd. in Hannum, 1996, p-7) “the self-determination principle holds that any people, simply because they consider themselves to be a separate national group, are uniquely and exclusively qualified to determine their own political status, including, should they so desire, the right to their own state. The concept, therefore, makes ethnicity the ultimate standard of political legitimacy.”<sup>29</sup>

But there is still no universally accepted definition of a people. The definition of a people from the early 20th century no longer reflects today’s reality as the traditional sense of colony no longer exists. It is obvious that clear and precise definition of a people is necessary if the principle is to remain relevant in addressing contemporary conflicts.

A widely quoted definition of ‘people’ is that a people needs to satisfy two elements<sup>30</sup>: one objective and one subjective. The objective attribute refers to an ethnic group linked by common history, and common territory, religion or language. (It is recognized that the latter requirements are too harsh because an ethnic group may lose

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<sup>27</sup> Hannum, Hurst. *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights*. Philadelphia: University of Pennsylvania Press, 1996. (p-35)

<sup>28</sup> Hannum, Hurst. *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights*. Philadelphia: University of Pennsylvania Press, 1996. (p-36)

<sup>29</sup> Hannum, Hurst. *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights*. Philadelphia: University of Pennsylvania Press, 1996. (p-7)

<sup>30</sup> Dinstein, Yoram. "Collective Human Rights of Peoples and Minorities." *International and Comparative Law Quarterly* 25.1 (1976): 102-20. (p-104).

its territory, split up into various religious factions and speak in many different tongues.) In addition to ethnic link in the sense of past genealogy and history, a people must also have subjective elements or emotional connection. Furthermore, “a people must itself delineate the purview of its common existence and settle on criteria for belonging to the group.”<sup>31</sup> But again, since this definition is only in academic papers, it is not recognized as official. The definition carries little political or moral weight in its application. Academics, legal scholars, and activists alike have more work to do in redefining the meaning of ‘people’, and advocating for a comprehensive definition to appear (at least as reference) in legal documents such as in UN resolution or regional legal institutions.

#### **4. Limitations of Self-determination under International Law**

Two basic principles of the United Nations, territorial integrity and self-determination of ‘all peoples’ are contradictory. For example, according to Article 1 of both the International Covenant on Civil and Political Rights<sup>32</sup>, and the International Covenant on Economic, Social, and Cultural Rights<sup>33</sup> all peoples have the right to determine the future of their political, social, economic, and cultural development, and to freely utilize their natural wealth and resources. But these rights are limited by the

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<sup>31</sup> Dinstein, Yoram. "Collective Human Rights of Peoples and Minorities." *International and Comparative Law Quarterly* 25.1 (1976): 102-20. (p-105).

<sup>32</sup> "International Covenant on Civil and Political Rights", 16 December 1966, [www.ohchr.org/en/professionalinterest/pages/ccpr.aspx](http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx), (accessed: 4 April 2015)

<sup>33</sup> "United Nations International Covenant on Economic, Social, and Cultural Rights", 16 December 1966, [www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx), (accessed: 4 April 2015)

principle of state territorial integrity, especially if one is to secede from an existing state as a determination of one's own political status.

States are generally nervous about territorial issues. So the state concerned and other UN member states are not likely to support (at least officially) a group who wants to exercise their right to self-determination with territorial implications. General Assembly Resolution 2625 (XXV) on Principles of International Law Concerning Friendly Relations and Co-operation among States,<sup>34</sup> highlights that state territorial integrity and political independence (non-interference of internal affairs) are to be respected. Moreover, Article 2(4&7) of UN Charter stipulates:

Article 2(4) "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations," and

Article 2(7) "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."<sup>35</sup>

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<sup>34</sup> GA Resolution 2625 (XXV) "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations", (24 Oct 1970), Annex, [www.un-documents.net/a25r2625.htm](http://www.un-documents.net/a25r2625.htm), (accessed: 8 April 2015)

<sup>35</sup> UN Charter, [www.un.org/en/documents/charter/chapter1.shtml](http://www.un.org/en/documents/charter/chapter1.shtml), (accessed: 8 April 2015)

This means that states cannot engage by any means that undermines the territorial integrity of another state. In other words, secession will be virtually impossible through legal means.

## **5. Interpretation of Law: “Original Intent”<sup>36</sup> Approach**

According to David B. Lyons, the “original intent” approach of legal interpretation is widely accepted as “sound legal interpretation” in the American legal system. According to this ‘original intent’ approach, a law must be interpreted according to the original intention of the lawmakers. “The interpreters should be guided by what the lawmakers had in mind.”<sup>37</sup>

David B. Lyons highlights a few theoretical flaws of this ‘original intent’ approach. First, it “lacks any clear justifying rationale.”<sup>38</sup> He explains that this theory applies to written constitutions and statutes. When changes are enacted, specific texts are officially adopted. He argues that neither the text nor the rules that regulate the enactment refer to what the original lawmakers had in mind.

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<sup>36</sup> David B. Lyons, "Moral Judgment and Legal Theory", Working Paper Series, Public Law & Legal Theory, Working Paper No. 00-11, Boston University School of Law, [www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf\\_files/LyonsD120800.pdf](http://www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf_files/LyonsD120800.pdf), (p-8), (accessed: 9 April 2015)

<sup>37</sup> David B. Lyons, "Moral Judgment and Legal Theory", Working Paper Series, Public Law & Legal Theory, Working Paper No. 00-11, Boston University School of Law, [www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf\\_files/LyonsD120800.pdf](http://www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf_files/LyonsD120800.pdf), (p-9), (accessed: 9 April 2015)

<sup>38</sup> David B. Lyons, "Moral Judgment and Legal Theory", Working Paper Series, Public Law & Legal Theory, Working Paper No. 00-11, Boston University School of Law, [www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf\\_files/LyonsD120800.pdf](http://www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf_files/LyonsD120800.pdf), (p-8-9), (accessed: 9 April 2015)

Second, the ‘original intent’ doctrine is ambiguous in many ways. For example, more than one person often makes laws, so it is unclear whose intention should be followed, and there is no reason to assume that everyone’s intentions are identical.<sup>39</sup> In the present day, bills are drafted by a group of lawmakers but only voted into law when approved by a majority of the lawmakers in Parliament or Congress. The intentions of all those lawmakers who voted in favor of the law need to be considered, if ‘original intent’ doctrine is to be applied. David B. Lyons points out that lawmakers sometimes vote under their party line or are influenced by lobbyists.<sup>40</sup> Consequently, lawmakers sometimes vote without any clear idea about the bills they back. Thus David B. Lyons argues that “when legislation is enacted in the absence of an intentional consensus, the doctrine of original intent implies that the enacted statute has no proper interpretation or application.”<sup>41</sup>

## **6. Justification-based Interpretations of Law and Just-cause Theory**

Unlike the ‘original intent’ doctrine of interpretation, the ‘justification-based’ approach and ‘just-cause theory’ focus on the suffering of the people concerned.

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<sup>39</sup> David B. Lyons, "Moral Judgment and Legal Theory", Working Paper Series, Public Law & Legal Theory, Working Paper No. 00-11, Boston University School of Law, [www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf\\_files/LyonsD120800.pdf](http://www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf_files/LyonsD120800.pdf), (p-10), (accessed: 9 April 2015)

<sup>40</sup> David B. Lyons, "Moral Judgment and Legal Theory", Working Paper Series, Public Law & Legal Theory, Working Paper No. 00-11, Boston University School of Law, [www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf\\_files/LyonsD120800.pdf](http://www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf_files/LyonsD120800.pdf), (p-12), (accessed: 9 April 2015)

<sup>41</sup> David B. Lyons, "Moral Judgment and Legal Theory", Working Paper Series, Public Law & Legal Theory, Working Paper No. 00-11, Boston University School of Law, [www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf\\_files/LyonsD120800.pdf](http://www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf_files/LyonsD120800.pdf), (p-12), (accessed: 9 April 2015)



Justification-based interpretation avoids the ambiguities of original intent, and it assumes diverse intentions among lawmakers, according to David B. Lyons.<sup>42</sup> He believes that this approach is morally defensible, and promises to increase the likelihood that the application of law is morally justifiable.<sup>43</sup> Law requires instruction on what to do and what not to do. It must specify punishment for disobedience. Law affects one's life in many ways (i.e., tax, war, peace), and for such consequential government actions, moral justification is required. In Lyons' view, "Someone whose interests are affected by law has a right to be treated in a morally defensible way."<sup>44</sup> He asserts that 'the more justifiable the law being applied, the more justifiable its applications are likely to be.'<sup>45</sup>

Similar to justification-based interpretation, just-cause theory also upholds that people should be given the right to leave oppressive conditions. Just-cause theory is also called Remedial theory because it allows a 'people' to secede from the larger state as a remedy for their suffering under an unjust condition/ situation created by the larger

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<sup>42</sup> David B. Lyons, "Moral Judgment and Legal Theory", Working Paper Series, Public Law & Legal Theory, Working Paper No. 00-11, Boston University School of Law, [www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf\\_files/LyonsD120800.pdf](http://www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf_files/LyonsD120800.pdf), (p-13), (accessed: 9 April 2015)

<sup>43</sup> David B. Lyons, "Moral Judgment and Legal Theory", Working Paper Series, Public Law & Legal Theory, Working Paper No. 00-11, Boston University School of Law, [www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf\\_files/LyonsD120800.pdf](http://www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf_files/LyonsD120800.pdf), (p-14), (accessed: 9 April 2015)

<sup>44</sup> David B. Lyons, "Moral Judgment and Legal Theory", Working Paper Series, Public Law & Legal Theory, Working Paper No. 00-11, Boston University School of Law, [www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf\\_files/LyonsD120800.pdf](http://www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf_files/LyonsD120800.pdf), (p-14), (accessed: 9 April 2015)

<sup>45</sup> David B. Lyons, "Moral Judgment and Legal Theory", Working Paper Series, Public Law & Legal Theory, Working Paper No. 00-11, Boston University School of Law, [www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf\\_files/LyonsD120800.pdf](http://www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf_files/LyonsD120800.pdf), (p-14), (accessed: 9 April 2015)

group/ state.<sup>46</sup> Genocide and ethnic cleansing are now generally accepted as part of international customary law — states do not have any choice but to comply. In the present day, armed conflicts result from systematic discriminatory and oppressive policies (i.e., ethnic cleansing policy) toward a specific group or an ethnicity, and the brutality of the states/ government. If a state commits such crimes against a group or an ethnicity, the victims have the right to self-determination.

“It is morally permissible for a territorially concentrated group to secede if and only if the group has suffered a major injustice in the larger state, namely severe human rights violations, wrongful annexation, continual violations of intrastate autonomy, or permanent minority status.”<sup>47</sup>

## **7. Critical Assessment of the Self-determination Principle**

The official legal norm of the self-determination principle is still restricted to the decolonization context, the state-centered principle, and does not cover the real interests of the people concerned. As mentioned above, the current definition of “people” refers to colonized people or people under foreign domination. This is clearly too narrow. The interpretation of the principle of self-determination is also based on an ‘original intent’ approach — that is to end colonialism and to respect the political independence and territorial integrity of another state. In other words, the principle of

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<sup>46</sup> Catala, Amandine. "Remedial Theories of Secession and Territorial Justification." *Journal of Social Philosophy* 44.1 (2013, p-75): 74-94.

<sup>47</sup> Catala, Amandine. "Remedial Theories of Secession and Territorial Justification." *Journal of Social Philosophy* 44.1 (2013, p-75): 74-94.

self-determination means the protection for states — protected from being interfered in matters of internal affairs from another state or international community.

Therefore, there is little prospect of success for an ethnic minority if the self-determination principle is to be pursued through the existing international legal framework, which is also almost always overtaken by politics. However, there is a slight possibility of success if one's demands are consistent with the geopolitical and strategic interests of the Great Powers.<sup>48</sup> This suggests that an understanding of the geopolitics and strategic interests of big powers, as well as the ability to capitalize on this knowledge may bring about success.

However, with the growing acceptance of human rights in international law and states' recognition of the rights as a duty, the principle of self-determination can be interpreted through a moral and human rights oriented interpretation, particularly "just-cause theory". Just-cause theory makes sense because it considers the grievous suffering, unfairness, and systematic discrimination that oppressed people face under the unjust situation created by the dominant group. This theory is not free from controversy, especially the criticism from the oppressor/ dominant groups.

It appears to me that mainstream politicians, academics, and governments officials do not seem to care about the suffering of oppressed people. The struggle for self-determination or secession is often discredited and disputed with international law (which is state-centered law thus unfair to the oppressed groups). Some of the popular arguments against the secession movement include: economic viability, territorial

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<sup>48</sup> Hannum, Hurst. *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights*. Philadelphia: University of Pennsylvania Press, 1996. (p-28-9)

integrity, and political fragmentations.<sup>49</sup> These arguments failed to consider the harsh reality (i.e., systematic discrimination against race, religion, ethnicity, gross human rights abuses) the oppressed groups face. For example, in Burma/ Myanmar if one is not Bamar (ethnic majority) and Buddhist (state religion), one is denied access to important career pathways such as admission into police or military academies. With few exception, some non-Bamar ethnic people who practice Buddhism are able to get into those institutions, but they never reach a level where they can influence decision making, regardless of their ability. It is therefore rationale for one to leave the system/ society where one finds no future.

It is also reasonable to assume that people do not want to risk their lives unless they have to fight for their survival (i.e., survival for one's ethnicity, culture, language, identity, economics, and among others). As the natural law of 'action and reaction' suggests, independence movements/struggles are the product of repression, discriminatory policies, and exploitative actions initiated by the dominant group (in the form of government). Contemporary ethnic armed conflicts are concentrated in Africa and Asia, particularly Southeast Asia. These conflicts have directly or indirectly resulted from discriminatory and exploitative policies, as well as oppressive policies against the less powerful groups (i.e., minorities). For example, if the former Yugoslavia under the leadership of Slobodan Milošević had not taken away the autonomy<sup>50</sup> from Slovenia, Croatia, and Kosovo to create 'Greater Serbia' in the first place, we might well still see

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<sup>49</sup> Buchanan, Allen E. *Secession: The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec*. Boulder: Westview Press, 1991. (p-49)

<sup>50</sup> Silber, Laura. "The "Hero" of Dayton: Slobodan Milosevic and the Politics of War and Peace." *World Policy Journal* 13.1 (1996): 63-9. (p-64, 66)

the Socialist Federated Republic of Yugoslavia in existence today. In countries where minorities are given enough autonomy in making decisions that affect their economic, social, political and cultural affairs, and are free from repression, minorities do not try to secede, at least not in violent ways. The Catalonians in Spain; the French of Quebec in Canada, and the Acehese people of Indonesia (which will be discussed below) are some good examples.

In the former Yugoslavia, the international community or international law failed to stop Slobodan Milošević from curbing regional autonomy and centralizing all power at the hand of one dominant group – Serbs. This eventually led to disintegration – creation of more new states or political fragmentations which is exactly what states do not want. The same analysis also applies to the split of Sudan. If the principle of non-interference in domestic affairs is to be exercised stringently, then secession becomes an entirely domestic matter. Clearly this principle has been largely exploited and abused by authoritarian regimes – for instance, the current Myanmar government, the Chinese government, and the military regime of Indonesia during Suharto era. If ‘political fragmentations’ and human rights violations are both to be prevented, then an article/ clause in international law which can overrule domestic jurisdiction is needed in order to prevent the dominant group or authoritarian government from treating the less dominate unfairly and unjustly. A law of this nature could also prevent the emergence of a dictatorship.

I believe that it is moral to speak for the less dominant and less fortunate. Healthy people do not need a doctor as Jesus Christ taught. ‘Treat others the same way

you want them to treat you'<sup>51</sup> is another principle that Jesus Christ taught. This is now accepted as "Golden Rule Reasoning."<sup>52</sup> Justification-based approach is better suited than original intent approach of legal interpretation to interpret the principle of self-determination. If one can internalize the Golden Rule Reasoning, one can find the validity of this Justification-based approach.

During the Civil Rights movement in United States, Martin Luther King, Jr wrote, "perhaps it is easy for those who have never felt the stinging darts of segregation to say, 'wait.'"<sup>53</sup> but if people who said 'wait' have experienced the kind of sufferings black people had, perhaps they might not be able to say 'wait'. The government/ dominant groups almost always lock up minorities and people who fight for justice with the charges of breaking various laws such as causing public disorder or unlawful associations, treasons, etc. In reality however, David B. Lyons observes that a "very substantial portion of serious law violations – arguably the most serious portion of them – are committed not by private individuals but by government officials. Insofar as legal theory has ignored these facts, it has failed to live up to its own moral and intellectual ideals."<sup>54</sup>

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<sup>51</sup> Luke 6:33, Bible (English Standard Version)

<sup>52</sup> Neil Duxbury, "Golden Rule Reasoning, Moral Judgment and Law", London School of Economics, [www.law.virginia.edu/pdf/workshops/0708/duxbury.pdf](http://www.law.virginia.edu/pdf/workshops/0708/duxbury.pdf), (p-1) (accessed: 9 April 2015)

<sup>53</sup> Martin Luther King, Jr. (16 April 1963, p-2), "Letter from a Birmingham Jail", Grace DC, Meridian Hill.

<sup>54</sup> David B. Lyons, "Moral Judgment and Legal Theory", Working Paper Series, Public Law & Legal Theory, Working Paper No. 00-11, Boston University School of Law, [www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf\\_files/LyonsD120800.pdf](http://www.bu.edu/law/faculty/scholarship/workingpapers/abstracts/2000/pdf_files/LyonsD120800.pdf), (p-22), (accessed: 9 April 2015)

## ***Part Two: Case Study of Aceh (GAM)***

Prior to Dutch arrival, there were sophisticated kingdoms in existence in present day Indonesia. Aceh was one of such sophisticated kingdoms, located in the northern region of the Sumatra Island of Indonesia. Historical writings show that the Dutch established its colonial rule in Indonesia in 1602.<sup>55</sup> But the Dutch were unable to rule Aceh until 1903, some 300 years later when the last Aceh Sultan surrendered.<sup>56</sup> The rulers of Aceh Darussalam then successfully guided Aceh through wars with the Portuguese, Chinese, and Dutch, up to 1942 when the Japanese army invaded.<sup>57</sup> “History reveals that Aceh has experienced 138 years of conflict and only 15 years of peace.”<sup>58</sup>

Before submission to the Dutch, Aceh maintained “diplomatic and consular relations with several states, including Great Britain. It exchanged diplomatic notes with the United States.”<sup>59</sup> For instance, in 1811, Aceh and England signed a friendship treaty

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<sup>55</sup> Indonesia. Washington: Superintendent of Documents, 2012. ProQuest. Web. 12 Apr. 2015.

<sup>56</sup> Patricia Dexter, (2004, p-13), "Historical Analysis of Population Reactions to Stimuli-A Case Study of Aceh", Land Operations Division, Systems Sciences Laboratory, DSTO-TR-1592, Australian Department of Defence.

<sup>57</sup> Bowen, John R., "Narrative Form and Political Incorporation: Changing Uses of History in Aceh, Indonesia", *Comparative Studies in Society and History*, Vol. 31, No. 4 (Oct., 1989, p-684), pp. 671-693, Cambridge University Press, <http://www.jstor.org/stable/179074>. (accessed: 22 Jan 2015)

<sup>58</sup> “Unfinished reconciliation haunts Acehnese” *The Jakarta Post*, 27 February 2012, [www.thejakartapost.com/news/2012/02/27/unfinished-reconciliation-haunts-acehnese.html](http://www.thejakartapost.com/news/2012/02/27/unfinished-reconciliation-haunts-acehnese.html), (accessed: 13 April 2015)

<sup>59</sup> Larry Nixsch, "Indonesian Separatist Movement in Aceh", CRS Report for Congress, Order Code RS20572, (25 Sept. 2002, p-2-3) <http://fas.org/irp/crs/RS20572.pdf> (Accessed: 11 April 2015)

for mutual defense, and the parties never revoked the treaty, thus it is still valid according to international law.<sup>60</sup> Aceh was clearly an independent sovereign country.

## **2.1 Dutch Colonization and Incorporation of Aceh into Indonesia**

The incorporation of Aceh into Indonesia technically began in 1824 when the London Treaty (also known as the Anglo-Dutch Treaty) was signed. Under this treaty, the British handed control of their colonial territories on the island of Sumatra to the Dutch in exchange for the Netherlands East Indies (NEI) colonial territories in India and Singapore. Interestingly, Aceh was included in the treaty, but the Dutch agreed that Aceh was to remain independent. (It is unclear whether Aceh knew about this, but it appears that Britain just arrogantly included Aceh as part of its colony.) Aceh never signed any treaty with the Dutch. In 1871, the Sumatra Treaty was signed under which the British allowed the Dutch to invade Aceh (without revoking the Aceh-England friendship treaty of 1811). The Dutch invaded Aceh in 1873, and the last Aceh Sultan king surrendered in 1903.<sup>61</sup> The Dutch then began implanting its colonial rule, but they never actually quelled<sup>62</sup> the resistance until they withdrew in 1942. Nonetheless, the Dutch were able to rule the vast multi-ethnic archipelago by allowing regional for

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<sup>60</sup> Patricia Dexter, (2004, p-4), "Historical Analysis of Population Reactions to Stimuli-A Case Study of Aceh", Land Operations Division, Systems Sciences Laboratory, DSTO-TR-1592, Australian Department of Defence.

<sup>61</sup> Patricia Dexter, (2004, p-4), "Historical Analysis of Population Reactions to Stimuli-A Case Study of Aceh", Land Operations Division, Systems Sciences Laboratory, DSTO-TR-1592, Australian Department of Defence.

<sup>62</sup> Karim D. Crow (Islamic Peace Forum, USA), "Aceh - The 'Special Territory' in North Sumatra: A Self-Fulfilling Promise?", Journal of Muslim Minority Affairs, Vol. 20, No. 1, 2000, <http://acehnet.tripod.com/crow.htm>, (Accessed: 26 Nov 2014)



autonomy which left strong regional identities intact.<sup>63</sup> (Later, these regional identities became a political rallying point in the fight against the central government in Jakarta.)

However, the diverse regional identities were, to an extent, unified by the war of independence against the Dutch, from 1945 to 1950, and this struggle was a key driving factor in helping to forge a national identity.<sup>64</sup> The idea of Indonesian statehood as a union of islands was established and flourished in the struggle under the leadership of Sukarno who later became the first president of the new Republic.<sup>65</sup>

In short, Aceh is a staunchly Islamic religious society with a long tradition and history as an independent Sultanate for almost 500 years<sup>66</sup>, and it was not formally incorporated into the Dutch colony of Indonesia. But in 1949, under the auspices of the United Nations (UN), Round Table Conference Agreements,<sup>67</sup> Aceh was transferred to the newly independent Indonesia and as result it became part of Indonesia when it regained its sovereignty<sup>68</sup>. (But, there is an indication that the Indonesian Government

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<sup>63</sup> Catherine Napier (13 September 2000), "Analysis: Indonesia's fragile archipelago", [http://news.bbc.co.uk/2/hi/events/indonesia/special\\_report/270462.stm](http://news.bbc.co.uk/2/hi/events/indonesia/special_report/270462.stm), (Accessed: 25 Nov 2014)

<sup>64</sup> Catherine Napier (13 September 2000), "Analysis: Indonesia's fragile archipelago", [http://news.bbc.co.uk/2/hi/events/indonesia/special\\_report/270462.stm](http://news.bbc.co.uk/2/hi/events/indonesia/special_report/270462.stm), (Accessed: 25 Nov 2014)

<sup>65</sup> SETH MYDANS, (5 September 1999), "The World; Indonesia's Many Faces Reflect One Nation, Divisible", [www.nytimes.com/1999/09/05/weekinreview/the-world-indonesia-s-many-faces-reflect-one-nation-divisible.html](http://www.nytimes.com/1999/09/05/weekinreview/the-world-indonesia-s-many-faces-reflect-one-nation-divisible.html), (Accessed: 25 Nov 2014)

<sup>66</sup> Karim D. Crow (Islamic Peace Forum, USA), "Aceh - The 'Special Territory' in North Sumatra: A Self-Fulfilling Promise?", *Journal of Muslim Minority Affairs*, Vol. 20, No. 1, 2000, <http://acehnet.tripod.com/crow.htm>, (Accessed: 26 Nov 2014)

<sup>67</sup> Patricia Dexter, (2004, p-5), "Historical Analysis of Population Reactions to Stimuli-A Case Study of Aceh", Land Operations Division, Systems Sciences Laboratory, DSTO-TR-1592, Australian Department of Defence.

<sup>68</sup> (29 December 2005), "Indonesia flashpoints: Aceh", <http://news.bbc.co.uk/2/hi/asia-pacific/3809079.stm>, (accessed: 1 Oct 2014)

used armed troops to annex the (Aceh) region).<sup>69</sup> This is the reason why the Indonesian military is present in Aceh according to an Indonesian military commander in Aceh.<sup>70</sup>

## **2.2 Aceh under Indonesian's rule: Causes of Resentment**

The Indonesian military's brutality is the most widely reported cause of resentment and fuel to the nearly three decades of bloody armed conflict between GAM and the government of Indonesia. As evidenced by media reports such as : "the military's heavy-handed tactics fueled resentment among the local population"<sup>71</sup> and the Indonesian military (TNI) was "the greatest sore-point in Aceh."<sup>72</sup> As a local social worker in Aceh stated, "for 10 years, from 1988 to 1998, it was a place of great suffering."<sup>73</sup>

The notoriety and brutality of the Indonesian the security forces in Aceh failed to quell the resistance and fueled the resentment. For instance when GAM was formed in 1976, only 70 people were willing to join them in the mountain.<sup>74</sup> Within just a year, it

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<sup>69</sup> "Indonesia flashpoints: Aceh", BBC (29 Dec. 2005), <http://news.bbc.co.uk/2/hi/asia-pacific/3809079.stm>, (Accessed: 11 April 2015)

<sup>70</sup> Filmed, Written, and Directed by William Nessen, "The Black Road - Perjuangan Aceh", [www.youtube.com/watch?v=1BGpV8uMR8E](http://www.youtube.com/watch?v=1BGpV8uMR8E), (Uploaded on 12 Feb 2014)

<sup>71</sup> (29 December 2005), "Indonesia flashpoints: Aceh", <http://news.bbc.co.uk/2/hi/asia-pacific/3809079.stm>, (accessed: 1 Oct 2014)

<sup>72</sup> MAX LANE, (18 June 2003), "ACEH: Independence sentiment a result of Suharto legacy", [www.green-left.org.au/node/29592](http://www.green-left.org.au/node/29592), (accessed: 25 Nov 2014)

<sup>73</sup> BBC (28 January 2008), "Suharto: 'Resentment and mourning'", <http://news.bbc.co.uk/2/hi/asia-pacific/7212590.stm>, (Accessed: 26 Nov 2014)

<sup>74</sup> Schulze, Kirsten E., and East-West Center Washington. "The Free Aceh Movement (GAM): Anatomy of a Separatist Organization". 2; 2. Vol. Washington, DC: East-West Center Washington, 2004, page-14

was crushed by the Indonesia military. But GAM re-emerged in greater numbers in 1989. This second resurrection was also destroyed during a 1989-1992 military operation. Then, in 1999, it re-emerged in even greater numbers and scale.<sup>75</sup>

The main driving forces of GAM's resilient resurrections are the resentment of Acehese people over the growing influence and control over their provincial affairs by the Indonesian Army and the central government, the exploitation of local resources especially oil and gas, gross human rights violations, and brutal repression committed by the Indonesian security forces especially during President Suharto era. All of these are common themes considered to be the cause of resentment among Acehese people.<sup>76</sup>

GAM blames the government in Jakarta and international corporations, such as Exxon Mobil, for their exploitation of the local resources and for human rights abuses. According to the 2008 Report<sup>77</sup> by civil societies, Exxon Mobil was paying \$500,000 per month to the Indonesian military (TNI) for security protection. Obviously local people

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<sup>75</sup> Rizal Sukma, "Security Operations in Aceh: Goals, Consequences, and Lessons". 3; 3. Vol. Washington, DC: East-West Center Washington, 2004, page - 29.

<sup>76</sup> Ansori, M H (2012) "From Insurgency to Bureaucracy: Free Aceh Movement, Aceh Party and the New Face of Conflict". *Stability*, 1(1): 31-44. DOI: <http://dx.doi.org/10.5334/sta.ah>.

Kirsten E. Schulze and East-West Center Washington. "The Free Aceh Movement (GAM): Anatomy of a Separatist Organization". 2; 2. Vol. Washington, DC: East-West Center Washington, 2004.

Rizal Sukma, "Security Operations in Aceh: Goals, Consequences, and Lessons". 3; 3. Vol. Washington, DC: East-West Center Washington, 2004.

William R. Roff, "Rebellion Under the Banner of Islam: The Darul Islam in Indonesia". 89 Vol. The American Historical Association, 1984.

<sup>77</sup> "A Matter of Complicity?: Exxon Mobil on Trial for its Role in Human Rights Violations in Aceh" by International Center for Transitional Justice - ICTJ; HRWG (Indonesia's NGO Coalition for International Human Rights Advocacy; Impartial (Indonesian Human Rights Monitor); Contras (Commission for the Disappeared and Victims of Violence), 2008, page - 3, Available at: [www.ictj.org/publication/matter-complicity-exxon-mobil-trial-its-role-human-rights-violations-aceh](http://www.ictj.org/publication/matter-complicity-exxon-mobil-trial-its-role-human-rights-violations-aceh), (Accessed: 30 Nov 2014)

share no benefit from the resources extracted from their homeland as the revenue from oil and gas directly goes to central government.<sup>78</sup> It was reported that oil and gas made up 30% of the central government's revenue in 2000.<sup>79</sup>

### **2.3 GAM's Independence Struggle and Its Political Narratives**

Gerakan Aceh Merdeka (GAM) started on 4 December (1976)<sup>80</sup> when Muhammad Hasan di Tiro declared Acehnese independence.<sup>81</sup> GAM's struggle for independence is based on two reasons. First, GAM maintains that Aceh was an internationally recognized sovereign state as exemplified by the 1819 treaty<sup>82</sup> between the sultan of Aceh and the United Kingdom of Great Britain and Ireland or the 1824 Anglo-Dutch Treaty. So, when the Dutch left, a sovereign Aceh should have been returned to Acehnese people, not to Javanese "Indonesia."<sup>83</sup>

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<sup>78</sup> (29 December 2005), "Indonesia flashpoints: Aceh", <http://news.bbc.co.uk/2/hi/asia-pacific/3809079.stm>, (accessed: 1 Oct 2014)

<sup>79</sup> Nick Nugent (20 August 2001), "Aceh: Megawati's toughest test", <http://news.bbc.co.uk/2/hi/asia-pacific/1500312.stm>, (Accessed: 30 Nov 2014)

<sup>80</sup> GAM started in 1979 according to Sastrohandoyo Wiryo, "Indonesia and Southeast Asian Territorial Peace Processes." *Asia Europe Journal* 6.1 (2008), page: 22

<sup>81</sup> Kirsten E. Schulze, and East-West Center Washington. "The Free Aceh Movement (GAM): Anatomy of a Separatist Organization". 2; 2. Vol. Washington, DC: East-West Center Washington, 2004, page-14.

"Aceh: A timeline of insurgency", CNN, 14 November 2002, <http://edition.cnn.com/2001/WORLD/asi-apcf/southeast/08/17/aceh.timeline/>, (accessed: 25 April 2015)

<sup>82</sup> Under this treaty, Aceh was prohibited from entering any treaty with foreign states without the consent of the British according to Drexler.

\* Drexler, Elizabeth F. *Aceh, Indonesia: Securing the Insecure State*. Philadelphia, Pa: University of Pennsylvania Press, 2008 (p-58).

<sup>83</sup> Kirsten E. Schulze, and East-West Center Washington. "The Free Aceh Movement (GAM): Anatomy of a Separatist Organization". 2; 2. Vol. Washington, DC: East-West Center Washington, 2004, page-6.

Second, GAM maintains that the people of Aceh were not properly consulted when the incorporation of Aceh into Indonesia took place. So, this was in violation of their basic rights of self-determination, and the transfer of sovereignty was illegal according its founder, Hasan di Tiro.<sup>84</sup> GAM fights to ensure “the survival of the people of Aceh-Sumatra as a nation; the survival of their political, social, cultural and religion heritage which are being destroyed by the Javanese colonists.”<sup>85</sup> GAM sees its movement as the continuation of the anti-colonial revolution - first against the Dutch invasion in 1873 and now against Indonesia.

However, even though GAM’s original goal was to separate from Indonesia and form an independent sovereign state, after the Tsunami in 2004 (which took 130,000 lives in Aceh alone<sup>86</sup>), GAM agreed to talk about tentatively the subject of special autonomy within Indonesia. A Memorandum of Understanding (MoU) was signed on 15 Aug 2005.<sup>87</sup>

#### **2.4 Does GAM have the Right to Self-determination?**

Even though GAM later agreed to ‘autonomy’, the original goal of GAM was ‘independence’ from Indonesia. It certainly had public support especially from Acehnese

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<sup>84</sup> Kirsten E. Schulze, and East-West Center Washington. “The Free Aceh Movement (GAM): Anatomy of a Separatist Organization”. 2; 2. Vol. Washington, DC: East-West Center Washington, 2004, page-6, 52.

<sup>85</sup> Kirsten E. Schulze, and East-West Center Washington. “The Free Aceh Movement (GAM): Anatomy of a Separatist Organization”. 2; 2. Vol. Washington, DC: East-West Center Washington, 2004, page-6.

<sup>86</sup> Hotli Simanjuntak, “Acehnese commemorate the devastating 2004 tsunami”, The Jakarta Post, 27 December 2012, [www.thejakartapost.com/news/2012/12/27/acehnese-commemorate-devastating-2004-tsunami.html](http://www.thejakartapost.com/news/2012/12/27/acehnese-commemorate-devastating-2004-tsunami.html), (accessed: 25 April 2015)

<sup>87</sup> Sastrohandoyo Wiryono, "Indonesia and Southeast Asian Territorial Peace Processes." *Asia Europe Journal* 6.1 (2008), page: 15-30.

people. In November 1999, “up to a million people have rallied in the Indonesian province of Aceh to demand a referendum on independence”.<sup>88</sup> The question is whether Acehnese people or GAM has the legal right (i.e., self-determination) to make such a demand?

The interpretation of the right to ‘self-determination’ is controversial because it is political. This paper argues that both the legal and moral principle give the people of Aceh (GAM) the right to ‘self-determination’ under international law specifically, Article 1 of both ICCPR and ICESCR) for reasons I will argue below.

Firstly, Acehnese people (GAM) meet the criteria/ attributes of popular definition of ‘people’ described previously. They are religiously and historically (politically) distinct from the rest of Indonesia. For example, they consider their faith in Islam is distinct from the rest of Indonesia, and they were given the right to practice Sharia Law.<sup>89</sup> They identify themselves as Acehnese, not as Javanese.

Secondly, historical writings clearly indicate that Aceh was an independent kingdom until the beginning of the 20th century. For example, historical writings show that the Dutch established their colonial rule in Indonesia in 1602.<sup>90</sup> However, the Dutch were only able to rule Aceh some 300 years later in 1903 when the last Aceh

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<sup>88</sup> BBC (7 November 1999), “World: Asia-Pacific Acehnese demand independence”, <http://news.bbc.co.uk/2/hi/asia-pacific/508798.stm> (accessed: 18 March 2015)

<sup>89</sup> Konrad Huber (2008, p-18), “Aceh’s arduous journey to peace”, Conciliation Resources, (accessed: 14 Nov 2014), [www.c-r.org/accord-article/acehs-arduous-journey-peace](http://www.c-r.org/accord-article/acehs-arduous-journey-peace).

<sup>90</sup> Indonesia. Washington: Superintendent of Documents, 2012. ProQuest. Web. 12 Apr. 2015.

Sultan surrendered.<sup>91</sup> But anti-colonial insurgency never stopped into 1942 when Japan invaded.<sup>92</sup> Before Aceh became a Dutch colony, “It maintained diplomatic and consular relations with several states, including Great Britain. It exchanged diplomatic notes with the United States.”<sup>93</sup> In 1811, Aceh and England signed a friendship treaty for mutual defense, and the treaty<sup>94</sup> was never revoked by any party, so it is still valid according to international law.<sup>95</sup> Therefore, GAM maintains that since Aceh was an internationally recognized sovereign state as exemplified by the 1819 treaty between the sultan of Aceh and the United Kingdom of Great Britain and Ireland or the 1824 Anglo-Dutch Treaty. When the Dutch left, a Aceh sovereign should have been returned to the Acehnese people, not to Javanese or Indonesia.<sup>96</sup>

Third, Indonesia broke promises made to the people of Aceh. The first rebellion broke out in 1953 and the conflict was resolved through negotiated agreement in 1959, which gave Aceh special semi-autonomous status in matters of religion, education and

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<sup>91</sup> Patricia Dexter, (2004, p-13), "Historical Analysis of Population Reactions to Stimuli-A Case Study of Aceh", Land Operations Division, Systems Sciences Laboratory, DSTO-TR-1592, Australian Department of Defence.

<sup>92</sup> Bowen, John R., "Narrative Form and Political Incorporation: Changing Uses of History in Aceh, Indonesia", *Comparative Studies in Society and History*, Vol. 31, No. 4 (Oct., 1989, p-684), pp. 671-693, Cambridge University Press, <http://www.jstor.org/stable/179074>. (accessed: 22 Jan 2015)

<sup>93</sup> Larry Niksch, "Indonesian Separatist Movement in Aceh", CRS Report for Congress, Order Code RS20572, (25 Sept. 2002, p-2-3) <http://fas.org/irp/crs/RS20572.pdf> (Accessed: 11 April 2015)

<sup>94</sup> (In present days, even though (private) corporate entities can also sign a contract with states, only sovereign states can sign (mutual) defense treaty.) It is clear that Aceh was a sovereign state.

<sup>95</sup> Patricia Dexter, (2004, p-4), "Historical Analysis of Population Reactions to Stimuli-A Case Study of Aceh", Land Operations Division, Systems Sciences Laboratory, DSTO-TR-1592, Australian Department of Defence.

<sup>96</sup> Kirsten E. Schulze, and East-West Center Washington. "The Free Aceh Movement (GAM): Anatomy of a Separatist Organization". 2; 2. Vol. Washington, DC: East-West Center Washington, 2004, page-6.

local governance. The conditions outlined in the agreement were never fully implemented by either the left-leaning Sukarno or the right-wing military dictatorship of Suharto (also spelt as Soeharto)<sup>97</sup> that came to power in 1965.”<sup>98</sup>

Fourth, the Indonesian government not only oppressed the Acehese people but it also failed to uplift the state’s responsibility — to promote the best interests of Acehese people. Gross human rights abuses<sup>99</sup> by the Indonesian military were well documented. Most of the abuses were against the civilians. Mass graves were uncovered by Indonesia’s National Commission on Human Rights in 1998. Some 4,000 people were killed during the Indonesian military operations in Aceh during 2001 and 2002 in addition to making hundreds of thousands of people homeless.

In addition to oppression against Acehese people, the successive government of Indonesia had failed to promote the interests of Acehese people. Aceh is rich in natural resources such oil and gas, but the people of Aceh received little or no benefits as 80 to

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<sup>97</sup> Priyambudi Sulistiyanto (2010) Indonesia-Australia Relations in the Era of Democracy: The View from the Indonesian Side, *Australian Journal of Political Science*, 45:1, 117-132, DOI: 10.1080/10361140903517742

<sup>98</sup> \* Stephen Zunes, Jesse Laird, and Michael Beer (January 2010), “Aceh: Struggle for self-determination (1998-2001)”, [www.nonviolent-conflict.org/index.php/movements-and-campaigns/movements-and-campaigns-summaries?sobi2Task=sobi2Details&sobi2Id=27](http://www.nonviolent-conflict.org/index.php/movements-and-campaigns/movements-and-campaigns-summaries?sobi2Task=sobi2Details&sobi2Id=27), (Accessed: 9 Feb 2015)

\* Larry Nicksch, "Indonesian Separatist Movement in Aceh", CRS Report for Congress, Order Code RS20572, (25 Sept. 2002, p-3) <http://fas.org/irp/crs/RS20572.pdf> (Accessed: 11 April 2015)

<sup>99</sup> Larry Nicksch, "Indonesian Separatist Movement in Aceh", CRS Report for Congress, Order Code RS20572, (25 Sept. 2002, p-3) <http://fas.org/irp/crs/RS20572.pdf> (Accessed: 11 April 2015)



90% of the wealth from Aceh's resources went to Jakarta.<sup>100</sup> This exploitation is against the established international laws.

For example, Article 22 of The Covenant of the League of Nations is based on two points of vital importance: "the principle that the well-being and development of the peoples concerned form a sacred trust of civilization", and "the ultimate objective of the sacred trust was self-determination and independence".<sup>101</sup> The Indonesian government breaches the 'sacred trust' by the exploitation of Aceh resources and oppression of its people..

Moreover, the United Nations<sup>102</sup> recognizes the principle that the interests of the inhabitants of the (non-self-governing) territories are paramount, and the ruling state of the territory is obliged to promote to its utmost ability for the wellbeing of the inhabitants of these territories. Clearly, the Indonesian government also breached this principle.

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<sup>100</sup> Larry Niksch, "Indonesian Separatist Movement in Aceh", CRS Report for Congress, Order Code RS20572, (25 Sept. 2002, p-3) <http://fas.org/irp/crs/RS20572.pdf> (Accessed: 11 April 2015)

<sup>101</sup> "Legal Consequences for States of the Continued Presence of South Africa in Namibia (South-West Africa) Notwithstanding Security Council Resolution 276 (1970)", Advisory Opinion of 21 June 1971. (Summaries of Judgements, Advisory Opinions and Orders of the International Court of Justice - *not an official document*), [www.icj-cij.org/docket/files/53/5597.pdf](http://www.icj-cij.org/docket/files/53/5597.pdf) (accessed: 28 Feb 2015)

<sup>102</sup> Article 73 of UN Charter stipulates: "Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories."

Article 1(3) of International Covenant on Civil and Political Rights stipulates that "The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations."

Furthermore, Article 1 (2) of the International Covenant on Civil and Political Rights also allows people to use their resources freely. But Acehnese people did not have the right to manage/utilize the resources from their own territories due to the government of Indonesia. Even though the Indonesian government could argue that as the sovereign state, it has the right to 'self-determination' within its domestic affairs, it is unfair and unjust for local Acehnese people to be exploited.

Despite the fact that Acehnese leaders initially fought for independence for all of Indonesia<sup>103</sup> and cooperated with Javanese leaders, this initial cooperation cannot be seen as abandonment of their right to self-determination. Considering the analogy of marriage, couples vow a life-time commitment to one another but when expectations are not met, divorce occurs. Divorce is increasingly common nowadays but it existed since ancient times. Even in the Bible, divorce is permitted on the ground of sexual immorality.<sup>104</sup> Thus, since the Indonesian government failed to fulfill the expectation of the Acehnese people, Acehnese people have the right to self-determination.

Finally, in addition to legal reasoning, Acehnese people (GAM) have the moral right to self-determination including secession. As stated above, just-cause theory/ remedial secession permits to choose a 'people' either to secede from the existing larger state or join other state.

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<sup>103</sup> Patricia Dexter, (2004, p-4), "Historical Analysis of Population Reactions to Stimuli-A Case Study of Aceh", Land Operations Division, Systems Sciences Laboratory, DSTO-TR-1592, Australian Department of Defence.

<sup>104</sup> Matthew 5:32 of The Bible, (English Standard Version)

## **2.5 Strategy and Tactic for Domestic and International Support**

Aceh (GAM) devised three strategic pillars of its independence struggle: first, the Acehnese people; second, the Indonesians, and third the international community.<sup>105</sup>

### **2.5.1 The First Strategic Pillar — Aceh Public**

The first pillar is the Aceh public, and it is the most important. GAM rallies its support from the Aceh public through its historical narratives, depiction of Indonesia as the new colonial aggressor, religious distinction, and by creating a sense of hope.

The GAM Chief Spokesman, Sofia Daoud (also spelt as Sofyan Dawood)<sup>106</sup> was as reported saying, “the struggle of the Acehnese people is rooted in history, not self-interest. From history, we get our motivation. If you lose your history, you have no motivation. Knowing your history, gives the will to fight.”<sup>107</sup>

GAM does not see much connection with Javanese Indonesia, the only commonality Aceh and Indonesia share is the fact that they are both the victims of Dutch colonization.<sup>108</sup> GAM differentiates Aceh society from Indonesian. Aceh ethnic identity is built upon Acehnese language, history and religion. In addition to these, a true Acehnese family needs to prove its residency in the territory for generations and

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<sup>105</sup> Schulze, Kirsten E., and East-West Center Washington. *The Free Aceh Movement (GAM): Anatomy of a Separatist Organization*. 2; 2. Vol. Washington, DC: East-West Center Washington, 2004, (p-53).

<sup>106</sup> “Shipping takes lead in tsunami aid effort”, *Lloyd’s Casualty Week* (28 January 2005, page: 25), [http://digilib.lib.unipi.gr/dspace/bitstream/unipi/1809/1/Casualty\\_Week\\_Jan\\_28.pdf](http://digilib.lib.unipi.gr/dspace/bitstream/unipi/1809/1/Casualty_Week_Jan_28.pdf), (accessed: 24 April 2015)

<sup>107</sup> Filmed, Written, and Directed by William Nessen, “The Black Road - Perjuangan Aceh”, [www.youtube.com/watch?v=1BGpV8uMR8E](http://www.youtube.com/watch?v=1BGpV8uMR8E), (Uploaded on 12 Feb 2014)

<sup>108</sup> Kirsten E. Schulze and East-West Center Washington. “*The Free Aceh Movement (GAM): Anatomy of a Separatist Organization*”. 2; 2. Vol. Washington, DC: East-West Center Washington, 2004, page - 7.

belonging to one of the nine Acehese ethnic groups (suku): Aceh, Alas, Gayo, Singkil, Tamiang, Kluer, Anek Jamee, Bulolehee, and Simeuleu.

GAM portrays the Indonesian government as the new colonist who brings multinational corporations into Aceh and exploits the natural resources.<sup>109</sup> Even though both Aceh and Indonesia are Muslims, GAM managed to utilize religion in its recruitment and those killed in the colonial war were considered martyrs in the Holy War.<sup>110</sup>

It appeared that the fighting spirit of GAM and the Aceh public was rejuvenated by the East Timor rebel's successful bid for independence<sup>111</sup>. Up to a million members of the public rallied on 7 November 1999 in the capital Banda Aceh<sup>112</sup>, demanding a referendum for independence which not only gave the political legitimacy to GAM but also may have signaled to the leadership in Jakarta that their military's heavy-handed approach was not working.

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<sup>109</sup> Kirsten E. Schulze and East-West Center Washington. "The Free Aceh Movement (GAM): Anatomy of a Separatist Organization". 2; 2. Vol. Washington, DC: East-West Center Washington, 2004, page - 9.

<sup>110</sup> Karim D. Crow (Islamic Peace Forum, USA), "Aceh - The 'Special Territory' in North Sumatra: A Self-Fulfilling Promise?", Journal of Muslim Minority Affairs, Vol. 20, No. 1, 2000, <http://acehnet.tripod.com/crow.htm>, (Accessed: 26 Nov 2014)

<sup>111</sup> Catherine Napier (13 September 2000), "Analysis: Indonesia's fragile archipelago", [http://news.bbc.co.uk/2/hi/events/indonesia/special\\_report/270462.stm](http://news.bbc.co.uk/2/hi/events/indonesia/special_report/270462.stm), (Accessed: 25 Nov 2014)

<sup>112</sup> BBC (7 Nov. 1999), "World: Asia-Pacific Acehese demand independence", <http://news.bbc.co.uk/2/hi/asia-pacific/508798.stm>, (Accessed: 19 March 2015)

### **2.5.2 The Second Strategic Pillar — Indonesians & Indonesian Government**

This second pillar is based on the idea that a cancer that is not cut out will spread.<sup>113</sup> (The way the author understands this analogy is that GAM is a cancer (i.e., separatism) to Indonesia. This separatist movement will only spread. So, the sooner it is gotten rid off (i.e., by means of giving independence), the better it is.)

Knowing that it cannot expect Indonesians to support/sympathize, GAM is believed to achieve this pillar by urging Acehnese people and the international community to influence and pressure Indonesians and the government.<sup>114</sup> GAM understands that international as well as domestic human rights organizations are great allies because they highlight “Indonesia's inability to govern Aceh without the use or threat of force.”<sup>115</sup>

### **2.5.3 The Third Strategic Pillar — Internationalization**

Internationalization of its struggle is a key part of the three strategic pillars. GAM used the Peace process as a key part of its internationalization strategy. GAM participated in the peace talks with greater expectation of what it could achieve through the international community than of Indonesian government.<sup>116</sup> GAM particularly,

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<sup>113</sup> Schulze, Kirsten E., and East-West Center Washington. *The Free Aceh Movement (GAM): Anatomy of a Separatist Organization*. 2; 2. Vol. Washington, DC: East-West Center Washington, 2004, (p-53).

<sup>114</sup> Schulze, Kirsten E., and East-West Center Washington. *The Free Aceh Movement (GAM): Anatomy of a Separatist Organization*. 2; 2. Vol. Washington, DC: East-West Center Washington, 2004, (p-53).

<sup>115</sup> Schulze, Kirsten E., and East-West Center Washington. *The Free Aceh Movement (GAM): Anatomy of a Separatist Organization*. 2; 2. Vol. Washington, DC: East-West Center Washington, 2004, (p-9).

<sup>116</sup> Schulze, Kirsten E., and East-West Center Washington. *The Free Aceh Movement (GAM): Anatomy of a Separatist Organization*. 2; 2. Vol. Washington, DC: East-West Center Washington, 2004, (p-51).

wanted support from the United States, UN, and EU members.<sup>117</sup> After witnessing East Timor's successful bid for referendum, GAM too believes such a solution for Aceh is possible with international support.<sup>118</sup> Thus, GAM chose to have all dialogues outside of Aceh and Indonesia because it provides both domestic and international legitimacy, projecting its role as the sole legitimate representative of the Acehnese people.<sup>119</sup>

From early on, GAM employed its diplomatic skills in reaching out to foreign support for its cause. For instance, GAM was reported to have received clandestine support from the United States.<sup>120</sup> While in exile, GAM leaders reached out to the Libyan government for support for military training, lobbied the international community, and strategized their rhetoric and methods for the movement. Upon return from Libya, GAM re-emerged in greater members and with better organization.<sup>121</sup>

GAM criticized the U.S government for supporting the Indonesian military dictator so that U.S. multinational corporations such as Exxon Mobil were able to remain engaged in business and be profitable. However, by the 1990s, GAM toned down its anti-capitalism rhetoric in order to woo U.S. support, and instead shifted its criticism

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<sup>117</sup> Schulze, Kirsten E., and East-West Center Washington. *The Free Aceh Movement (GAM): Anatomy of a Separatist Organization*. 2; 2. Vol. Washington, DC: East-West Center Washington, 2004, (p-53).

<sup>118</sup> Schulze, Kirsten E., and East-West Center Washington. *The Free Aceh Movement (GAM): Anatomy of a Separatist Organization*. 2; 2. Vol. Washington, DC: East-West Center Washington, 2004, (p-52).

<sup>119</sup> Schulze, Kirsten E., and East-West Center Washington. *The Free Aceh Movement (GAM): Anatomy of a Separatist Organization*. 2; 2. Vol. Washington, DC: East-West Center Washington, 2004, (p-51, 53).

<sup>120</sup> Stephen Zunes, Jesse Laird, and Michael Beer (January 2010), "Aceh: Struggle for self-determination (1998-2001)", [www.nonviolent-conflict.org/index.php/movements-and-campaigns/movements-and-campaigns-summaries?sobi2Task=sobi2Details&sobi2Id=27](http://www.nonviolent-conflict.org/index.php/movements-and-campaigns/movements-and-campaigns-summaries?sobi2Task=sobi2Details&sobi2Id=27), (Accessed: 9 Feb 2015)

<sup>121</sup> Ansori, M H (2012, page-33) "From Insurgency to Bureaucracy: Free Aceh Movement, Aceh Party and the New Face of Conflict". *Stability*, 1(1): 31-44. DOI: <http://dx.doi.org/10.5334/sta.ah>.

of the multinational corporations along human rights lines by accusing the companies colluding with the military regime which commits gross human rights violation.<sup>122</sup> GAM condemned the September 11 terrorist attack on the United States and voiced support for the U.S. campaign against terrorism.<sup>123</sup> As mentioned above, GAM allied itself with both international and domestic human rights organizations as they reported the human rights abuses committed by the Indonesian government forces.

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<sup>122</sup> Kirsten E. Schulze and East-West Center Washington. "The Free Aceh Movement (GAM): Anatomy of a Separatist Organization". 2; 2. Vol. Washington, DC: East-West Center Washington, 2004, page - 9.

<sup>123</sup> Larry Nicksch, "Indonesian Separatist Movement in Aceh", CRS Report for Congress, Order Code RS20572, (25 Sept. 2002, p-2) <http://fas.org/irp/crs/RS20572.pdf> (Accessed: 11 April 2015)

### ***Part Three: GAM — Indonesian Government's Peace Negotiation***

After the fall of the Suharto regime, the Indonesian government under the leadership of President Wahid signed the first ceasefire agreement with GAM on 12 May 2000 in Geneva to end violence in Aceh — but it was short-lived.<sup>124</sup> In December 2002, a new ceasefire agreement known as “cessation of hostilities” between GAM and the government of Indonesia under President Megawatt Sukarnoputri was signed. This too was short-lived and ended in 2003.<sup>125</sup> The main reason for the repeated failures was the inability to make necessary compromises on both sides. GAM was unable to give up its goal to become an independent nation while the Indonesian government was firm on maintaining its territorial integrity.<sup>126</sup>

The 2004 the Tsunami natural disaster brought immense destruction across the region, killing 130,000 people in Aceh alone, but it also created an opportunity where GAM leaders agreed to talk about the subject of special autonomy. On 15 August 2005, the two sides agreed to sign a Memorandum of Understanding (MoU) which has brought the nearly three decades of bloody civil war to an end.<sup>127</sup> In the MoU, the government of Indonesia offered significant political power on a wide range of issues in

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<sup>124</sup> “Aceh: A timeline of insurgency”, (CNN, 19 May 2003), [www.cnn.com/2003/WORLD/asiapcf/south-east/05/19/aceh.timeline/index.html?\\_s=PM:asiapcf](http://www.cnn.com/2003/WORLD/asiapcf/south-east/05/19/aceh.timeline/index.html?_s=PM:asiapcf), (accessed: 17 April 2015)

<sup>125</sup> Aspinall, Edward, Harold A. Crouch, and East-West Center Washington. *The Aceh Peace Process: Why it Failed. 1.*; 1 Vol. Washington, DC: East-West Center Washington, 2003. (page - x)

<sup>126</sup> Aspinall, Edward, Harold A. Crouch, and East-West Center Washington. *The Aceh Peace Process: Why it Failed. 1.*; 1 Vol. Washington, DC: East-West Center Washington, 2003. (page - x)

<sup>127</sup> Sastrohandoyo Wiryo, "Indonesia and Southeast Asian Territorial Peace Processes." *Asia Europe Journal* 6.1 (2008), page: 15-30.



exchange for GAM's abandonment of its goal for independence. The agreement was implemented under the supervision of the Aceh Monitoring Mission, an unarmed peace monitoring team managed by European countries - Norway, Switzerland, and five ASEAN members - Thailand, Brunei, Singapore, Malaysia, and the Philippines.<sup>128</sup> What are the factors that contributed to the successful resolution of the decades long bloody civil war?

### **3.1 Political Will of the Leadership in the Indonesian Government**

It is fair to conclude that the political will of the leadership in Jakarta is the most significant factor in the successful implementation of the MoU. After the fall of President Suharto in 1998, the subsequent leaders initiated political reforms and began to embrace the idea of decentralization and to show interest in dialogue with the separatist groups. Bacharuddin Jusuf Habibie (often referred to as B.J. Habibie), Abdurrahman Wahid, Megawati Sukarnoputri, and Susilo Bambang Yudhoyono all were all acknowledged for their efforts to bring political changes in the country.<sup>129</sup>

#### **3.1.1 B.J. Habibie (21 May 1998 - 20 October 1999)**

In May 1998, B.J. Habibie succeeded Suharto. During his very brief presidential tenure, he initiated many reforms both political reforms as well as approaches to the GAM-led rebellion. As part of the political reforms, he lifted the media restriction;

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<sup>128</sup> Barron, Patrick, et al. Supporting Peace in Aceh: Development Agencies and International Involvement. 47 (Southeast Asia); 47. Vol. Washington, D.C; Singapore: Institute of Southeast Asian Studies, 2008, page-21.

<sup>129</sup> ABC (8 Jul 2014) "Indonesia votes: From Sukarno to SBY, Indonesia's six presidents", [www.abc.net.au/news/2014-04-22/an-indonesia-presidents-timeline/5379864](http://www.abc.net.au/news/2014-04-22/an-indonesia-presidents-timeline/5379864), (Accessed: 13 Feb 2015)

scrapped the blacklists of foreign correspondents; passed many liberal laws; released political prisoners; and gave East Timor the referendum on independence.<sup>130</sup> The media freedom had especially positive effects in subsequent reforms. By 1998, the national media was able to provide critical coverage including atrocities committed by Indonesian security forces against Aceh civilians on a daily basis. This connected the Aceh story not only with other parts of Indonesia but also the international community.<sup>131</sup>

With regards to conflicts with Aceh rebels, Gen. Wiranto (the commander of armed forces) under B.J. Habibie's administration, also declared to end the army's 'heavy handed' approach to Aceh, and apologized for the abuses committed by the individual soldiers.<sup>132</sup>

### **3.1.2 Abdurrahman Wahid (20 October 1999 - 23 July 2001)**

In 1999, Abdurrahman Wahid, who succeeded Habibie, continued the reform process initiated by his successor.<sup>133</sup> President Wahid was widely credited for laying the foundations for Indonesian democracy in the post-Suharto era. He gave greater freedom to minority ethnic Chinese who had been suppressed under Suharto. He tried to use

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<sup>130</sup> O'CLERY, CONOR. "Only Fall of Habibie Will Satisfy Millions of Voters: CITY EDITION." Irish Times: 15. 1999.

<sup>131</sup> Tim Bunnell; D. Parthasarathy; and Eric C. Thompson. "Cleavage, Connection and Conflict in Rural, Urban and Contemporary Asia". 3; 3. Vol. Dordrecht; New York: Springer, 2013, page-86.

<sup>132</sup> Konrad Huber (2008, p-17), "Aceh's arduous journey to peace", Conciliation Resources, (accessed: 14 Nov 2014), [www.c-r.org/accord-article/acehs-arduous-journey-peace](http://www.c-r.org/accord-article/acehs-arduous-journey-peace).

<sup>133</sup> ABC (8 Jul 2014) "Indonesia votes: From Sukarno to SBY, Indonesia's six presidents", [www.abc.net.au/news/2014-04-22/an-indonesia-presidents-timeline/5379864](http://www.abc.net.au/news/2014-04-22/an-indonesia-presidents-timeline/5379864), (Accessed: 13 Feb 2015)

non-violent means to end the long-running separatist conflict in Aceh and the simmering unrest in Papua.<sup>134</sup> In 2000, through the mediation of the Centre for Humanitarian Dialogue - HDC (a Geneva-based organization), Wahid's government and GAM signed the agreement known as "Joint Understanding on a Humanitarian Pause" for humanitarian access to the conflict areas. However, the agreement fell apart in 2001 because it was deemed to have flaws which GAM was reported to have taken advantage of to reorganize and refurbish itself.<sup>135</sup>

### **3.1.3 Megawati Sukarnoputri (23 July 2001 - 20 October 2004)**

In July 2001, Megawati Sukarnoputri succeeded Wahid. Dealing with the separatist movements, she was determined to maintain the Unitary State of Indonesia at any cost.<sup>136</sup> As her first presidential act, she signed legislation that gave Aceh a "Special Autonomy" status which would allow Aceh to practice Sharia Law within its jurisdiction, and also gave Aceh 70% of the revenue from Aceh's oil and gas resources for the initial eight years, after which it would be shared 50-50 with Jakarta.<sup>137</sup> Meanwhile, she also allied with the security forces and backed the military's "strong-arm" tactics in Aceh, West Papua and police stations in other islands.<sup>138</sup> Even though she could not bring

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<sup>134</sup> "AUSTRALIA OWES A DEBT OF GRATITUDE TO INDONESIA'S ACCIDENTAL PRESIDENT." The Australian (National, Australia): 19. 2010.

<sup>135</sup> Konrad Huber (2008, p-18), "Aceh's arduous journey to peace", Conciliation Resources, (accessed: 14 Nov 2014), [www.c-r.org/accord-article/acehs-arduous-journey-peace](http://www.c-r.org/accord-article/acehs-arduous-journey-peace).

<sup>136</sup> "Megawati's achievements", The Jakarta Post (23 July 2003), [www.thejakartapost.com/news/2003/07/23/megawati039s-achievements.html](http://www.thejakartapost.com/news/2003/07/23/megawati039s-achievements.html) (accessed: 22 March 2015)

<sup>137</sup> Konrad Huber (2008, p-18), "Aceh's arduous journey to peace", Conciliation Resources, (accessed: 14 Nov 2014), [www.c-r.org/accord-article/acehs-arduous-journey-peace](http://www.c-r.org/accord-article/acehs-arduous-journey-peace).

<sup>138</sup> Miah, Malik. "Indonesia Under Megawati: "the Old Forces are Back in Power"." Against the Current Nov 2001: 22. ProQuest. Web. 22 Mar. 2015 .

political reform in the structural sense as expected, she is credited for modest economic growth and bringing stability to many regions where religious and ethnic violence once reigned.<sup>139</sup> However, unlike her predecessors, Megawati did not produce a legacy of political reform. Some criticized her as being “without any instinct for change.”<sup>140</sup>

### **3.1.4 Susilo Bambang Yudhoyono (20 October 2004 - 2014)**

Susilo Bambang Yudhoyono is the sixth President, and also the country’s first directly elected President in Indonesia.<sup>141</sup> He is especially credited for the “unprecedented stability”, “the level of communal violence declined”, “ending the 30-year civil war in Aceh”, “economic prosperity”, “leading the country into a regional and global power”, and “admission to the G20.”<sup>142</sup>

Mr Yudhoyono’s successes may have also been due to his own experience as soldier, general, cabinet minister, and politician prior to his presidency. He is often considered as the “Thinking General”<sup>143</sup> and a “man of principle”<sup>144</sup> who is willing to sacrifice his own ambition for the values he believes in. As a military man, he completed

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<sup>139</sup> “For Megawati, the legacy is mixed”, New York Times, (20 Oct 2004), [www.nytimes.com/2004/10/19/world/asia/19iht-jakarta.html?\\_r=0](http://www.nytimes.com/2004/10/19/world/asia/19iht-jakarta.html?_r=0) (accessed: 22 March 2015).

<sup>140</sup> "Prospect for Reform." Far Eastern Economic Review 164.31 (2001): 6. ProQuest. Web. 22 Mar. 2015.

<sup>141</sup> “H.E. Mr Susilo Bambang Yudhoyono, President of Indonesia”, [www.un.org/sg/management/bios/Yudhoyono.shtml](http://www.un.org/sg/management/bios/Yudhoyono.shtml), (Accessed: 22 March 2015)

<sup>142</sup> “SBY’s mixed legacy”, Marcus Mietzner, New Mandala, (18 Sept 2014), <http://asiapacific.anu.edu.au/newmandala/2014/09/18/sby-mixed-legacy/> (accessed: 22 March 2015)

<sup>143</sup> “Indonesia’s thinking general urges action”, Bill Guerin, Asia Times, 2 November 2004, [www.atimes.com/atimes/Southeast\\_Asia/FK02Ae02.html](http://www.atimes.com/atimes/Southeast_Asia/FK02Ae02.html), (accessed: 23 March 2015)

<sup>144</sup> BBC (9 July 2009) “Profile: Susilo Bambang Yudhoyono”, <http://news.bbc.co.uk/2/hi/asia-pacific/8127421.stm>, (Accessed: 19 Nov. 2014)

several tours of duty in East Timor. He witnessed the brutality of the military in the frontline, and it is plausible that many cases of those military actions might have taken place under his command). When East Timor's armed struggle transitioned to independence in 1999, he was promoted to Chief of Territorial Affairs. With such position, he would have reported directly to Gen Wiranto, the former head of the armed forces, who has been indicted for war crimes by a special tribunal in East Timor. Mr Yudhoyono later expressed regret for what had happened in East Timor in 1999.<sup>145</sup> This personal experience might have shaped his policy choice to negotiate with the GAM rebels instead of using military means.

As he transitioned from general into a parliamentarian, he served as minister for mines, and chief minister for security and political affairs in Abdurrahman Wahid's administration in 2000. President Wahid once asked him to declare a state of emergency, but he refused, and he subsequently got fired. President Megawati also reappointed him as senior political and security minister, but he later stepped down. His dismissals from office under successive presidents seemed to have helped his reputation as a man of principle.<sup>146</sup>

In short, in the post-Suharto era, the chain of decisions the successive leaders took shows that the leadership in Jakarta have begun to realize the importance of power devolution to regional governments if the whole archipelago of Indonesia is to remain as

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<sup>145</sup> Victor Mallet and Shawn Donnan, "Interview with Susilo Bambang Yudhoyono" (Financial Times, 4 Feb. 2005), [www.ft.com/cms/s/0/f613cb8c-76d8-11d9-b897-00000e2511c8.html#axzz3JZjIVUaC](http://www.ft.com/cms/s/0/f613cb8c-76d8-11d9-b897-00000e2511c8.html#axzz3JZjIVUaC), (Accessed: 19 Nov. 2014)

<sup>146</sup> BBC (9 July 2009) "Profile: Susilo Bambang Yudhoyono", <http://news.bbc.co.uk/2/hi/asia-pacific/8127421.stm>, (Accessed: 19 Nov. 2014)

one united state. In addition to the change of leadership's attitude toward the separatist rebels, the leaders also initiated wider political reform such as security sector reforms, which are deemed to be the most important reform for further democratic transition.

### **3.2 Security Sector Reform:**

After the fall of Suharto, the subsequent Indonesian leaders were able to lead the military out of political processes and subsequently move the country into a more democratic era. After nearly 50 years of retaining power in parliament without having to go through an election, it was only in 2002 that the People's Consultative Assembly, the country's highest representative body, managed to push the military out of politics altogether. The military also began to ban active military officers from seeking elected office.<sup>147</sup> "This phasing out of military involvement in politics and civil society marks yet another step in the democratic reforms that have been under way since 1998."<sup>148</sup>

With the objectives to bring public services closer to the people or make the public services more responsive to the local needs and to accommodate aggrieved ethnic minorities, Indonesia began decentralization in 1999.<sup>149</sup> From 2001 to August 2008, 137 new districts and cities have been established and have increased the general allocation

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<sup>147</sup> "Indonesian army pullout from parliament", Andreas Harsono, Asia Times, 15 April 2004, [www.a-times.com/atimes/Southeast\\_Asia/FD15Ae05.html](http://www.a-times.com/atimes/Southeast_Asia/FD15Ae05.html), (accessed: 22 March 2015)

<sup>148</sup> "Indonesian army pullout from parliament", Andreas Harsono, Asia Times, 15 April 2004, [www.a-times.com/atimes/Southeast\\_Asia/FD15Ae05.html](http://www.a-times.com/atimes/Southeast_Asia/FD15Ae05.html), (accessed: 22 March 2015)

<sup>149</sup> Tim Bunnell; D. Parthasarathy; and Eric C. Thompson. "Cleavage, Connection and Conflict in Rural, Urban and Contemporary Asia". 3; 3. Vol. Dordrecht; New York: Springer, 2013, page-66, 84.

of funds.<sup>150</sup> After 1998, Jakarta's control over Aceh's urban centers became significantly reduced, and this allowed the voice of separatists to be heard publicly for the first time.<sup>151</sup>

### **3.3 Third Party: The Role of International Community**

The coalition of states, the European Union and the Association of Southeast Asian Nations (ASEAN) formed The Aceh Monitoring Mission (AMM) to proactively lead monitoring of the agreement's implementation - sets priorities, and suggests the agenda to the parties. The EU pledges to continue its interest in the sustainability of the peace process at various stages.<sup>152</sup>

The Crisis Management Initiative (CMI) led by former Finnish President Martti Ahtisaari, was well recognized as the "midwife"<sup>153</sup> to the Memorandum of Understanding (MoU) which was signed in August 2005. Martti Ahtisaari played an especially critical role with his status and direct access to top decision makers at the UN and EU. With his mantra of "nothing is agreed until everything is agreed"<sup>154</sup> and his

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<sup>150</sup> Tim Bunnell; D. Parthasarathy; and Eric C. Thompson. "Cleavage, Connection and Conflict in Rural, Urban and Contemporary Asia". 3; 3. Vol. Dordrecht; New York: Springer, 2013, page-70.

<sup>151</sup> Tim Bunnell; D. Parthasarathy; and Eric C. Thompson. "Cleavage, Connection and Conflict in Rural, Urban and Contemporary Asia". 3; 3. Vol. Dordrecht; New York: Springer, 2013, page-85.

<sup>152</sup> Pieter Feith and United States Institute of Peace "The Aceh Peace Process: Nothing Less than Success", 184; 184. Vol. Washington, DC: U.S. Institute of Peace, 2007, page-6.

<sup>153</sup> Konrad Huber (2008, p-19), "Aceh's arduous journey to peace", Conciliation Resources, (accessed: 14 Nov 2014), [www.c-r.org/accord-article/acehs-arduous-journey-peace](http://www.c-r.org/accord-article/acehs-arduous-journey-peace),

<sup>154</sup> Konrad Huber (2008, p-21)

willingness to be tough and fair, he forced the Indonesian government and GAM rebel to make necessary compromise.

Marti Ahtisaari, the former Finnish prime minister openly pressured the GAM delegation to accept Jakarta's offer of a special autonomy package and threatened GAM with withdrawal of international support for its movement if it refused Jakarta's package.<sup>155</sup>

### **3.4 GAM leaders**

I argue that the abilities of GAM leaders to control their ground forces and their recognition of timing (either by choice or by chance) to make compromises, abandoning independence in exchange for meaningful autonomy, was an important factor for the success of peace negotiations.

GAM was able to demonstrate to both the Indonesian government and the international community that it alone is the legitimate representative of Aceh people to negotiate with because it has military and political authority on the ground.<sup>156</sup> Despite the distance (GAM leaders lived in Sweden), their ability to maintain control over their ground forces in Aceh, may have given them credibility and power in their negotiation.

However, GAM was not always united. During its struggle, several smaller groups: Majles Pemerintahan GAM (MP-GAM), Front Mujahidin Islam Aceh (FMIA),

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<sup>155</sup> Ansori, M H (2012, page-34) "From Insurgency to Bureaucracy: Free Aceh Movement, Aceh Party and the New Face of Conflict". *Stability*, 1(1): 31-44. DOI: <http://dx.doi.org/10.5334/sta.ah>.

<sup>156</sup> Kirsten E. Schulze, and East-West Center Washington. "The Free Aceh Movement (GAM): Anatomy of a Separatist Organization". 2; 2. Vol. Washington, DC: East-West Center Washington, 2004, page-24.



and Republik Islam Aceh (RIA) split from GAM. GAM believes that the break-ups were directed by Indonesian intelligence apparatus to undermine GAM.<sup>157</sup> The divisions among GAM leadership started in 1987, but GAM leaders were able to keep their differences secret until 1999 in order to safeguard their struggle.<sup>158</sup> It is admirable to learn that GAM leaders were able to keep their differences secret, which shows their maturity, seriousness, and dedication for their shared cause - independence. This demonstrates the importance of internal unity to be effective as a group in negotiation.

In addition to their ability to control ground forces, GAM leaders seem to recognize the appropriate timing for political decisions regarding whether or not to accept the government's offer. GAM believes that it is important to be able to form political parties in Aceh and represent local interests; Indonesian national parties cannot represent local interests, since they are controlled by the center in Jakarta.<sup>159</sup> In short, both GAM and the government showed political courage in finding a way to address each other's concerns through negotiation.<sup>160</sup>

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<sup>157</sup> Kirsten E. Schulze, and East-West Center Washington. "The Free Aceh Movement (GAM): Anatomy of a Separatist Organization". 2; 2. Vol. Washington, DC: East-West Center Washington, 2004, page-23.

<sup>158</sup> Kirsten E. Schulze, and East-West Center Washington. "The Free Aceh Movement (GAM): Anatomy of a Separatist Organization". 2; 2. Vol. Washington, DC: East-West Center Washington, 2004, page-21.

<sup>159</sup> Ansori, M H (2012, page-34) "From Insurgency to Bureaucracy: Free Aceh Movement, Aceh Party and the New Face of Conflict". *Stability*, 1(1): 31-44. DOI: <http://dx.doi.org/10.5334/sta.ah>.

<sup>160</sup> Conciliation Resources, "Learning from the Indonesia-Aceh Peace Process", Policy Brief 2008, page - 4. [www.c-r.org/sites/default/files/accord%2020\\_Indonesia\\_policybrief\\_2008\\_ENG.pdf](http://www.c-r.org/sites/default/files/accord%2020_Indonesia_policybrief_2008_ENG.pdf) (accessed: 5 Oct 2014)

## ***Part Four: Lessons for Myanmar***

The Aceh-Indonesia conflict resolution experience offers many lessons for the Myanmar government, non-governmental organizations, civil society organizations working in Myanmar, and the international community as a whole. Most importantly there are several lessons for the ethnic rebel groups as discussed below.

### **4.1 For the Government: Brutality and Exploitation Generate Separatism**

The Government should realize that brutality and repression shall only continue to generate more resentment and instability instead of stabilizing the situation. The story of Aceh-Indonesia conflict experience clearly indicates a correlation between the rise of brutality and the increase of GAM's rank and file. For example, the Daerah Operasi Militer (Military Operations Zone) or simply as DOM<sup>161</sup> operation which crushed GAM between 1997 and 1998, and thousands of unarmed civilians were also dead at the hands of Indonesian security forces as several international non-governmental organizations claimed that.<sup>162</sup>

In 1999, the GAM re-emerged a second time in even greater numbers than earlier and expanded its territorial coverage in Aceh. This second re-emergence is partly thanks to the Asian financial crisis of 1997, that caused the collapse of the "New Order" regime

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<sup>161</sup> This period is characterized by the heavy-handed military reprisals against villages believed to provide logistical help or sanctuary to the insurgents.

<sup>162</sup> Jane's Defense (13 Dec. 2000), "Aceh: Indonesia's continuing headache". [www.ihf.com](http://www.ihf.com)

in Jakarta.<sup>163</sup> Coinciding with instability within the regime, the brutality and repression by the Indonesian military created fertile ground for the GAM's recruitment.

As in Aceh, successive governments in Myanmar have been telling the general public that the ethnic groups are separatists. In the author's view, the incumbent government(s) should have ideally created conditions under which the idea of independence became unattractive for the minority population. In Aceh, after the signing of the MoU, the Indonesian government withdrew its troops from Aceh in significant number, and gave the people of Aceh 70 percent of the revenue from oil and gas production. Notwithstanding the above, the implementation of MoU is by no means perfect, but the Acehnese people are able to largely govern themselves. Given that Aceh is still part of Indonesia, the case of Aceh-Indonesia proves that decentralization does not necessarily mean separation, and it is possible to form a federal state or decentralized state, without having the word federalism.

Both the governments and ethnic rebel leaders often talk about trust building. Myanmar has been in civil war literally ever since its independence in 1948. Understandably the protracted conflict will make it difficult to build trust overnight, but the government needs to prove by deeds rather than words that it is serious about national reconciliation. In Aceh-Indonesia experience, after the fall of Suharto regime, the leaders in Jakarta acknowledged their wrongdoing in Aceh, started significant reform and devolved substantial power to the Aceh government.

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<sup>163</sup> Ansori, M H (2012, page-33-4) "From Insurgency to Bureaucracy: Free Aceh Movement, Aceh Party and the New Face of Conflict". *Stability*, 1(1): 31-44. DOI: <http://dx.doi.org/10.5334/sta.ah>.

## 4.2 For NGOs/ Rights Groups

Human Rights organizations and NGOs, such as Human Rights Watch and Rehabilitation Action for Torture Victims in Aceh (RATA),<sup>164</sup> were widely acknowledged for their respective roles, in both recording and publicizing the human rights abuses committed by the security forces (i.e., police) as well as for helping people to rebuild their lives after the civil war and the Tsunami. In addition, the European Union supported police training projects, changing police behavior, crime reporting,<sup>165</sup> and rehabilitating Tsunami survivors. Even more importantly, civil society organizations not only recorded the human rights abuses committed by the security forces, but also publicized them.<sup>166</sup> Following the Tsunami, many civilians complained about the lack of effort by the Government to rebuild the affected areas, however, civil society organizations were widely acknowledged to have played an important role in the required reconstruction projects.<sup>167</sup> Their role in helping people to rebuild their lives is crucial because if people are left without work, they become frustrated and could return to rebellion. Myanmar has hundreds of thousands of refugees. Myanmar police are notorious for corruption and uncivil behavior in their conduct. Human rights organizations and civil society organizations have an uphill task educating the public

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<sup>164</sup> "The Indonesian Military and Ongoing Abuses", Human Rights Watch (July 2002), [www.hrw.org/legacy/backgrounder/asia/indo-bck0702.htm](http://www.hrw.org/legacy/backgrounder/asia/indo-bck0702.htm), (accessed: 26 April 2015)

<sup>165</sup> "Policing the Peace in the ACEH Province." YouTube. YouTube, n.d. Web. 19 Apr. 2015. <[www.youtube.com/watch?v=WP91LofAM-Q](http://www.youtube.com/watch?v=WP91LofAM-Q)>.

<sup>166</sup> "101 East - BRIMOB - 25 Oct 07 - Part 1", Al Jazeera English, (Uploaded on 25 Oct 2007), [www.youtube.com/watch?v=x1\\_uAbI-JBQ](http://www.youtube.com/watch?v=x1_uAbI-JBQ), (accessed: 18 April 2015)

<sup>167</sup> "Aceh Afterwards - Indonesia", Journeyman Pictures, Youtube, uploaded 17 May 2010, [www.youtube.com/watch?v=EmppyWu34YQ](http://www.youtube.com/watch?v=EmppyWu34YQ) (accessed: 18 April 2015)

about civic rights and reporting closely on political events and developments given that the government/administration-led changes often come very slowly, but might be sped up by widespread public awareness and pressure.

### **4.3 Media: Help the Public for Making Informed Decisions**

A responsible media plays an important role in society. Mass media has the ability to construct the reality of various actors in society particularly in the context of conflict. Given that media filters what to include and what not to include in its reporting, it has an enormous power to shape public opinion is enormous. Thus media can actually play both constructive and destructive roles in peace building.<sup>168</sup> Ideally, media should serve the public interest by reporting accurately and objectively.

In the Aceh conflict, a study by Najih Imtihani (2014)<sup>169</sup> shows that the national media (mainstream media) reported the Aceh conflict story in the form of firing between GAM and the Government forces during the period of emergency military operation. For example, Kompas Daily (a national media outlet) wrote 992 pieces of news on the Aceh conflict during 2003. Most of these were violence-oriented news. The study finds that peace process efforts were less published and concludes that “when

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<sup>168</sup> Najih Imtihani “The Mass-Media Role in Conflict Resolution: A Case Study of Kompas Daily Coverage on Aceh Conflict 2003- 2005”, *Procedia Environmental Sciences* 20 (2014) 451 – 458, Department of Media Studies, Graduate School of Social Studies, Doshisha University, Kyoto, Japan. (p-452)

<sup>169</sup> Najih Imtihani “The Mass-Media Role in Conflict Resolution: A Case Study of Kompas Daily Coverage on Aceh Conflict 2003- 2005”, *Procedia Environmental Sciences* 20 (2014) 451 – 458, Department of Media Studies, Graduate School of Social Studies, Doshisha University, Kyoto, Japan. (p-453)

level of violence is higher, the role of media in conflict resolution process will be decreasing.”<sup>170</sup>

It would be unproductive for society if the media only wishes to report violent news incidents and pays relatively lesser attention to peace negotiations. In fact, the peace process needs to be reported even more, because that is when real deals are made, and the general public at large has a right to know about the proceedings. I believes that the media should function as a public service, by reporting objective news and facts on the ground, so that people can make informed decisions and explore the potential for peace.

#### **4.4 International Community**

The Aceh-Indonesia example is widely acknowledged as a successful story, and as a proof that even decades-long civil war can be solved when the international community pays enough attention to the conflict. As discussed above, the Aceh conflict (perhaps due to how it coincided with the Tsunami) received a lot of international attention and help. The international community’s engagement no doubt served to pressure both GAM and the government of Indonesia to come to an agreement. The monitoring mission was also strong and was able to supervise the implementation of the MoU.

So far compared to the Aceh-Indonesia conflict, the ethnic armed conflicts in Myanmar have received far less attention from the international community. As a result,

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<sup>170</sup> Najih Imtihani “The Mass-Media Role in Conflict Resolution: A Case Study of Kompas Daily Coverage on Aceh Conflict 2003- 2005”, *Procedia Environmental Sciences* 20 (2014) 451 – 458, Department of Media Studies, Graduate School of Social Studies, Doshisha University, Kyoto, Japan. (p-458)

the Myanmar government is implicitly given a free hand to do whatever it deems necessary to quell the dissidents. Human rights abuses are widespread — especially in areas inhabited by the ethnic minorities.

#### **4.5 Lesson for Ethnic Rebels:**

Respect and recognition come from strength. As Mao Zedong said, “political power grows out of the barrel of a gun.”<sup>171</sup> This piece of wisdom is still as relevant as ever. It is in fact common sense. In a conflict, if A is not a threat to B, why should B pay attention to A? Or if A can defeat B militarily, why should A negotiate with B? In his provocative book, *Give War a Chance*, Edward N. Luttwak observes that warring parties talk when both are exhausted.<sup>172</sup> The question for ethnic armed groups here is how to enhance their stamina and force the current Government to negotiate. The ethnic armed groups need to not only prove that they cannot be eliminated, but also must give a strong impression of being capable of posing a strategic threat to the Government. Strength or leverage is important in negotiation, especially with undemocratic governments, such as the present Government of Myanmar, which adamantly believes in military power.

One of the elements ethnic armed groups in Myanmar lack today is that they fail to project the impression of being a force to be reckoned with. The Myanmar military (dominated by ethnic Bamar) still seems to believe that it can handle the ethnic armed

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<sup>171</sup> “Mao Zedong on War and Revolution”, [http://afe.easia.columbia.edu/special/china\\_1900\\_-mao\\_war.htm](http://afe.easia.columbia.edu/special/china_1900_-mao_war.htm), (accessed: 17 April 2015)

<sup>172</sup> Luttwak, Edward N. *Give War a Chance.*, 1999. (p-36)

groups militarily one by one. I believe this may be partly due to the fact that the ethnic armed groups are susceptible to bait in the government's divide and rule tactic. For example, the Communist Part of Burma (CPB), once the most powerful and feared rebel group was disintegrated into several groups in 1989<sup>173</sup>; the Kachin Independence Organization split<sup>174</sup> into three factions in 1969 and 1990; while the Karen National Union split into multiple factions.<sup>175</sup> The original Shan State Army (SSA)<sup>176</sup> was also split into North & South division.<sup>177</sup>

All of these divisions resulted due to the government's political maneuvers, either directly or indirectly. Also, even though all the ethnic groups fight against the same

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<sup>173</sup> Bertie Lintner, "Broadening the Breach", The Irrawaddy, July, 2000 - VOLUME 8 NO.7, [www2.irrawaddy.org/print\\_article.php?art\\_id=1896](http://www2.irrawaddy.org/print_article.php?art_id=1896), (accessed: 17 April 2015)

<sup>174</sup> KIO suffered two major splits in 1969 and 1990. The first split technically took place in 1968 when its 5th and 6th columns defected. This defection was not due to the maneuver of the Myanmar government. The second break up occurred in 1990 when its 4th Brigade defected. The latter split was directly due to the wedge inserted by the government. On one of the weeks of the split, the government dropped hundreds of thousands of leaflets in author's home town from two military helicopters. The leaflet containing the message of the 4th Brigade's split and the urging the rest should follow suit. On 9 March 2014, the author had a telephone interview with a senior KIO leader who requested anonymity. The brief history of the split can also be found:

MIN LWIN "Kachin Independence Army Celebrates Anniversary", [www2.irrawaddy.org/article.php?art\\_id=15059](http://www2.irrawaddy.org/article.php?art_id=15059), (Accessed: 17 April 2015)

<sup>175</sup> Kyal Pyar "KNU in Bid to Reunite Karen Splinter Groups", The Irrawaddy, 18 March 2013, [www.irrawaddy.org/burma/knu-in-bid-to-reunite-karen-splinter-groups.html](http://www.irrawaddy.org/burma/knu-in-bid-to-reunite-karen-splinter-groups.html), (accessed: 17 April 2015)

<sup>176</sup> Shan ethnic group is also split into two main groups: Shan State Army (North) and (South). Shan State Army (North) was split again. More information can be found:

\* "Shan State Army - South (SSA-S)" Jane's World Insurgency and Terrorism, 25 March 2013, (accessed: 17 April 2015)

\* LAWI WENG "Shan State Army-North Likely to Split", [www2.irrawaddy.org/article.php?art\\_id=18333](http://www2.irrawaddy.org/article.php?art_id=18333), (accessed: 17 April 2015)

<sup>177</sup> The original Shan State Army (SSA) came into existence in 1964. It experienced splits in 1983, 1989, and 1996. According to "Shan State Army - South (SSA-S)" Jane's World Insurgency and Terrorism, 25 March 2013, (accessed: 17 April 2015)



central government, they were unable to unite<sup>178</sup> in fighting against the government. Instead they often became the victims of the government's political maneuvers. If the ethnic armed groups are serious about achieving their objectives, they must demonstrate that they are potent enough to pose a strategic threat to the government — intra-unity as well as inter-unity with some kind of centralized command and control will have to be established. Such alliance of ethnic armed groups, where individual group's strength is magnified by effective command and control system. The effective alliance will not only project the groups' authority as legitimate forces representing their respective ethnic communities, but also will be more likely to gain international support.<sup>179</sup> With both domestic and international support, ethnic groups will have the necessary leverage to enter the negotiation table, and achieve something meaningful for their people.

As stated above, GAM has demonstrated its military prowess and resilience by its three re-emergences after military operations by the Indonesian government. This resilience has paid off. On 27 January 2000, Hassan Wirajuda, Indonesian ambassador to UN, met Hasan di Tiro (GAM leader) in Geneva and acknowledged to the GAM leader that Indonesian military cannot crush GAM militarily, but also pointed out GAM cannot

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<sup>178</sup> Saw Yan Naing, "Amid More Delays, Rivalries Divide Burma's Ethnic Groups" *The Irrawaddy*, 7 February 2014, [www.irrawaddy.org/news-analysis/amid-delays-rivalries-divide-burmas-ethnic-groups.html](http://www.irrawaddy.org/news-analysis/amid-delays-rivalries-divide-burmas-ethnic-groups.html), (accessed: 17 April 2015)

<sup>179</sup> As the NATO report by Andrzej Szewinski shows that one of the reasons why western countries are reluctant to support Syrian opposition groups in their fight against the government, is due to lack of unity among the rebel factions.

Andrzej Szewinski, "Regional and Global Implications of the Syrian Civil War: What Role for NATO?", Defence and Security Committee, NATO Parliamentary Assembly, (23 November 2014, page-12), [www.nato-pa.int/Default.asp?SHORTCUT=3528](http://www.nato-pa.int/Default.asp?SHORTCUT=3528), (accessed: 27 April 2015)

defeat the Indonesian military.<sup>180</sup> As Luttwak (1999) observes that conflicting parties agree to talk when they are mutually are tired of fighting — in a stalemate situation.<sup>181</sup> Entering the negotiation in stalemate situation will put both parties on an equal footing. At the time of negotiation, GAM military force was weakened by the Tsunami but GAM still had the necessary leverage from its First and Third Pillar (i.e., support from the Acehese people and the international community.)

#### **4.5.1 Internationalization of Struggle**

The role of the international community's support for the success of ethnic or sub-national movements should not be underestimated. The international community, whether the United Nations, European Union, or regional organizations such as ASEAN or individual countries, have played a very important role resolving the conflicts in Kosovo, East Timor, Aceh and Sudan. As stated earlier, GAM has capitalized on the international community as the Third Strategic Pillar for its struggle. GAM considered human rights organizations as its biggest ally, and capitalized on that well.

In the recent decades, through the resettlement program of United Nations High Commissioner for Refugees, many ethnic minorities (i.e., Karen, Chin, Shan, Kachin) have emigrated into European countries, United States, Australia, and New Zealand. Maintaining a link with this diaspora community would be a good start, because the

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<sup>180</sup> Aspinall, Edward, Harold A. Crouch, and East-West Center Washington. *The Aceh Peace Process: Why it Failed*. 1.; 1 Vol. Washington, DC: East-West Center Washington, 2003. (page - 11)

<sup>181</sup> Luttwak, Edward N. *Give War a Chance.*, 1999. (p-36)

diaspora communities are not only a potential source of funding, but also capable of lobbying at the international level.

#### **4.5.2 Take Advantage of Modern Technology**

Terrorist organizations such as Al Qaeda and the Islamic State are reportedly utilizing social media to their advantage – Youtube, Twitter, Facebook for recruitment and as well as for propaganda.<sup>182</sup> Admittedly, it is a good platform to communicate to the public especially young people. As the Asian Development Bank forecasts, Myanmar’s economy is set to grow over 8 percent<sup>183</sup> and mobile phone penetration rate to exceed 50% by 2017,<sup>184</sup> which means more people will have access to the internet.

Utilizing the internet will be especially crucial for ethnic rebel groups if they want to reach out to young people. In the pending Nationwide Ceasefire Agreement (NCA), one of the glaring points is ethnic armed groups cannot recruit new members. But if people join voluntarily, this would be defensible as freedom of choice for those individuals. (Moreover, if people join voluntarily, they do not need to be trained as combat troops, but can be taught revolutionary narratives, for instance why they fight. If ethnic rebels could reach out to the urban youth, these young people could potentially be a strong political force, especially in the post-conflict period.) Even if NCA is signed,

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<sup>182</sup> Caitlin Dewey (16 August 2013) “Jihadists organize over social media, in plain view”, The Washington Post, [www.washingtonpost.com/blogs/worldviews/wp/2013/08/16/jihadists-organize-over-social-media-in-plain-view/](http://www.washingtonpost.com/blogs/worldviews/wp/2013/08/16/jihadists-organize-over-social-media-in-plain-view/), (accessed: 18 April 2015)

<sup>183</sup> “Reforms to Continue to Drive Growth, Inflation to Accelerate”, ADB (24 March 2015), [www.adb.org/news/reforms-continue-drive-growth-inflation-accelerate](http://www.adb.org/news/reforms-continue-drive-growth-inflation-accelerate), (Accessed: 27 April 2015)

<sup>184</sup> “Primary Data on Myanmar: A Market Desperate for Communications and Undergoing Rapid Change,” Analysys Mason (17 June 2013), [www.analysismason.com/About-Us/News/Insight/Myanmar-survey-Jun2013/](http://www.analysismason.com/About-Us/News/Insight/Myanmar-survey-Jun2013/), (accessed: 27 April 2015)

everyone knows that it is only the first step to achieving lasting peace. The lasting peace will very much depend on how much Bamar leaders are willing to devolve political power to regional governments. (At the time of writing this paper, there is no sign that Bamar leaders are willing to do so). This means that war can happen at any time. Thus, new recruits will still be important for the rebels.

#### **4.5.3 Negotiation with Unified Voice**

The principle of “nothing is agreed until everything is agreed” was used in negotiation between GAM and Indonesian government to good effect. It obviously worked. But as Myanmar has multiple ethnic armed groups, this principle would be harder to implement. However, in recent negotiations with the government, ethnic armed groups have shown some level of effectiveness in negotiating collectively through United Nationalities Federal Council (UNFC).<sup>185</sup> If UNFC would have consolidated the unity amongst its members, the result could have been much better. If ethnic rebels are serious about achieving their political goal, they should ideally be united as one. Otherwise, they will likely fall prey to the Government’s ‘divide and rule’ tactics again.

#### **4.5.4 Negotiating on Practical rather than Philosophical Terms**

Another lesson ethnic armed groups can learn is to bargain on practical questions of political power, rather than negotiating on abstract or philosophical terminologies

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<sup>185</sup> The UNFC is the latest coalition of ethnic armed organizations. It was renamed and reformed from the Committee for the Emergence of Federal Union (CEFU), founded in Nov. 2010. The UNFC wants to represent all of the ethnic armed forces during peace negotiations with the government.

Myanmar Peace Monitor, [www.mmpeacemonitor.org/stakeholders/unfc](http://www.mmpeacemonitor.org/stakeholders/unfc), (accessed: 24 April 2015)

such as ‘Federalism or self-determination’, which have been a key point of disagreement.<sup>186</sup>

One of the stumbling blocks in the current ceasefire negotiation process between Myanmar government and ethnic rebel groups is about agreeing on certain terminologies. For example in the ongoing nationwide ceasefire agreement text, ethnic rebel groups want to have “revolutionary”<sup>187</sup> in front of their name. Other contentious terms include, ‘federal’ and ‘self-determination’. So far, they have not agreed on the latter term.

Negotiators will be better served by looking at specific details such as who has what power or mandates, etc. During the negotiation between GAM and the Indonesian government they had a similar challenge. But those were overcome by:

“Shifting from the contentious positions of ‘independence’ versus ‘autonomy’ to the comparatively neutral idea of ‘self-government’ was a breakthrough that enabled negotiators to sketch out the terms of an agreement that each side could perceive as addressing their needs.”<sup>188</sup>

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<sup>186</sup> One can argue the opposite - for instance when principle is agreed, details will be easier. But as a saying goes, ‘devils are in details’, ethnic armed groups should pay more attention on negotiating detailed power.

<sup>187</sup> Ethnic armed groups want to have “Revolutionary” in front of their organization name — for instance, “Revolutionary ethnic armed organizations”, but the government only wants as ‘ethnic armed groups’ in the ongoing Nationwide Ceasefire Agreement text. The rebels insist because they want to differentiate from other ‘armed groups’ whose motives are purely economics.

<sup>188</sup> Conciliation Resources, “Learning from the Indonesia-Aceh Peace Process”, Policy Brief 2008, page - 6. [www.c-r.org/sites/default/files/accord%2020\\_Indonesia\\_policybrief\\_2008\\_ENG.pdf](http://www.c-r.org/sites/default/files/accord%2020_Indonesia_policybrief_2008_ENG.pdf) (accessed: 5 Oct 2014)

Instead ethnic groups collectively and alternatively, may focus on detailed negotiation. For example, what kind of decision-making powers they want in relation to education, language, cultural protection/propagation, natural resources management, taxation, and so on.

#### **4.5.5 Pay Attentions to Details**

Under LoGA, Aceh is entitled to retain 70 percent of oil and gas revenues generated within its boundaries. However, LoGA lacks the necessary details, which require the disclosure of company revenues. For example, the state-owned oil and gas companies in Aceh, namely Pertamina and ExxonMobil Oil Indonesia, have no intention to disclose their revenues. As a result, neither the Finance Ministry which is responsible for collecting tax and redistributing revenues nor Aceh political leaders, know how much tax is to be collected.<sup>189</sup>

This is a lesson to be learned for ethnic minorities in Myanmar for their future political negotiation with the central government. For agreement on sharing of tax revenue, there needs to be a law that requires companies, especially publicly traded companies to disclose profit or revenue publicly. This disclosure will allow the authority to calculate how much tax is to be collected.

Moreover, it is also important to bear in mind that it is possible that the agreements achieved in peace negotiation could be diluted, sabotaged, or contradicted by the laws legislated to implement those agreements. Thus, during negotiation, it is wise to include a clause that clearly stipulates which instrument will prevail when

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<sup>189</sup> Tim Bunnell; D. Parthasarathy; and Eric C. Thompson. "Cleavage, Connection and Conflict in Rural, Urban and Contemporary Asia". 3; 3. Vol. Dordrecht; New York: Springer, 2013, page-92.

contradictions arise. This is what has happened in the Aceh-Indonesia conflict resolution.

For example, selected articles in Law No 11/2006 on the Government of Aceh which contradict (or lack consistency with) the MoU:<sup>190</sup>

- *Article 1.4.5 of the 2005 MoU*: “All civilian crimes committed by military personnel in Aceh **will be tried in civil** courts in Aceh”. *Article 203 of Law No. 11/2006*: Military personnel who committed civilian crimes **will not be tried** in civil courts.
- *Article 1.3.3 of MoU*: “Aceh will **have jurisdiction over** living natural resources in the territorial sea surrounding Aceh.” *Article 160 of Law No 11/2006*: Aceh will manage oil and gas in Aceh **together with the central government**.
- *Article 1.1.2c of MoU*: “Decisions with regard to Aceh by [Indonesia’s legislature] will be taken in consultation with and with **the consent of the legislature of Aceh**.” *Article 8 of Law No. 11/ 2006* Decisions with regard to Aceh by Indonesian legislators will be taken in **consultation with** and with the consideration of Aceh legislators.
- *Article 2.2 of MoU*: “A human rights court **will be established** for Aceh”. *Article 227 of Law No. 11/2006*: Cases before 2006 **cannot** be processed in Aceh’s human rights court.

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<sup>190</sup> Nani Afrida, “Jakarta’s homework and maintaining trust in Aceh” The Jakarta Post, 27 February 2012, [www.thejakartapost.com/news/2012/02/27/jakarta-s-homework-and-maintaining-trust-aceh.html](http://www.thejakartapost.com/news/2012/02/27/jakarta-s-homework-and-maintaining-trust-aceh.html), (accessed: 13 April 2015)

It may be useful to include a clause in (future) peace agreements that a temporary commission (with equal representation from both sides) be formed to interpret and adjudicate the agreement (MoU) in the event of a conflict. It is foreseeable that the Government may resist such an idea. Instead, the Government is likely to pressure the ethnic rebel groups to depend on the existing judiciary. But the judiciary is not independent and is most likely influenced by the incumbent government for years to come.

In political negotiations, it is also important to include how inter-state migration shall be dealt with. The successive governments have been encouraging mass migrations of ethnic Bamar into the ethnic minority territories. As a result, the ethnic minorities are no longer a majority in their own territories. The implication is that ethnic minorities will no longer be able to win major votes, which would mean they would have less authority to make important decisions. Even though it is logical that every citizen should have the right to travel and work freely within the country, it is important to decide how much inter-state migrants should have the right to vote. Without addressing this issue, ethnic minorities would be overwhelmed and assimilated into mainstream culture without even realizing it or being unable to stop it even if they see it happening.

It is also important to legally define the ethnic groups (i.e., Kachin, Karen, Shan, etc.) and their legal rights as well as the criteria for state-citizenship (i.e., Kachin state citizen). For instance, in Aceh the Article 211 (1) in the Law of Governing Aceh (LoGA) defines who the Acehnese people are: “Acehnese is every individual born or having Aceh blood line both present in Aceh or outside of Aceh and acknowledges himself/herself as Aceh people.” Article 71 of LoGA states that a person who is 17 years of age or married,



whose voting right is not revoked based on a court decision, not mentally disturbed, and registered as voter is qualified to vote. Legal rights of voters in Aceh (or Aceh state citizen's rights) are stipulated in Article 72 of LoGA:

- a. Elect the Governor and the Deputy Governor, the Regent and the Deputy Regent, as well as the Mayor and the Deputy Mayor;
- b. Supervise the election process of the Governor and the Deputy Governor, the Regent and the Deputy Regent as well as the Mayor and the Deputy Mayor;
- c. Submit the proposal for the policy on the governing of Aceh/District/City Government;
- d. Submit the proposal regarding the perfecting of and amendment to Qanun; and
- e. Supervise the utilization of budget.

Ethnic rebel groups should also further study what kinds of power autonomous state governments have in other countries, such as Quebec government in Canada, and Indian regional governments' power on this matter, etc.

#### **4.5.6 Monitoring Mission**

The Aceh-Indonesia example brings the reality forth that signing a peace agreement is one thing, and implementing the agreement is quite another. Thus, the role of a monitoring mission becomes unequivocally essential for achieving lasting peace.

One of the surrounding issues for the transitional period is how the monitoring commission is to be formed and who will be in the commission. For example, Kachin Independence Organization (KIO) has appealed<sup>191</sup> several times to the United Nations,

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<sup>191</sup> Kyaw Kyaw Aung, "Kachin Appeal for UN Observers", Radio Free Asia (Burmese), 17 May 2012, [www.rfa.org/english/news/myanmar/kachin-05172012151925.html](http://www.rfa.org/english/news/myanmar/kachin-05172012151925.html), (accessed: 24 Jan 2015). The story is translated by Htar Htar Myint, and written in English by Rachel Vandenbrink.

United States, United Kingdom, and China to be actively involved in the peace process. However, China does not want U.S. and U.K. to get involved in Kachin conflict (along its border) because China seems to view such involvement as an encroachment over its own sphere of influence. China does not want to see the prospect of U.S. and U.K. troops being deployed in the conflict zones along its borders as peace keeping forces, according to Khun Okka (a member of The ethnic rebel groups' Nationwide Ceasefire Coordination Team (NCCT)).<sup>192</sup>

Given this background, the concerned ethnic groups are left wondering which international body can effectively serve the interests of all parties in an impartial manner. They must also appeal to ASEAN and European Union because both bodies have their own respective merits. For example, inviting ASEAN to get involved in the peace process will open an official channel for Thailand to observe and facilitate the negotiation through ASEAN channels. It is important to note that not all ASEAN members may have an interest in Myanmar's conflict, but Thailand does. The latter has been hosting hundreds of thousands of refugees from Myanmar for decades, including many political activists, and tolerating the movement of Myanmar's ethnic rebel groups.<sup>193</sup> Additionally, given that China opposes the involvement of U.S., and U.K., an invitation to the EU would be helpful. Once the EU is on board, even the U.K., can

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<sup>192</sup> ဦးကျော်အံသာ (Kyaw Zan Tha), "မြန်မာ တရုတ် အမေရိကန် သုံးပွင့်ဆိုင် ဆက်ဆံရေး or Burma-China-USA Relations", VOA (Burmese), 25 May 2013, <http://burmese.voanews.com/content/article/1668294.html>, (accessed: 18 Jan 2015)

<sup>193</sup> SAW YAN NAING (20 November 2014) "Thai Army to Observe Burma Ceasefire Meetings in Thailand", THE IRRAWADDY, [www.irrawaddy.org/burma/thai-army-attend-burma-ceasefire-meetings-thailand.html](http://www.irrawaddy.org/burma/thai-army-attend-burma-ceasefire-meetings-thailand.html), (accessed: 24 Jan 2015)

participate within the EU framework. It is worth considering that both the EU and Thailand have experience from the Aceh-Indonesia peace monitoring mission.<sup>194</sup>

Referring again to the same, it is worthwhile to recount that while, GAM wanted armed international peace keeping forces on the ground during the transition, but Indonesian government rejected the idea. Eventually both sides compromised to allow the presence of the Aceh Monitoring Mission as an unarmed peace monitoring team managed by EU members - Norway, Switzerland, and five ASEAN members: Thailand, Brunei, Singapore, Malaysia, and the Philippines.<sup>195</sup>

Of course, even if they do not participate in a monitoring mission, the U.S. and U.K. are still relevant. Ethnic armed groups can and should still update them and appeal to them to watch the peace process closely. Even though not officially a part of the process, the U.S. and U.K. should not distance themselves from the peace process, and should pressure the government to devolve meaningful political power to ethnic minorities. The U.S. and U.K. have the moral responsibility to help minorities given that, especially, in Karen, Kachin and Chin, the minorities fought for them during both World War I and II.

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<sup>194</sup> Barron, Patrick, et al. (2008, page:21), Supporting Peace in Aceh: Development Agencies and International Involvement. 47 (Southeast Asia); 47. Vol. Washington, D.C; Singapore: Institute of Southeast Asian Studies.

<sup>195</sup> Barron, Patrick, et al. Supporting Peace in Aceh: Development Agencies and International Involvement. 47 (Southeast Asia); 47. Vol. Washington, D.C; Singapore: Institute of Southeast Asian Studies, 2008, page-21.

## ***Part Five: Conclusion — Greater Challenges Ahead***

The improving image of the Myanmar government both internationally and domestically (especially among Bamar nationalists), suggests that the greatest challenges for the ethnic rebels are yet to come.

The recent political development (however superficial it may be in critics' view) in Myanmar gives the government positive image in international community. As what states normally do, the Myanmar government will continue to claim its right to self-determination, which means the rejection of all external interferences in its internal affairs. As the Myanmar government opens up the economy, international community is more likely to respect the government's claim of this right to self-determination.

The recent growing foreign direct investments in Myanmar<sup>196</sup> suggests that international community is more interested in their business opportunities in the country than interfering domestic politics and caring about the ethnic minorities' unjust condition/ situation. According to the BBC's<sup>197</sup> recent discussion of Myanmar's peace process, even donor countries are making donations in the current peace process with post-conflict business opportunities in mind. The implication of these is that the international community is going to overlook the government's domestic policies, which could be harmful to the ethnic rebel groups. In other words, the ethnic rebels will have a harder time to appeal to the international community for help.

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<sup>196</sup> KYAW HSU MON, "Foreign Investment Soars to Record \$8B in 2014-15" / THE IRRAWADDY, 9 April 2015, [www.irrawaddy.org/business/foreign-investment-soars-to-record-8b-in-2014-15.html](http://www.irrawaddy.org/business/foreign-investment-soars-to-record-8b-in-2014-15.html), (Accessed: 26 April 2015)

<sup>197</sup> “မြန်မာ့အရေး ကမ္ဘာ့အရေး”, BBC (Burmese Service), 23 April 2015, [www.bbc.com/burmese/multimedia/2015/04/150423\\_bd\\_peace](http://www.bbc.com/burmese/multimedia/2015/04/150423_bd_peace), (accessed: 26 April 2015)

In addition to the improving image of the government in the international community, the government's political legitimacy is also relatively improving as the government has gained some public support especially from 'Bamar nationalists.'<sup>198</sup> Despite the changes introduced, the present government is made up of the same military personnel from the previous military regime, just in civilian dress. So, the general public still associate the government with its human abuses during the past military dictatorship. The public anger against the government is still visible.

Traditionally, this public anger has been helpful to the rebels for their support and recruitments. However, this is soon likely to change. The government's legitimacy is improving due to a growing economy, improving media freedom, increasing foreign investments, and the rising interest of western states to engage with the government. As political legitimacy is built on the consent of the governed, as the economy improves, the government's legitimacy is only going to rise. This rise in government legitimacy is an encroachment on the political narrative of the ethnic rebels.

Growing legitimacy of the government is bad for the ethnic rebels for many reasons. Ordinary people, for instance, care most about regularly putting food on the table. So, if people find it easier to put food on their table regularly, they will sway toward the government, which means encroachment on the rebels' support base. If the

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<sup>198</sup> The government supported a controversial bill called 'Protect' Religion, Race", introduced by Buddhist nationalists (Association for the Protection of Race and Religion). The proposed bill would require those who want to change faiths to first obtain permission from local authorities. The ruling party, Union Solidarity and Development Party — USDP (formed by the military) is playing racial and religious cards to win votes from Bamar nationalists in scheduled election later this year.

"Civil Society Groups Urge Myanmar to Drop Bills to 'Protect' Religion, Race", Radio Free Asia, (29 January 2015), [www.rfa.org/english/news/myanmar/bills-01292015150834.html](http://www.rfa.org/english/news/myanmar/bills-01292015150834.html), (accessed: 24 April 2015)

rebels cannot give better opportunities, these ordinary people (who make up majority in the country) can become less supportive of the rebels.

Another prospective challenge is the growing strength of the government forces. Currently, the government forces (i.e., foot soldiers) are poor in morale and have little financial support. But this will change as the country's economy grows. With a growing economy, the government will be able to increase salaries, and to invest in technologies such as aerial drones (both for reconnaissance and military purpose) which will be a big challenge to the rebels. Moreover, as the government receives training from the West, in the name of counterterrorism or counter-narcotic campaigns or humanitarian operations, these trainings will enhance the strategic and tactical operations of the government forces, given that these strategies and tactics can be applied in many ways/ areas. In short, over time, the ethnic rebels will have a bigger and stronger enemy.

During the last two decades of the ceasefire period, it is an open secret that the ethnic rebel leaders did not strengthen their organization, human, or military capacities with the resources (through mining and logging) they extracted, but instead enriched themselves. Perhaps, it is time for the rebel leaders to recognize the importance of education, especially in computer skills. It is time to have a computer engineering department. With computer skills, many things can be done in the ever increasingly connected world — including a war without bullets that could cripple the government.

To remain effective as the legitimate representatives of their respective ethnic communities, the rebel groups need to do a lot of internal cleaning, especially regarding corruption. Corruption erodes their support base and damages reputation. It is time to

invest in the education of their able young people. Talent hunting needs to start as soon as possible.

Close coordination - both politically and militarily - among ethnic armed groups will be even more necessary in the future. As the country's economy improves and the government's legitimacy as well as capacities will be improved significantly, so even the ethnic minorities living in urban areas will find the government more acceptable. If the government implements rural development projects successfully, this will further encroach on the traditional support base of the ethnic rebels. So, without close group unity and cooperation politically as well as militarily, ethnic rebels will not be able to sustain themselves.

In short, in addition to strengthening their own organization, coordination with human rights organizations, other ethnic armed groups, like-minded organizations, and the diaspora community, as well as engagement in overseas diplomatic campaigns, will be the keys to enhance rebel groups' leverage in negotiation with the government.

\*\*\*\*\* *The End* \*\*\*\*\*

## **Acknowledgement**

I would like to express my sincere gratitude to Professor Hurst Hannum for his dedicated guidance throughout the process of writing this thesis. Without his supervision and insightful advice on the entire the writing process, I could not have finished this in time.

My gratitude also goes to Professor Richard Shultz for his teaching and guidance in understanding the dynamic relationship between non-state-armed groups and states. This understanding is an ingredient of this thesis. Moreover, I am grateful to The International Security Studies Committee for awarding me Sarah Scaife Frank Rockwell Barnett Memorial Grant, which enabled my overseas summer internship that gave me an opportunity to learn the ethnic minorities' struggle for their right to self-determination elsewhere.

I also would like to thank a few of my friends who helped me get to The Fletcher School, and helped me with finance that enabled me do travels including summer internship in Uganda. They are: Mr. Craig Halbmaire, Ms. Ingeborg Werring and Mr. Mangshang Ding Ying.

I would like to thank my classmates at Fletcher School for their help editing and correcting my English. Namely: Aditi Manocha, Alison S. Erlwanger, Ameya Naik, Clare Carlo, Clare F. O'Hare, Clint Shoemake, Emily Goldsmith, and Paula Armstrong.

Finally, I am grateful to my family, my wife - Kareng Roi San, and daughter - Mangshang Bawm Lung, for their support and understanding. They give me reasons to work hard and keep up my studies at The Fletcher School. I also would like to thank my father, Mangshang Ting Yaw and mother, Galau Sau Wang (deceased) for their wisdom to send me to school despite they themselves never went to school. I am grateful to my dad who prays for me everyday.