

# THE LEGAL STATUS OF ACHEH SUMATRA UNDER INTERNATIONAL LAW

BY: Tengku Hasan M. Di Tiro, LL, D.  
President National Liberation Front Aceh-Sumatra

---

## HISTORICAL FACTS

### 1. BEFORE DUTCH INVASION

Before Dutch invasion, Aceh-Sumatra had always been an independent sovereign State, internationally recognized, including by Holland itself with whom it had long-standing diplomatic relation and even exchange of ambassadors. In 1866 - seven years before the war with Holland - **Larousse Grand Dictionnaire Universelle** described Aceh-Sumatra as follow: "*Vers la fin du XVIe siècle et jusqu' à la moitié du XVIIe, les Acheins etaient la nation dominante de l' archipel Indien.*" (Vol. I, p. 70, Paris, 1866). **La Grande Encyclopédie** wrote about Aceh-Sumatra: "*En 1582, ils avaint étandu leur prépondérance sur les iles de la Sonde, sur une partie de la Presqu' ile de Malacca, ils étaient en relation avec tous les pays que baigne l' oceéan Indien depuis le Japon jusqu' à l' Arabie. La lutte qu'il soutinrent contre le Portugais établis à Malacca depuis le commencement du XVIe siècle n' est pas une des pages les moins glorieuse de l'histoire des Atchinois. En 1586, un de leur Sultans attaque les Portugais avec une flotte d'environ 500 voiles montée par 60,000 marins.*" C. de Magnin, "**Atchin ou Achem**" (Vol. IV, p. 402, Paris, 1874).

**H.T. Damsté** wrote in his book **Het Volk van Atjèh** (The people of Aceh) that "*from the beginning of the 17th century the border of Aceh in Sumatra reached to the South until Palembang and Bengkulu, and in the Peninsular Malaya to include Perak, Kedah and Pahang*", ("In het begin van de 17de eeuw reikte deze op Sumatra naar het Zuiden tot Palembang en Bengkulu, en op den Malakaanschen overwal tot over Perak, Pahang en Kedah." (p. 39).

In an Introduction to an authoritative French map about **ROYAUME D'ACHEM (KINGDOM OF ACHEH)** showing the extent of Aceh Sumatran territory, published in 1708, the cartographer, M. Chatelain, gave the following notations:

*"L'île de Sumatra est une des plus considerables de l' Asie? Java, qui est la plus meridionale des iles de la Sunde appartient presque toute aux Hollandois ? Batavia est le sejour du Gouverneur General des Indes."*

Thus, when the world was giving tributes to Aceh Aceh-Sumatra as an independent, sovereign, and powerful State, Java was already a Dutch colony for hundreds of years, ruled by a Dutch Governor General in Jakarta.

### 2. THE FIRST DUTCH INVASION

On March 26, 1873, the largest Dutch armada ever assembled in Southeast Asia arrived on the coast of Aceh-Sumatra, bringing a Dutch Ultimatum to the Government of the Kingdom of Aceh-Sumatra demanding the following:

1. Immediate surrender of Aceh-Sumatra to holland without resistance and becomes part of Dutch colony of Indonesia;
2. Stopping slave-trade on the island of Sumatra and stopping piracy in the Malacca Straits;

3. The State of Aceh must give to Holland all parts of Sumatra still under Acehnese sovereignty;
4. The State of Aceh must immediately cut all its diplomatic and commercial relations with all European and Asian countries, renounce loyalty to the Islamic Khalifate in Turkey and swear loyalty to the King of the Netherlands;
5. The Dutch flag must be raised in place of Acehnese flag.

Point two in Ultimatum was merely to provide excuses for the Dutch to be able to moralize their aggression against Aceh-Sumatra in the name of suppressing "piracy & slavery".

The Government of the State of Aceh-Sumatra asked for time to consider the demands. The commander of the Dutch expeditionary force, General Kohler, replied that he gave one hour for Aceh-Sumatra to reply! Thereupon, the great King of Aceh-Sumatra, Sultan Mahmud Shah, did the only honorable thing to do: His Majesty rejected the Dutch Ultimatum forthwith with the following message:

1. The Government and the people of Aceh-Sumatra will never surrender their country to foreign powers and are prepared to fight to defend their soil, and will never accept to become a part of Dutch colony of Indonesia;
2. There is no slave-trading in Aceh-Sumatra as alleged to justify aggression; as to piracy in the Malacca Straits we do not condone it and all proven pirates are strictly dealt with according to the law;
3. Regarding the demand that we give to Holland all Sumatran territories under Acehnese sovereignty, this cannot be done without consultations with the peoples of these territories who are our own people, not colonies;
4. Regarding the demand that we renounce the Islamic Khalifate and to swear loyalty to the King of Holland, this tantamount to asking us to renounce our religion;
5. And finally the demand that we change our flag for yours is totally unacceptable. For our religion and our flag, every Acehnese will shed the last drops of his blood."

Upon receiving that reply, the Dutch, on the same day, declared War against the Kingdom of Aceh-Sumatra. Immediately they began bombardment of the capital city, Kuta Radja. On April 5, 1873, General Kohler stepped ashore on Acehnese-Sumatran soil, with 10,000 European troops just brought in from Holland. On April 23, 1873, at the Battle of Bandar Aceh, the Dutch invading army was annihilated by the army of Aceh-Sumatra. General Kohler himself was killed. What happened was reported as front-page news around the world. The London TIMES wrote (April 22, 1873):

"A remarkable incident in modern colonial history is reported from the East Indian Archipelago. A considerable force of Europeans has been defeated by the army of a native state, the State of Aceh. The Acehnese have gained a decisive victory. Their enemy is not only defeated but compelled to withdraw." The London TIMES commented further that Holland had no business attacking Aceh-Sumatra to begin with, because "Aceh indeed was not a dependency of Holland."

**THE NEW YORK TIMES** (Tuesday, May 6, 1873) wrote in its editorial page as follows:

"A sanguinary battle has taken place in Aceh. The Dutch attack was repulsed with great slaughter. The Dutch General was killed, and his army put to disastrous flight. The repulsed is regarded as most serious may be inferred from a recent debates in the Parliament at The Hague, when a member declared that the enterprise taken altogether will prove the last blow to the authority of Holland in Eastern World."

On May 15, 1873, **THE NEW YORK TIMES** published an editorial about Aceh-Sumatra as followed:

**ACHEH**

"Now, the Acehnese education of the present generation of Cristendom may be said to have fairly begun.

"Soon it will be generally known that the Acehnese are not enervated savages, by any means, but sound Musselmen and hardy fighters.

"It will creep out that they, as well as their present antagonists, once had outlying colonies of their own, and that there was a time when they were even strong enough to besiege the redoubtable Portuguese themselves in the city of Malacca. The knowledge will become general that the Sultan of Aceh was once on very good terms with James I of England, and the latter canny Monarch presented to his Acehnese brother two cannons which now help guard his successor's palace in Sumatra."

On Friday, May 30, 1873, **THE NEW YORK TIMES** published fuller reports on the decisive Battle of Bandar Aceh, which says:

"The Dutch were very badly beaten, General Kohler was killed. With heavy losses, his commands fell back to the shore, where at last advise, they maintained with difficulty a precarious foothold against surrounding foes.

"We are now told from the Dutch side that the Sultan had a very large force, armed with breech-loading rifles. Pending this, the Sultan is showing diplomatic as well as military capacity.

"He has discovered that, by the Treaty of 1819, made between the King of Great Britain and the Achenese Sultan, or by similar contracts made with the East India Company, England undertook to intervene as against any power which should make war on Aceh. It is now, therefore, repented, as part of the London press own, with justice, that the British Government have seriously broken faith with the Sultan in allowing the Dutch to make war upon him without remonstrance or interposition. This impliem a demand for help from England which that power will apparently find it difficult consistently to deny; and the demand coming on the heels of Acehnese succes may have more favorable consideration than if the circumstances were otherwise.

"In any case, it is unlikely that Holland will stop fighting after defeat as that Aceh will do so after victory; so that a struggle of much fierceness and obstinacy may be counted on as almost inevitable.

"The Sultan, who has plenty of money, has sent large orders to Europe for the most improved pattern of arms and his subjected being not only skillfull marksmen, but brave warriors, the phlegmatic and resolute Hollanders will meet in the Acehnese foemen worthy of their steel."

Again, in its editorial on Sunday, July 5, 1873, **THE NEW YORK TIMES**, stated:

"Our sympathies would ordinarily go with the Christian and civilized power, and assuredly when we see Holland battling to suppress a nest success; but a people bravely struggling to defend their soil, their flag, and their faith against a rapacious invader is a different spectacle. The last is the picture drawn as the true one by the good friend of the Acehnese, the Constantinople journalist, and intelligent readers can determine for themselves which is best entitled to their credence."

Other prestigious publications, such as **THE NATION** of New York on May 15, 1873, commented on the Battle of Bandar Aceh and the Dutch's defeat stating that "the repulse of the Dutch appears to have been even more serious than first reported." **The London ECONOMIST** supported the cause of Aceh-Sumatra and ridiculed the notion of Dutch "prestige" in the East. **The London SPECTATOR** suspected a collusion between the British Government and the Dutch. **The BASIRAT** of Istanbul published a series of articles in May and June, 1873, entirely defending the justice of the Acehnese Sumatran cause. Our

Turkish newspapers, such as LA **TURQUI**, **JAVAIB**, demanded Turkish intervention on Aceh-Sumatra side.

### **3. DECLARATION OF NEUTRALITY BY FOREIGN POWERS**

Indicative of the unquestioned status of the Kingdom of Aceh Sumatra as an internationally recognized independent sovereign State was the fact that major world powers declared their neutrality in the war between Holland and Aceh Sumatra. The first to declare strict impartial neutrality in this war was President Ulysses S Grant of the United States who also issued a proclamation recognizing the right of innocent passage of the belligerents, Holland and Aceh, on British territory of Malay and Singapore. While Turkey, Germany, Italy actively considering pro-Aceh-Sumatra policies.

### **4. THE SECOND DUTCH INVASION**

On Christmas Day, Desember 25, 1873, the Dutch colonialist forces invaded Aceh-Sumatra for the second time, with 15,000 troops, under command of General Van Swieten. Barely upon his reaching the shore, Van Swieten announced to the world his "annexation" of Aceh-Sumatra to the Dutch East Indies (Indonesia) to salve the wounded national pride in Holland, while the fact of the matter was the Acehnese State still standing and resisting. Therefore, Van Swieten's "annexation" announcement was universally rejected as illegal since he had not conquered the country - and never will be. (Cf. Dr. Anthony Reid, "Van Swieten's Illegal 'Annexation' of Aceh" in *The Contest for North Sumatra: Atjeh, The Netherlands and Great Britain*, Oxford University Press, 1976). Many years later, upon his retirement, Van Swieten, the "conqueror of Aceh", publicly confessed that he never was, and declared that the Dutch Government had made mistake in making war against Aceh because Acehnese could not be defeated in war. He urged the Dutch Government to recognize the independent of Aceh again and to conclude a peace treaty. A nation, he said, could not die by admitting mistake, but could die by repeating the same mistake again and again. Unfortunately his wise counsel was ignored.

### **5. THE ONE HUNDRED YEARS WAR OF TODAY**

Holland's second invasion marked the beginning of the protacted war because the people of Aceh-Sumatra refused to surrender and fought on from generation to generations. American HARPER'S MAGAZINE had called this war "**THE ONE HUNDRED YEARS WAR OF TODAY**".

The HARPER'S MAGAZINE wrote:

"The Achenese or Achinese whom the Dutch have been vainly endeavoring to subdue for so many years, inhabit the northern and most accessible part of Sumatra, the large island lying to the west of the East Indian Archipelago?The Acehnese have always been warlike and independent race?The hatred of foreign domination, which led the Acehnese to refuse English merchants permission to settle in their country, also led them to fight one European nation after another for nearly 500 years, and there can be no better evidence of their tenacity and national spirit than the fact that their country is still practically independent and their fighting men unconquered.

"Englishmen, Frenchmen, and Dutchmen in turn tried vainly to establish relations with the rich Acehnese, but their patriotism, always so admirable in the European, but so dangerous in the Asiatic, would have none of the foreigner.

"The Portuguese were the first opponents. Hostilities began with the Portuguese settlement in Malacca, and did not finish till that settlement was lost to the Dom in 1641. During this time the Achehnese, not content with defending their own country, made ten separate attempts to capture Malacca. So great was Achin's power that in one of these expeditions it fitted out an armada consisting of more than 500 ships, of which 100 were large than any then used in Europe. This ships carried 60,000 men to Malacca, with the Sultan in command.

"At this time the Dutch John Company began absorption of Java ? Its operations were extended to Sumatra, but for obvious reasons the company did not apparently deem it wise to attempt the subjugation of the "Fighting North" where Achehnese were still virile enough to resist the invader.

"The Hague, in 1871, proceeded to prepare an expedition to invade Achin. The Dutch force, under the command of Major General J H Kohler himself being among the slain. The Dutch soldiers displayed conspicuous courage in the attack but they could make absolutely no headway against the equally brave and fanatic Achehnese who were utterly regardless of death. Another expedition, under General Van Swieten, attacked the town the following June and after many sanguinary fights, in which the Dutch lost heavily, captured the Great Mosque and the Citadel and by the end of the month reduced the whole town. The Achenese submitted to occupation of their capital, but secretly prepared for a further resistance. The Achehnese resumed their dreaded guerilla warfare. The ambushed and killed the Dutch in the interior, and the reign of terror ensued. There the Dutch seriously took in hand what they are pleased to call a war of conquest, which is still going on, and which may continue for generations to come. General after general was sent out, and came home defeated and disgraced: report after report came back to The Hague of guerilla fighting, cutting up of convoys, blowing up trains and disastrous ambushes; and still the Dutch army made little or no headway against their stubborn and relentless foe.

"The Achehnese swore to resist the Dutch usurpations, and consequently year after year, campaign succeeds campaign with an increasingly heavy levy of life and treasures on little Holland and its colonies in the East.

"It is worthy of remark that the Dutch soldiers who have been captured speak well of the Achehnese. They are neither tortured nor ill-treated, and are usually sent back under escort to their own camp.

"Conquered and yet unconquerable, animated by religious zeal and patriotic fervor, the Mohammedan Malays, who have fought Holland for a generation and other Europeans foreign yoke, prefer to face extermination rather than submit to foreing rule. "No sooner has one Achin chieftain been killed or captured than another rises to take his place ?."

(HARPER'S MAGAZINE, August, 1905)

And so the struggle continues, until 1942, the people's resistance finally became victorious and the last Dutch colonialist soldier was ousted from Acheh-Sumatra, 69 years after continuous struggle!

## **6. THE DUTCH ILLEGALLY TRANSFERRED "SOVEREIGNTY" OVER ACHEH-SUMATRA TO INDONESIA IN 1949**

The Dutch who had neither de facto control, nor de jure power over Aceh-Sumatra, illegally transferred "sovereignty" which they did not possess over Aceh-Sumatra to Indonesia, in 1949 thus further denying the people's right to self-determination and independence, after such a long war which the colonialist did not really win.

Using the Dutch fraudulent transfer of "sovereignty" to them as a cover-up, the Javanese - now called themselves "Indonesians", a fabricated 'nation' - took over Aceh-Sumatra by force and intimidation and they perpetuate colonialism over the people of Aceh-Sumatra: the Javanese took over where the Dutch left off.

The collusion between the old Dutch colonialists with the new Javanese Indonesian colonialists in forfeiting the right of self-determination of the people of Aceh-Sumatra is unprecedented in recent history, given the fact that the rules of law are crystal clear:

- (a) Sovereignty in a colony or in a non-self governing territory does not lie in the hands of the colonialist power, or in the administering authority, but in the hands of the people of this colony or territory - UN Resolution 1514-XV;
- (b) Sovereignty over a colonial territory is not transferable by the colonialist power to other colonialist powers;
- (c) All powers must be returned by the colonialist governments to the native people of each territory - in this case, Holland must return all powers to the people of Aceh-Sumatra, and not to Javanese Indonesia - UN Resolution 1514-XV;
- (d) The duty of all states to end colonialism, and to stop anyone from using force against peoples struggling for their independence - UN Resolution 2625-XXV;
- (e) The right of colonized people to fight against their colonialists, and that colonialism is considered an international crime - UN Resolution 2621-XXV;
- (f) The use of force is prohibited against those who seek their self-determination - UN Resolution 3314-XXIX;
- (g) Each colonial territory has a separate legal status from other colonial territories and each has the right to independence; this separate legal status cannot be annulled by colonialist decision to unify the administration of these territories like the Dutch did in Indonesia - UN Resolution 2625-XXV;
- (h) And finally, all peoples have the right to self-determination and independence under the Charter of the United Nations - article 1, Paragraphs 2 and 55; under the Universal Declaration of the Rights of the Peoples, Article 5, 6, and 11; under the Universal Declaration of Human Rights; under International Covenant on Economic, Social and Cultural Rights; and under International Covenant on Civil and Political Rights.

According to all these rules and procedures which are being relentlessly executed in all ex-colonial territories except in the Dutch East Indies, Aceh-Sumatra ought to have been free and independent again - like in the pre-colonial time and from time immemorial.

## **THE LAW OF DECOLONIZATION**

### **1. THE JURIDICAL STATUS OF THE LAW OF SELF-DETERMINATION OF THE COLONIZED PEOPLES**

The law of self-determination of all the colonized peoples has become an inseparable part of International Law whose obligatory execution applicable to all states and to all colonized peoples anywhere in the world. The fundamental principles of this law were vigorously stated in the United Nations General Assembly Resolution 1514 -XV, adopted on December 14, 1960, entitled: "Declaration on the Granting of Independence to Colonial Countries and

Peoples." The lofty principles enunciated in this Declaration has become a new norms of International Law that require all states to conform. The International Court of Justice in its Advisory Opinion, paragraphs 54 to 56, regarding West Sahara Case has affirmed the juridical status of Resolution 1514 as Law regarding self-determination of all colonized peoples.

*("Les principe d'autodétermination en tant que droit des peuples et son application en vue de mettre fin rapidement à toutes les situations coloniales sont énoncés dans la résolution 1514". C.I.J, Recueil, 1975, p. 31)*

In its Advisory Opinion of October 16, 1975, the International Court of Justice decided on the manners through which the objectives of Resolution 1514 could be achieved, namely, for a colonized or non-selfgoverning territory to attain self-determination and self-government it must go through one of these three steps: (a) by becoming sovereign, independent state; (b) by associating, on its own free will, with an existing independent state; (c) by integrating freely with an existing independent state.

*("Pour un territoire non autonome d'atteindre la pleine autonomie, il peut: a. devenir un Etat indépendant et souverain; b. s'associer librement à un Etat indépendant; c. s'intégrer à un Etat indépendant." C.I.J., Recueil, 1975, p. 32).*

The Court stressed in its Advisory Opinion that the application of the right of self-determination always presupposed the free expression of the will of the people, by plebiscite, or other indications such as the resistance put up by the people against the colonialists.

As far as Aceh-Sumatra was concerned, it was never given any of these free choices by Holland or Indonesia: it was transferred to Indonesia by Holland without plebiscite or any kind of consultation.

Article 5 of Resolution 1514, requires all colonialist powers to immediately transfer all powers to the peoples of colonized territories, without any conditions, or reservation, according to the wishes of these peoples freely expressed, without any discrimination as to race, religion, or colour in order that they may enjoy complete liberty and independence.

*("Pour transférer tous pouvoirs aux peuples de ces territoires, sans aucune condition, ni réserve, conformément à leur volonté et à leur vœux librement exprimés, sans aucune distinction de race, de croyance, ou de couleur afin de leur permettre de jouir d'une indépendance et d'une liberté complète.")*

Holland and Indonesia are co-respondents to the crime of colonialism now still perpetuated over the people of Aceh-Sumatra by Indonesia. All powers should immediately be transferred to the people of Aceh-Sumatra. Holland is guilty in helping established Javanese Indonesian colonialism over the people of Aceh-Sumatra on three counts: first, in not returning the power over Aceh-Sumatra to the people of Aceh-Sumatra, to begin with; second, in transferring its alleged and illegal "sovereignty" over Aceh-Sumatra to the Javanese in 1949; third, in falsifying the record of the U.N.Decolonization Commision by not making separate listing - as required - of Aceh-Sumatra as a separate colonial territory from Java.

As is well known, the UN General Assembly, in order to hasten the application of Chapter XI of the Charter, for eradication of colonialism as soon as possible, adopted Resolution 66-1 (1946), which established an Official List of Colonial and non-self-governing territories, established on the basis of information furnished by the eight colonialist countries, among them Holland. By not listing the name of Aceh-Sumatra on this list, as a separate colonial territory Holland was able to trade in with the Javanese, for economic concession, and inturn, it has protected Javanese Indonesian neo-colonialism from the eyes of the United Nations, and the world. This list was and is very important for the General Assembly's policing the colonialists' domains, to extend the application of Article 73, and to permit the assembly to supervise the progress in the decoloniazation process, and to determine which are still colonial and non-selfgoverning territories in the face of colonialist powers' efforts to make the

UN accept their thesis that they have exclusive in the matter, especially to decide when the required information/reporting from them should be terminated. Many neo-colonialist scheme involving millions of square miles of territories and millions of peoples have been promoted by incorrect listing by the imperialists. Holland not only failed to register Aceh-Sumatra in the List as a separate colonial territory from Java, but also Borneo, the Celebes, the Moluccas, and Lesser Sunda island, thus giving cover to Javanese Indonesian neo-colonialism, after having created it. Holland failed to report the most important fact: that no referendum was held when Aceh-Sumatra- and the rest of her colonial territories - was delivered to the Javanese rulers in Jakarta.

After adopting the Declaration on the Granting of Independence to Colonial Countries and Peoples, the General Assembly went on to establish juridical system in support of the decolonization process, in two most vital aspects: first, regarding the legitimacy of the national liberation struggle, including armed struggle, which the people may have to do to secure their right to self-determination; second, regarding the obligation imposed by this law upon the third states relative to this legitimate struggle.

These two vital principles of International Law which is in force, are embodied in the General Assembly Resolution 2625-XXV adopted on October 25, 1970, which is also a Declaration regarding principles of International Law relative to friendly relations and cooperation among states in accordance with the Charter of the United Nations. This Declaration reaffirms the great principles of self-determination of peoples and the duties of independent states to help in the realization of this principle, namely:

- (a) the duty of all states to favor decolonization efforts, and to aid the UN in discharging its duties according to the Charter, in order to put an end, as soon as possible, to all manners of colonialism;
- (b) the duty of all states to refrain from using force against the right of self-determination of peoples and their independence;
- (c) the right of all peoples who defend themselves against such coercion in the cause of their self-determination, to receive aid in conformity with the aims and principles of the Charter of the United Nations. Also their right to seek such aids.

*("Tout Etat a le devoir de s'abstenir de recourir à toute mesure de coercition qui priverait les peuples mentionnés ci-dessus dans la formulation du présent principe de leur droit à disposer d'eux-mêmes, de leur liberté et de leur indépendance. Lorsqu'ils réagissent à une telle mesure de coercition dans l'exercice de leur droit de chercher et de recevoir un appui conforme aux buts et principes de la Charte des Nations Unies." Resolution 2625-XXV).*

Resolution 2625-XXV also stated that all colonial territories have a juridical status that is separate and distinct from the colonialist country, and from one another, and this separate juridical status remains as long as the peoples of these territories have not yet exercised their right of self-determination.

*("Le territoire d'une colonie ou un autre territoire non autonome possède, en vertu de la Charte, un statut séparé et distinct de celui du territoire de l'Etat qui l'administre; ce statut séparé et distinct en vertu de la Charte existe aussi longtemps que le peuple de la colonie ou du territoire non autonome n'exerce pas son droit à disposer de lui-même conformément à la Charte des Nations Unies et, plus particulièrement, à ses buts et principes." Resolution, 2625-XXV).*

Also the third countries are affected by this juridical status by their obligations to honour and enforce it. Holland violated this principle of separation between colonial territories when it transferred its alleged "sovereignty" over Aceh-Sumatra to Indonesia - which was Holland's other colony. But since the people of Aceh-Sumatra have not yet exercised their right of self-determination until today, their right to do so is still guaranteed by this provision of International Law.

In fact, the establishment of Indonesia itself is in stark violation of this principle of inherent juridical separation between one colonial territory and another which has been so carefully

guarded in implementing the process of decolonization in all other parts of the world, but so scandalously neglected in the Dutch colonial empire of Indonesia. Not only Aceh-Sumatra was a separate colonial territory from Java geographically, historically, ethnically, culturally, and politically but so were Borneo, the Celebes, the Moluccas, West Papua, and the Lesser Sunda Islands, and the peoples of these huge territories - equal in extent as that from Lisbon to Moscow - have nothing to do with the Javanese - who now assumed the artificial, fabricated pseudo-name of "Indonesians" in the hope of justifying their illegal rule over the non-Javanese.

As the principle of decolonization is based on true separate juridical identity of each colonial territory, the concept of "Indonesia" is based on the total rejection of that principle, in the service of imperialistic exploitation. As **Henry Kissinger** had currently stated: "*Indonesia, for example, was nothing but a geographic expression until the Dutch found it more efficient to unite the islands of the Indies under a single administration.*" (**Nuclear Weapons and Foreign Policy, p.256.**) And this unified colonialist administration was established in Jakarta, Java. This colonialist imposed administration in Jakarta, whether under the Dutch or under the Javanese neo-colonialist cannot legally deny the right of self-determination and the right for separate legal existence to the peoples of those separate colonial territories, namely, Aceh-Sumatra, Borneo, the Celebes, the Moluccas, West Papua, and others.

The concept of "Indonesia" which was invented by the imperialists and is based on the "holynes" of the boundaries of a colonial empire established by conquests, and the concept of decolonization, which by moral and ethical necessity recognized the separate juridical status of each colonial territory, must be clearly understood. In the General Assembly debates over Indonesia's claim to the territory of West Papua ("West Irian"), the Javanese ("Indonesians") representative clearly stated: "The question whether West Irian had cultural links with other Indonesians was irrelevant?The boundaries of the State (of Indonesia) could only be the boundaries of the former Netherlands East Indies?What we consider to be Indonesian and Indonesian territory is nothing else but entire territory of the former colony: the Netherlands East Indies." (Official Records of the General Assembly, 9th Session, 1st Committee, 726 meeting; 912 meeting; 16th Session, 1050 meeting). Here is then a state which is frankly based on colonial domination, on somebody else's conquered territories, forgetting how the bloody conquests were made. Indonesia is thus a state which is admittedly based on colonialists' conquered territories, without any reference to the peoples of those territories, to their cultures, languages, identities, and inalienable rights. Judge M Dillard of the International Court of Justice has stated that it was the people who should determine the destiny of territory, and not the territory should determine the destiny of the people. ("*C'est la population qui determine le destin du territoire et l'inverse.*" *C.I.J., Recueil, 1975, p.20*).

The absurdity of Indonesia's claim to West Papua - as well as to Aceh-Sumatra, to Moluccas, etc. - can be better understood if we were to apply its standard to other parts of the world. For example, what would happen if certain state in Africa, say, Central African Republic would have demanded that all former French colonies in Africa - from Morocco to Madagascar - should be turned over to it, on the same "Indonesian Political Theory"? And similarly what would happen if one of the former Portuguese colonies would have demanded that all former Portuguese colonial territories from Cape Verde to Mozambique, should be turned over to it as an "entity" on the same "Indonesian Political Theory"? Or for Nigeria to demand to rule over all the British colonial territories in Africa, or for India to demand to rule over all British colonial territories in Asia from Kuwait to Singapore and beyond? It would have been rejected as outrageous!

If the concept of "decolonization à la Indonesia" would have been applied to all other colonial territories in the world there would have been only seven - instead of fifty-one ne states established in Africa after World War II, namely, one each for the former colonies of Britain, French, Portugal, Belgium, Italy, Spain and Germany, without reference to the peoples,

history, cultures, and inalienable rights. In Asia there would have been only two or three sates - instead of forty-five - beside "Indoonesia" namely former British colonies and former French colonies, with some artificial names. There would have been only two or three states in Latin America - instead of thirty-six states now. There would have been no Third World majority at the UN, and no Non-Aligned Movement. And above all, no UN Resolution 2625 on the separate juridical status of colonial territories. It is a different world that is being conjured up by the very name of "Indonesia".

There can be no compromise between the concept of "Indoensia" and the principle of decolonization because one goes directly against the other: decolonization requires liquidation of all colonial empires, but Indonesia exists on the principle of territorial integrity of colonial empire: and an empire is not liquidated if its territorial integrity is preserved. Thus Indonesia is still an unliquidated colonial empire with Javamen replacing Dutchmen as emperors. The Decolonization Commission has not come to grips with this paradoxical and intolerable situation although the peoples of these colonial territories have been waging continous armed struggle with much sufferings against Javanese Indonesian regime since it took over from the Dutch in 1949.

The Decolonization Commission which had certified that Dutch colonial empire had been duly "decolonized" should now re-open the case gain for a review - in consultation with the people of Acheh-Sumatra, and others who have legitimate interest in this matter - because the Commission had obviously been misled by Javamen and Dutchmen in 1949.

Resolution 2621-XXV, adopted on October 12, 1970, by the General Assembly of the United Nations completed the legal provision for the attainment of independence for all the people by affirming "the inherent right of all colonial peoples to struggle by all necessary means" against the colonial powers who prevent them from exercising their rights of self-determination.

Resolution 3314-XXIX (14 December, 1974) of the General Assembly of the UN affirmed: "the duty of all states not to use force to prevent peoples from exercising their right of self-determination, liberty and independence or for violating territorial integrity."  
*("Le devoir des Etat de ne pas utiliser les armes pour priver les peuples de leur droit à l'autodétermination, à la liberté et à l' indépendence ou pour violer l'intégrité territoriale." Resolution 3314-XXIX)*

Article 9 of Resolution 2621 stated that nothing in the present definition may prejudice the right of self-determination, the right to liberty, and independence of people who had been prevented from enjoying this right? especially peoples under domination of colonialist and racist and racist regimes and under other forms of foreign domination, nor there be any prejudice for the right of these peoples to struggle for this purpose and to seek aid and to receive such aids for their objectives, in accordance with the principles of the Charter.  
*("Rien dans la présente definition ne peut porter prejudice au droit à l'autodétermination, a la liberté et à l'indépendance des peuples privés de ce droit ? particulièrement les peuples sous la domination des régimes coloniaux et racistes et sous l'autre formes de domination étranngère, ni au droit de ces peuples de lutter à cette fin et de rechercher et de recevoir un appui à cette fin, en accord avec les principes." Resolution 2621-XXV).*

The right of self-determination of the colonized peoples has become part of International Convention universally accepted by all states, no matter what their political or economic regimes, and this fundamental principle has constituted the operative norms of International Law, which according to article 53 of the Vienna Convention of May 23rd, 1969, can no longer be derogated from.

Article 19 of the Project of the United Nations International Law Commission gave the same interpretation and included the safeguard of the right of self-determination of peoples among

the dominant aspects of International Law, and branded as an "international crime" by force of arms. (*Annuaire de la Commission de droit international, 1974, vol.II, 2/a, p.94*)

## 2. THE JURIDICAL VALUES OF THE TREATY CONCLUDED BETWEEN HOLLAND AND INDONESIA IN 1949, TRANSFERRING "SOVEREIGNTY" OVER ACHEH-SUMATRA TO INDONESIA

There are five sets of objections that can be marshalled against the legality and against the juridical values of the Treaty on the Transfer of "sovereignty" between Holland and Indonesia in 1949, especially concerning the transfer of "sovereignty" over Aceh-Sumatra to Indonesia:

- (a) The glaring incompatibility of the Treaty with the decolonization policy followed by the United Nations.
- (b) The violation by this Treaty of the right of self-determination of the people of Aceh-Sumatra.
- (c) The fact that the Treaty was signed by two states (Holland and Indonesia) without juridical right to dispose sovereignty over the territory of Aceh-Sumatra.
- (d) In spite of that fact, however, the parties pretended to dispose the sovereignty over Aceh-Sumatra without consultation with the people concerned, and outside the procedures imposed by the General Assembly of the United Nations and by International Law, in cases of decolonization.
- (e) Consequently, this Treaty is null and void under relevant provisions of International Law.

The Treaty pretended to dispose a territory which belongs to neither of the signatories. As to Holland, it can claim no sovereignty over Aceh-Sumatra by any law. By conquest? It had never successfully conquered Aceh-Sumatra, the people had never surrendered. Besides, conquest is now illegal. The 'strongest' position Holland could assume was as a colonialist administrator. But even as an administering power Holland, by definition, could not have sovereignty belong and always in the hands of the people of Aceh-Sumatra. Holland had no power to transfer that sovereignty to Indonesia or to cede the country to anyone else in its capacity as an administering power. But the most outrageous of all was the fact that in 1949, when Holland has had no presence there since 1942, having been chased out of Aceh-Sumatra by the people's resistance movement. Although Holland had indeed come back to Java and other parts of its Indonesia, Holland had never risked to return to Aceh-Sumatra. In spite of these facts, however, Holland signed this Treaty pretending to transfer "sovereignty" that it had never had over Aceh-Sumatra to Indonesia. ***Nemo dat quod non habet*** - "No one gives what he does not have." These monumental lies however were recognized by Western democracies and by credulous new Third World countries. Afterwards Holland made false report to the United Nations that it had "decolonized" all her colonies thus covering up for Javanese colonialism to this day.

Indonesia also violated the sovereignty of Aceh-Sumatra in collusion with Holland. At the same time it also violated all norms of International Law much too long to enumerate here, making itself a pariah among nations, and the most depraved of all neocolonialist regimes. Legitimizing itself on Holland's fraudulent transfer of "sovereignty" Indonesia had sent its Javanese occupation troops to attack the people of Aceh-Sumatra, and to massacre them, continuing and even exceeding what the Dutch colonialist troops had done before during the last one hundred years.

### THE LEGITIMACY AND THE LEGALITY OF THE STRUGGLE

The United Nations General Assembly Resolution 2621 - XXV adopted on October 12, 1970, which contains a complete program of action to implement the Declaration on Independence

categorically called as "crime" all efforts to maintain a colonial domination over any people, and recognized "the inherent right of all colonized peoples to struggle with all necessary means" against the colonialist powers.

*("Le droit inhérent des peuples coloniaux à lutter par tous les moyens nécessaires." Resolution 2621-XXV).*

The United Nations General Assembly Resolution 2711-XXV, adopted on October 14, 1970, recognized the legitimacy of the liberation struggle, including armed struggle, waged by the colonized people to gain the right of self-determination and to get rid of colonial or foreign domination. All member nations are requested to give necessary aid to such struggle.

*("Reconnait la légitimité de la lutte que les peuples coloniaux mènent pour l'exercice de leur droits à l'auto détermination et aux libre choix et prie tout les Etats de leur apporter toute l'aide nécessaire." Resolution 2711).*

These are the legal basis in International Law of the foundation of the NATIONAL LIBERATION FRONT OF ACHEH SUMATRA in the struggle of the people to regain their right of self-determination from Javanese Indonesian neo-colonialism.

The NLF Aceh Sumatra was formed on October 30, 1976. It composed of patriotic people of Aceh-Sumatra from all walks of life, professions and endeavors, notably farmers, workers, fishermen, students, teachers, traders, intellectuals, doctors, lawyers, engineers, mechanics, men and women. It based itself on International Law, and affirms its Internationalist character by its solidarity with other liberation movements of the oppressed peoples all over the world.

### **THE AIMS OF THE NATIONAL LIBERATION FRONT OF ACHEH-SUMATRA**

The supreme aim of the National Liberation Front of Aceh-Sumatra is the survival of the people of Aceh-Sumatra as a nation; the continued existence of their national homeland which is being confiscated and divided among Javanese settlers; the preservation of their economic and natural resources which are being plundered by the Javanese colonialists and their imperialist backers.

Secondly, to call the world's attention to the fact that the question of Aceh-Sumatra is not a question of "separatism" - as alleged by the Indonesian Javanese neo-colonialists - but a question of self-determination of the people of Aceh-Sumatra and a question of decolonization of the former Dutch East Indies (Indonesia) which has not been decolonized legally and properly in accordance with the purpose and the meaning of the Charter of the United Nations, and with the United Nations Resolution on the Granting of Independence to Colonial Countries and Peoples. Therefore, the question of decolonization of the former Dutch East Indies or "Indonesia" must now be re-opened.

### **THE PEOPLE OF ACHEH-SUMATRA**

The people of Aceh-Sumatra exists as a people; and all people have the inalienable right to self-determination, and to sovereignty. Under International Law, the people of Aceh-Sumatra will not lose their right to independence and sovereignty unless they are exterminated. And genocide is an international crime.

It should have been made clear by now that there is more to it than can be presented here about the struggle of the people of Aceh-Sumatra. This is a historic struggle of the first magnitude, endured by the heroic people after 110 years, that is from 1873 to 1983! They have lost counts of numbers of deads, of rivers of blood, of rains of tears. And yet, they keep on fighting. "The national liberation of a people is the recovery of the history by destroying the imperialist domination to which they were subjected." This is an explanation as well as a secret. Only a man of Amilcar Cabral's genius could have said that.

This is a people who had been free and independence before the Dutch people gained their independence from Spain; who remained free and independent while Java and the Javanese were, for four hundred years, being exchanged - like chattels - under the hands of one colonialist to another, from the Dutch to the British and then to the Dutch again; a people who had been free and independent for thousands of years before the name of "Indonesia" was invented by colonialist administrators; this was the first people of Southeast Asia who stood up against Western colonialism and actually defeated the Western colonialist forces in the battlefields. And yet finally fallen under the worst, stupid, and mindless kind of colonialism, at the most improbable time, when the right of all peoples to self-determination was guaranteed, and specific procedures adopted by the international community and formalized under International Law. How come, the people of Aceh-Sumatra, who fought their independence, more than anyone else, nevertheless their country became a colonial territory, and then, under 'watchful' eyes of United Nations' Decolonization Commission ended up to become a "province" of a Dutch colony of Indonesia, without their consent and against their will? Two United Nations' member states, Holland and Indonesia, had conspired to produce a fait accompli that was so blatant, for their economic and political advantages, in clear violation of the inalienable right of the people of Aceh-Sumatra. Clearly, the people of Aceh-Sumatra have an inherent right to expel Javanese Indonesian invaders from their country, and the international community under international Law, has the obligation to assist them.

In November, 1960, the UN General assembly's Fourth Committee (Decolonization Commission) held that Portugal's "overseas provinces" such as Angola, Mozambique, Sao Tome and Principe, Guinea Bissau, Cape Verde, and East Timor were in fact colonies, and demanded information from Lisbon concerning them with the view of recognizing each of them as a separate independent state. The time has now come for the United Nations Decolonization Commission to declare the "overseas provinces" of Indonesia such Aceh-Sumatra, the Moluccas, the Celebes, Borneo, the Lesser Sunda Islands and East Timor - the last to be invaded by Javanese Indonesia - are in fact colonies that must be freed without further delay!

### **THE LEGITIMACY AND THE LEGALITY OF THE DECLARATION OF INDEPENDENCE OF ACHEH-SUMATRA**

The sovereignty people of Aceh-Sumatra have an inherent right to declare themselves free and independent from the yoke of Indonesian Javanese colonialism. This was done on December 4, 1976, to set the matters straight before the peoples of the world. It was a formal reassertion of the National Will of the people of Aceh-Sumatra to struggle for their national survival. December 4 has a historic meaning symbolizing the continuity of the struggle of the people of Aceh-Sumatra against foreign domination for it was the day after the Dutch shot and killed the last Acehnese Sumatran Head of State, Tengku Maat di Tiro, on December 3, 1911, in the Battle of Alue Bhot, Tangse. The Dutch had counted December 4 to be the formal end of the long war with the people of Aceh-Sumatra since they have killed the last of the leaders. But it was not to be and never will be. On december 4, 1911, after they buried their dead leader, and wiped their tears, the people of Aceh-Sumatra marched again to do battle against the invaders. But somehow along the way, during the 1950s, the Dutchmen were replaced, in the front lines, by the Javamen who tried hard to disorient the people as well as the world. This was why a new Declaration of Independence was issued on december 4, 1976, signifying the fact that the same anti-colonialist struggle continues!

### **A NEW GOVERNMENT OF THE HISTORIC STATE OF ACHEH-SUMATRA WAS FORMED IN LIBERATED TERRITORY**

On December 4, 1976, a new Government of the historic STATE OF ACHEH-SUMATRA was sworn-in in the liberated sovereign territory, and thus the continuity of the historic STATE OF ACHEH-SUMATRA was assured: the country, the people, and their State became a reality again. The one thousand years old Aceh-Sumatran Red Flag with Crescent and Star and Two Black Stripes were hoisted again all over the country. This was the flag the Dutch demanded in their Ultimatum, in 1873, to be removed. THE FAR EASTERN ECONOMIC REVIEW reported: *The Free Aceh Movement has its own flag and travellers from the province tell of villages where this flag is run up at dusk.* (June 24, 1977)

## THE DECLARATION OF INDEPENDENCE OF ACHEH-SUMATRA

To The peoples Of The World:

"We, the people of Aceh, Sumatra, exercising our right of self-determination, and protecting our historic right of eminent domain to our fatherland, do hereby declare ourselves free and independent from all political control of the foreign regime of Jakarta and the alien people of the island of Java.

"Our fatherland, Aceh, Sumatra, had always been a free and independent sovereign State since the world began. Holland was the first foreign power to attempt to colonize us when it declared war against the sovereign State of Aceh, on March 26, 1873, and on the same day invaded our territory, aided by Javanese mercenaries. The aftermath of this invasion was duly recorded on the front pages of contemporary newspapers all over the world. The London, TIMES, on April 22, 1873, wrote: "A remarkable incident in modern colonial history is reported from East Indian Archipelago. A considerable force of Europeans has been defeated and held in check by the army of native state...the State of Aceh. The Acehnese have gained a decisive victory. Their enemy is not only defeated, but compelled to withdraw." THE NEW YORK TIMES, on May 6th, 1873, wrote: "A sanguinary battle has taken place in Aceh, a native Kingdom occupying the Northern portion of the island of Sumatra. The Dutch delivered a general assault and now we have details of the result. The attack was repulsed with great slaughter. The Dutch general was killed, and his army put to disastrous flight. It appears, indeed, to have been literally decimated." This event had attracted powerful world-wide attention. President Ulysses S. Grant of the United States issued his famous Proclamation of impartial Neutrality in this war between Holland and Aceh.

"On Christmas day, 1873, the Dutch invaded Aceh for the second time, and thus began what HARPER'S MAGAZINE had called "A Hundred Years War of Today", one of the bloodiest, and longest colonial war in human history, during which one-half of our people had laid down their lives defending our sovereign State. It was being fought right up to the beginning of world war II. Eight immediate forefathers of the signer of this Declaration died in the battlefields of that long war, defending our sovereign nation, all as successive rulers and supreme commanders of the forces of the sovereign and independent State of Aceh, Sumatra.

"However, when, after World War II, the Dutch East Indies was supposed to have been liquidated, - an empire is not liquidated if its territorial integrity is preserved, - our fatherland, Aceh, Sumatra, was not returned to us. Instead, our fatherland was turned over by the Dutch to the Javanese - their ex-mercenaries, - by hasty fiat of former colonial powers. The Javanese are alien and foreign people to us Acehnese Sumatrans. We have no historic, political, cultural, economic or geographic relationship with them. When the fruits of Dutch conquests are preserved, intact, and then bequeathed, as it were, to the Javanese, the result is inevitable that a Javanese colonial empire would be established in place of that of the Dutch over our fatherland, Aceh, Sumatra. But, colonialism, either by white, Dutch,

Europeans or by brown Javanese, Asians, is not acceptable to the people of Aceh, Sumatra.

“This illegal transfer of sovereignty over our fatherland by the old, Dutch, colonialists to the new, Javanese colonialists, was done in the most appalling political fraud of the century: the Dutch colonialist was supposed to have turned over sovereignty over our fatherland to a "new nation" called "Indonesia". But "Indonesia" was a fraud: a cloak to cover up Javanese colonialism. Since the world begun, there never was a people, much less a nation, in our part of the world by that name. No such people existed in the Malay Archipelago by definition of ethnology, philology, cultural anthropology, sociology, or by any other scientific findings. "Indonesia" is merely a new label, in a totally foreign nomenclature, which has nothing to do with our own history, language, culture, or interests; it was a new label considered useful by the Dutch to replace the despicable "Dutch East Indies", in an attempt to unite administration of their ill-gotten, far-flung colonies; and the Javanese neo-colonialists knew its usefulness to gain fraudulent recognition from the unsuspecting world, ignorant of the history of the Malay Archipelago. If Dutch colonialism was wrong, then Javanese colonialism which was squarely based on it cannot be right. The most fundamental principle of international Law states: *Ex injuria jus non oritur*. Right cannot originate from wrong!

“The Javanese, nevertheless, are attempting to perpetuate colonialism which all the Western colonial powers had abandoned and all the world had condemned. During these last thirty years the people of Aceh, Sumatra, have witnessed how our fatherland has been exploited and driven into ruinous conditions by the Javanese neo-colonialists: they have stolen our properties; they have robbed us from our livelihood; they have abused the education of our children; they have exiled our leaders; they have put our people in chains of tyranny, poverty, and neglect: the life expectancy of our people is 34 years and is decreasing – compare this to the world’s standard of 70 years and is increasing! While Aceh, Sumatra has been producing revenue of over 15 billion US dollars yearly for the Javanese neo-colonialists, which they used totally for the benefit of Java and the Javanese.

“We, the people of Aceh, Sumatra, would have no quarrel with the Javanese, if they had stayed in their own country, and if they had not tried to lord it over us. From now on, we intend to be the masters in our own house: the only way life is worth living; to make our own laws: as we see fit; to become the guarantor of our own freedom and independence: for which we are capable; to become equal with all the peoples of the world: as our forefathers had always been. In short, to become sovereign in our own fatherland!

“Our cause is just! Our land is endowed by the Almighty with plenty and bounty. We covet no foreign territory. We intend to be a worthy contributor to human welfare the world over. We extend the hands of friendship to all peoples and to all governments from the four corners of the earth. “In the name of the sovereign people of Aceh, Sumatra.

Tengku Hasan M. di Tiro  
Chairman, National Liberation Front of Aceh, Sumatra, and Head of State.

Aceh, Sumatra, December 4, 1976.