



Editorial

The Road to Peace

Armed conflict is the most visible form of the absence of peace. It causes death and destruction. It kills innocent civilians not just combatants.

Many armed conflicts arose because of injustices governments failed to resolve. Peace was broken when human rights were violated. The many cases of armed conflicts in Asia and the Pacific are characterized by gross violations of human rights including discrimination, deprivation of livelihood, destruction of the environment, summary killings, abductions, illegal detention, torture, rape and other sexual abuses.

The road to peace is partly addressed by protecting and realizing human rights. Armed response to any armed uprising or rebellion has not led to real peace. Peaceful efforts to resolve the underlying causes of the armed conflict lead to peace. This is the lesson of Bougainville.

But peace cannot be imposed. It has to be worked on by various parties - the government, the armed opposition, the civilian population, and when necessary, the international community. Peace does not endure unless the civilians have active and central role. And this happens only when the human rights of the civilians are protected and realized.

FOCUS Asia-Pacific is designed to highlight significant issues and activities relating to human rights in the Asia-Pacific. Relevant information and articles can be sent to HURIGHTS OSAKA for inclusion in the next editions of the newsletter.

FOCUS Asia-Pacific is edited by Yoshio Kawashima, Director of HURIGHTS OSAKA.

Searching for Peace in Aceh

Sentot Setya

Violence has been gripping Aceh for the last 26 years bringing misery to its 4.1 million population. Peace negotiations between the government of Indonesia and the armed opposition had been tried several times but all ended up in a deadlock. Worse, every failed negotiation led to greater military operations. Civilians, as a result, suffered from human rights violations and persecution. Their livelihood was adversely affected causing increased poverty, unemployment, spread of diseases, and deprivation of education for the children.

Background of the armed conflict in Aceh

The long history of violence in Aceh started with the massive business expansion facilitated by the "New Order" regime of Soeharto in the 1970s. It was marked by the entry of forest concession holders, large-scale plantations, mining corporations, and large-industries supported by companies from the United States (US), Japan and Europe. Many Acehnese paid a heavy price for this situation. They suffered in various ways such as loss of land, loss of local traditions, getting arrested, killed or otherwise persecuted during the early 1970s. Some Acehnese leaders resisted the central government's policies. With the increasing hostility among the Acehnese against the central government's policies, a group of community leaders formed Gerakan Aceh Merdeka (GAM) or Free Aceh Movement and immediately declared the independence of Aceh on 4 December 1976. The government responded by sending thousands of soldiers to Aceh to quell the rebellion and started a three-year military operation. While the Indonesian military (also called TNI) succeeded in containing the rebellion, some members of the armed opposition remained active. GAM's leader, Hasan Tiro, left Aceh and continued the rebellion while in exile in Sweden.

Violence erupted again in 1989. GAM members who returned from military training in Libya started a new offensive against the government. This new round of conflict was used by some disenchanted officers of the TNI based in Aceh to insist that their unit be maintained in the province.¹ The government deployed thousands of troops in Aceh under "Operation Red

Net" (Operasi Jaring Merah), after declaring it a Special Operation Area (DOM). A subsequent report by the Independent Investigation Team on Violent Acts (Tim Independen Pengusutan Tindak Kekerasan) showed that Operation Red Net killed 1,000 to 3,000 people, caused the disappearance of 900 to 1,400 more, injured 500 people, and burned down 700 houses.² The government and the TNI admitted that human rights violations occurred in Aceh during the 1989-1998 period. It was an important development.³ It did not however change the system of governance in Aceh. Repressive acts were still committed and corrupt practices still affected the development projects. The killing of Tengku Bantaqiah and his supporters and the attack on the Komite Nasional Pemuda Indonesia (KNPI)⁴ office in 1999 are examples. Some Acehnese thought that the charges filed against the soldiers for these crimes were too low and directed only at soldiers in the field. Senior officers or high government officials who should be held responsible were left untouched. This situation, according to the view of the people, would not reduce the rate of violent acts.

GAM took this opportunity to support the people's complaints against the government and launched a campaign against it. In 1999, about half a million Acehnese (around 10% of the Aceh population) took part in mass demonstrations to demand that there be a referendum in Aceh to determine whether the people want Aceh to become independent or not. The failure of the government to give justice to the victims of human rights violations during the military operations was cited as a reason for the call for independence for Aceh.

The people's demand for justice for the suffering they experienced helped GAM gain more support for its cause. The government created more problems for the people by carrying out Limited Military Operations in areas considered to be major bases of GAM.⁵

Roots of the problem: Deadlocked peace agreement

The change of government after the 1999 elections brought Abdurrahman Wahid (popularly known as

Gus Dur) into power. He changed the government attitude and policy toward the demand for the independence of Aceh.⁶ With the support of the Parliament and the civil society, he was able to do a number of measures to address the issue. Due to human rights violations, he brought TNI units out of Aceh. He sent a special representative to talk with the GAM leaders, and sought the help of a third party to start negotiations. The Switzerland-based Henri Dunant Center (HDC), a non-governmental organization, proposed to be a mediator between the Indonesian government and GAM. The Indonesian government accepted the offer. HDC began to introduce a program to reduce the tension and to address the impact of violence on the people. It then started to implement some agreements such as "Jeda Kemanusiaan" [Humanitarian Pause] Moratorium Agreement (January-February 2001), Masa Damai Melalui Dialog [Peace Period Through Dialogue] (February-April, 2001), and the Cessation of Hostilities Agreement [CoHA] (December 2002- May 2003).

CoHA, signed in Switzerland on 9 December 2002, has four main concerns:

- a. *Security* - ceasefire, reduction of violence, creation of peace zones, demilitarization (relocation of TNI troops and storage of GAM weapons), reorganization of Brimob⁷ into police force
- b. *Humanitarian assistance* - provision of humanitarian assistance to the internally displaced people
- c. *Reconstruction* - rehabilitation and reconstruction of the infrastructures destroyed by the armed conflict
- d. *Civil Reformation* - organizing of dialogues for the strengthening of the democratic process in Aceh.

CoHA is different from all other peace agreements that preceded it. It has international monitors in place. Its structure for investigation and reporting of violations is far more transparent than those in the previous accords. It is backed at the highest levels of the Indonesian government and by a broad range of international donors. After it started to be implemented, there were many positive developments, most strikingly, a dramatic drop in the level of violence.⁸

Despite the strong will to stop the fighting in Aceh,

the implementation of the peace program was difficult. Incomplete transition to democracy and economic problems diverted the government's full attention from the Aceh issue.⁹ On the other hand, GAM leaders admitted their own difficulty in controlling their undisciplined troops who violated the peace agreement.¹⁰

The government could not fully guarantee the implementation of the peace agreement due to opposition from TNI.¹¹ Military operations and continuing violence against civilians sabotaged the implementation of the peace agreement. This situation violated Law No. 18/2002 on special autonomy for Nangroe Aceh Darussalam (NAD). The military operations weakened the government service in Aceh.¹² TNI pressured the government to issue directives (Inpres No. 7/2001 and Inpres No. 1/2002 regarding comprehensive stages toward the resolution of the Aceh conflict) that run counter to the peace process.¹³

The GAM troops meanwhile continued to commit violence and extortion against Acehnese civilians during the "humanitarian pause" period under CoHA.¹⁴ The killing of a GAM military commander (Abdullah Syafei) is considered to be a protest against GAM's offenses.¹⁵ This case led GAM to attack TNI posts and barracks, which subsequently caused the failure to attain peace by end of 2002.

CoHA has many shortcomings. It failed to address the root causes of the Aceh conflict. It did not have concrete stages of action for attaining peace. The two sides have their own interpretation of the agreement, showing lack of trust between them.¹⁶ Demilitarization and establishment of democratic system in Aceh should not be tackled together. Ceasefire and demilitarization should be dealt with before implementing the democratic development program.

The weak involvement of the civilian population is one of the causes of the failure of the peace agreement. The entire peace process (from negotiation to implementation of the agreement) hardly involved the civilian population. Also, the weak involvement of the international community in the implementation of the peace agreement is a factor. It should not have put the task of implementing the peace agreement on the shoulders of HDC alone. Experience shows that active pressure from other governments (US and Japan) and donor institutions (such as the World Bank) forced the cessation of hostilities in Aceh and the meeting in Tokyo of the two sides.¹⁷ It forced the TNI to withdraw the use of war equipment (jet fighters, tanks, and warships) in Aceh.¹⁸

Table 1: Comments on the peace agreements

Main Problem in Aceh	Humanitarian Pause	CoHA
Violence and armed activities	Less violent acts for 30 days	Less violent acts for 40 days
Judicial and institutional reform	No provision	Demilitarization process not clear on this issue; demobilization program for the guerrilla groups unclear.
Investigation and prosecution of acts of violence and gross human rights violations	No provision	No provision
Economic, social, and cultural problems	The program for the rehabilitation, compensation, and reconstruction of post-war Aceh is not clear. Humanitarian pause was only dealing with humanitarian assistance.	Program not implemented because of a. lack of financial support as well as capability on the part of the national government; b. corruption in the local government; c. weak support from the international community.
Democratization	No provision	Program not properly implemented because the military components of both sides rejected the involvement of civilian community.
Independence and capacity of monitoring bodies and power to demand accountability	Lack of support for strong involvement of civilian community, and lack of mandates for the investigation and prosecution of acts of violence and gross human rights violations	Lack of support for strong involvement of civilian community. Monitoring body does not have power to pressure TNI and GAM to hold violators accountable.

Impact of failure of the peace agreement

War in whatever form always creates suffering and sorrow on the civilian population. Acehese civilians became even more impoverished by the conflict. The military operations after the collapse of CoHA contributed to even more sufferings. They became victims of abduction, killings, arbitrary arrest, torture (especially against women), harassment, seizure and destruction of properties committed by both sides. Though there are no definite figures, the media reported big number of casualties during the 1999-2003 period.

Military hostilities caused physical as well as psychological damage to the civilian population. They lost their properties when they evacuated to military barracks for a year or more. Life in the barracks was not good either as they suffer from diseases due to bad sanitation and health facilities. Children suffered the most. With increasing number of refugees in the barracks, cases of malaria, dysentery, and acute ISPA

(infection of respiratory tract) diseases increased.

The economic activities (mainly farming) stopped in the main conflict areas of Pidie and eastern and southern Aceh due to the fighting during the 1999-2003 period. Coffee harvest in February 2000 decreased by 40% compared to the 1999 harvest because people were frightened to go to the field for weeks.¹⁹ Unemployment also increased. Poverty spread even more during this war in Aceh, and it is getting worse.

The conflict affected the education of the children in Aceh. 107,882 Acehese students were forced to endure bad quality education because of lack of teachers and the burning of a big number of school buildings. Killings and abduction of teachers led to the decrease in their number. There is now a lack of 27,850 kindergarten teachers, 14,260 elementary school teachers, 6,829 junior high school teachers, 3,320 senior high school teachers, and 1,361 vocational teachers.²⁰

Table 2: **Summary of Violent Acts in Aceh** (August 8, 1998 - July 2003)

Period	Killed	Tortured	Missing/ Abducted	Raped/ Sexually harassed	Burning / Building Destruction	Seizure/ Extor- tion
Post- DOM (8 August 1998 - 31 December 1999)	471	209	157	0	1,321 units (1.321 burned)	na
Pre-Humanitarian Pause (1 January - 1 June 2000)	398	196	90	7	780 units (780 burned)	na
Humanitarian pause phase I (June 2 2000 - 2 September 2000)	na*	na*	na*	na*	na*	na*
Humanitarian pause phase II (2 September 2000 - 15 January 2001)	429	817	342	5	1,396 units (1.322 burned) (74 destroyed)	76
Moratorium Agreement (16 January - 5 February 2001)	54	95	14	0	184 units (169 burned) (15 destroyed)	13
Peace period through dialogue (16 February - 8 April 2001)	196	196	14	0	500 units (494 burned) (6 destroyed)	19
CoHA period (9 December 2002 - 16 May 2003)	na*	na*	na	na	na	na
Post-CoHA (19 May - 30 July 2003)	158	na	80	4	577 school buildings burned	na

Data drawn from various sources

*Definite number of victims not available. But HDC stated that during the first three months of humanitarian pause and CoHA's implementation, the rate of violent acts and armed contact in Aceh drastically decreased.

Table 3: **Number of Internal Refugees in Aceh**

(as of July 8, 2003)

Districts	Total Number	Dominant Diseases
South Aceh	14,386	Diarrhea, ISPA, skin diseases
Aceh Utara	10,581	Diarrhea, ISPA, skin diseases
Bireun	8,770	Diarrhea, ISPA, skin diseases
Aceh Jaya	3,196	Diarrhea, ISPA, skin diseases

Data drawn from various sources

Table 4: **Number of Poor People in Aceh**

(1999-2001)

Year	Population
1999	886,809
2000	1,100,000
2001	1,300,000
2002	1,101,368
2003	1,680,000

Data from Nangroe Aceh Darussalam (NAD) (August 2003)

Learning from experience: Searching for peace in Aceh

The still on-going military operations in Aceh have not led to peace. It shows that the military option is not the appropriate way to achieve peace. It instead caused a heavy toll on the Aceh civilian population.

The "humanitarian pause" in the conflict and the CoHA are steps forward. They show that both sides must persevere and learn from experience in order to bring the conflict back to the negotiating table. There are problems with the previous peace agreements that should be resolved.

Some considerations that have to be taken into account in the future peace negotiation between the Indonesian government and GAM:

1. There should be clear aims and phases of implementation of the peace agreement. The peace agreement should provide for detailed steps and phases for demilitarization and establishment of democratic process. This avoids differences in interpretations of the agreement that become excuses for new clashes in Aceh.
2. There should be capacity-building and appropriate institutional, financial and personnel resources available for the implementation of the agreement. Corruption in government and the breakdown of government system down to the village level, serious problems that contributed to the failure of the peace agreement, should be addressed.
3. Both the Indonesian government and GAM should be held accountable for the violations committed by their respective combatants.
4. The civil society must support and be involved in the implementation of CoHA to address the weaknesses of control and monitoring.
5. There should be a re-formulation of the role of the mediator or Third Party. The main problems faced by the monitoring team for the implementation of CoHA were the dependence of the mediator on the goodwill of the Indonesian government, personnel capacity limitations, passive method of monitoring, and lack of coordination (lack of mutual relationship) between the monitoring body and the local communities.

There should a determination of the real capacity of the mediator or Third Party in carrying out the mediation role. The mediator or Third Party should be able to get the support of the civil society organizations to assist it in planning and implementing activities.

The international community should have more effective role in providing concrete support to conflict resolution and not just leave the work to HDC or any other institution as mediator or Third Party. The involvement of the international community motivates the Indonesian government to implement the peace agreement.

The prospect for peace in Aceh is still a question up to now. Both sides must go back to the negotiation table to find a solution to the conflict. There is no option other than negotiation because war has not solved the problem. It instead brought even more suffering not only to the Acehnese but to the Indonesians as whole.

Sentot Setya is the Information and Documentation Coordinator of the Institute for Policy Research and Advocacy (ELSAM).

For further information please contact: The Institute for Policy Research and Advocacy (ELSAM), Jl. Siaga II No 31, Pasar Minggu, Jakarta 12510, Indonesia, ph (6221) 797-2662; 7919-2564; fax (6221) 7919-2519; e-mail: elsam@nusa.or.id; www.elsam.or.id

Endnotes

1. In the early 1980s, the then Commander-in-Chief of the Armed Forces (PANGAB), Benny Moerdani, decreased the number of Territorial Military Commands (KODAMs) in Indonesia. KODAM Iskandar Muda, one of the KODAMs based in Aceh, was planned to be merged with KODAM Bukit Barisan. This plan would make many middle-ranking and senior officers of TNI in Aceh lose their positions. The renewed fighting against GAM therefore became a reason for them to justify the retention of KODAM Iskandar Muda in Aceh.
2. See *Final Report* of the Independent Committee on Violent Acts on its investigation on Aceh case (Jakarta: July 2000) page 7.
3. On 7 August 1998, President Habibie and Armed Forces Commander Wiranto apologized for the military abuses and began the withdrawal of 1,000 troops. See *Pembentukan Pengadilan HAM Ad-hoc Bagi Kasus DOM Aceh* [Setting Up an Ad-Hoc Human Rights Court for Cases on Military Operations in Aceh], Position Paper of Coalition of Aceh Human Rights NGOs, No. 1/2003.
4. KNPI is the National Committee of Indonesian Youth. KNPI was created by Soeharto to organize the Indonesian youth into supporting the New Order regime.
5. Claiming to be running after the supporters of Ahmad Kandang who was accused of kidnapping and killing of military officers in 1998, TNI launched 5 military operations in 1999 in several areas: Operasi Wibawa, Operasi Sadar Rencong, Operasi Meunasah, Operasi Pemulihan Keamanan

Aceh.

6. The pre-Wahid government policy is similar to the policy for Timor Leste. The government never recognized the existence of the National Council of Timor Resistance (CNRT) and the Armed Forces of the National Liberation of East Timor (otherwise known as Falintil) as parallel powerholders. The peace process did not succeed in East Timor due to the refusal of the TNI to come to the negotiation table.

7. Brimob means Brigade Mobile, a special unit in the police department that handles emergency situations such as riots.

8. Overnight, people started behaving as if peace had indeed come. They stayed out late, traveled further afield, reunited with friends and family. GAM fighters came down from the hills and in some areas took part in traditional feast with the local military.

9. See *Aceh: Mengapa Kesepakatan Penghentian Permusuhan Sulit Dipertahankan* [Why is the Agreement to Stop Hostility Hard to Maintain], Briefing Paper of ELSAM No 2/2003.

10. *Ibid.*, page 6.

11. The Aceh conflict became a means for TNI to recover its political role, which it lost after the 1998 change of government. TNI urged the civil government to adopt a policy giving it full political role in the handling of armed conflict in Aceh.

12. See "Aceh: Can Autonomy Stem the Conflict?," *ICG Asia Report* No.18/2001

13. During 2000-2003, a number of presidential decrees were issued regarding the handling of the Aceh conflict which were clearly opposed to the People's Consultative Council decisions such as the Broad Outlines of the Nation's Direction (TAP MPR NO IV/ 1999), Broad Outline of State Policy 1999-2004 (Garis-Garis Besar Haluan Negara, Chapter IV, Point G No. 2), and Peaceful Solution of Aceh Conflicts (MPR Resolution No. IV/2002).

14. Briefing Paper of ELSAM No. 2/2003.

15. Tengku Abdulah Syafeii was a Commander of GAM who supported plans for peaceful resolution of the Aceh conflict. But GAM's leadership opposed him. See "Pemerintah Harus Buka Ruang Dialog Meski Syafii Tewas [Government Must Open Possibility for Dialogue Even Though Syafii is Dead]," in *Tempo Interaktif*, January 24, 2002.

16. GAM objected to the idea Nangroe Aceh Darussalam (NAD) under the Integrated State of Indonesia Republic

(NKRI) concept as an initial step to the dialogue between the two sides. Also, GAM allegedly violated the peace agreement by adding personnel and military equipment, and refusing the "storage of arms." See Briefing Paper of ELSAM No. 2/2003.

17. The Tokyo meeting was held on May 17, 2003. In another meeting, the Indonesian government proposed special autonomy for Aceh and disarming of GAM. But GAM strongly demanded independence for Aceh.

18. A number of ambassadors of donor countries as well as the Foreign Ministers from the European Union visited Indonesian military officials inquiring about war equipment being used in Aceh. The British government, in particular, emphasized its objection to the use of war equipment they sold to TNI in the military operations in Aceh.

19. See "Aceh Ekologi Wilayah Perang [Aceh: Ecology of the War Zone]," in *Down to Earth*, 47 November 2000.

20. Statement of Yulizar Usman, Head of Education Sub-Office, Provincial Education Office of NAD, Banda Aceh, 18 July, 2003.

Crisis and Peace in Bougainville

David Worner

An estimated 12,000 people died during the inter-nal crisis that gripped Bougainville in the 1990s. Destruction and dislocation have also taken a heavy toll on the population of 180,000. However, after almost a decade of fighting, the people of Bougainville are now several years into a peace process that, notwithstanding setbacks and doubts along the way, is due to result in an autonomous government with elections scheduled for 2004.

Bougainville island is part of the North Solomons province of Papua New Guinea (PNG). Geographically and culturally, however, it is closer to the Solomon Islands than the PNG capital of Port Moresby. Violence erupted in Bougainville in 1989. It was the result of a dispute over compensation due for the use of land by the Bougainville Copper Limited mining company, a subsidiary of Conzinc Riotinto Australia. PNG riot police and then the PNG Defence Force met sabotage of the mining operations with excessive force. Many human rights abuses were recorded including extra-judicial killings, beatings, intimidation and other abuses of the civilian population, and the burning of homes and villages. These abuses consolidated locals' support for the Bougainville Revolutionary Army (BRA) and left a legacy of fear and distrust that the PNG forces are still overcoming. The conflict escalated into a war for independence.

During this time, Bougainvilleans who do not want independence from PNG created a militia called Bougainville Resistance Force (BRF). It was reportedly armed by the PNG forces.

Atrocities, however, were not committed exclusively by PNG forces. In many parts of the island, the population was polarized into supporters of either the BRA or BRF. The dispute that had begun over the mine degenerated into a war on the island with many thousands killed, many thousands more dying from illnesses due to forced dislocation, poor nutrition and lack of access to medical treatment following the destruction of food sources and health facilities.

A series of high-level peace talks sponsored by the

governments of New Zealand and Australia led in 1997 to a ceasefire and, at the invitation of Bougainvillean and PNG leaders, the deployment of a neutral Truce Monitoring Group (TMG) made up of approximately 250 unarmed, mostly military personnel from Australia, New Zealand, Fiji and Vanuatu.

Following further confidence building measures, rounds of talks and agreements, the Bougainville Peace Agreement was signed in 2001. The cornerstone provisions of the 2001 Peace Agreement included the withdrawal of PNG forces from Bougainville; a weapons disposal plan; election of an autonomous provincial government; and the possibility of full independence from PNG. The elections for the autonomous government would be subject to UN-verification of weapons disposal and agreement on a new constitution for the province. Full independence would be subject to the outcome of a referendum to be held in Bougainville 10-15 years after an autonomous government is elected.

By the time the Peace Agreement was signed in 2001, a permanent ceasefire had already been established and the five-person United Nations Observer Mission (UNOMB) constituted. The UNOMB had a mandate to oversee the peace agreements and was supported by the International Peace Monitoring Group (PMG), which was similar in structure to its predecessor, the TMG. The unarmed PMG, initially a few hundred strong, was later scaled back to approximately 90 personnel, almost half of which were Australian Defence Forces, a quarter New Zealand Army, with the remainder being Australian civilians and Fijian and Vanuatu military or police. The PMG was predominantly centrally located near the town of Arawa in Bougainville (in the now defunct port facility of the mine) but small teams were based in six or seven district centres. The role of the PMG was to support the peace process and particularly assist with weapons disposal.

The weapons disposal plan involved three-stages. In Stage One, weapons were locked in trunks. Both the trunks and the keys were retained by local comman-

ders of the combatant factions in villages throughout the island. In Stage Two, the trunks were transferred to shipping containers, of which there were approximately thirty around the island. Each container had two locks, one key held by the UN and one held by the area commander of either the BRA or BRF. In 2003, this system was modified due to break-ins and theft of trunks from the containers. Double-locked trunks were thereafter allowed to remain in villages rather than in the centralized containers.

In mid-2003, the UN was able to verify that Stage Two had been sufficiently achieved on the island. This was a prerequisite for allowing the elections for autonomous government to proceed. Provided that the constitution currently being drafted gains approval, the elections are due to be held by mid-2004.

Stage Three of the weapons disposal plan is yet to be reached. It is a decision by the two factions, BRA and BRF, regarding the ultimate fate of the collected weapons. While some weapons have already been destroyed, a decision should be made jointly to destroy all weapons or to retain them for the use by a future Bougainville police or defence force.

The surrender of weapons, witnessed and documented by the PMG, was usually conducted in ceremonies held in villages all over the island. The ceremonies were characterized by singing and dancing by the villagers, speeches by local political and factional leaders followed by a feast. In this way, Bougainvilleans marked an end to hostilities, ushering in a new era of peace.

Another significant role of the PMG was to facilitate communication in support of the peace process. This was accomplished by various means:

- provision of transportation of leaders to meetings, usually via helicopter or four-wheel drive
- investment in communication infrastructure - repair and maintenance of phone lines, satellite phone links, radio communication and the repair of the local radio station equipment
- dissemination of information through visits to villages all over Bougainville, where community meetings were facilitated and monthly newsletters produced at the PMG headquarters were distributed.

The newsletters proved to be an important means of disseminating news about the peace process around the island.

A corollary to the PMG's role of information dissemination was the investigation of ceasefire violations (CFVs) and gathering of information relevant to the peace process across the island. CFVs were documented and reported to the Peace Process Consultative Committee (comprised of political and factional leaders, with representatives from the UN and PMG). The PMG also had a reporting function to its member-governments.

The PMG has now withdrawn from Bougainville. A ceremony on 30 June 2003 marked the end of another stage in Bougainville's path to peace. While the PMG has all but closed down its operations, a small contingent of representatives from the four member-countries, comprised of mostly civilians and called the Bougainville Transition Team (BTT) remains to support the UNOMB. It is likely that the BTT and the UNOMB will withdraw mid next year if elections for the autonomous government proceed as expected.

The conflict in Bougainville has left many scars but the peace process has largely been a success story. Progress has not been as rapid as many had hoped or expected. It has been an expensive, resource intensive exercise. In addition to the substantial role played by Australia and New Zealand, vital ingredients were the support of the United Nations and other Pacific countries. The fact that the PMG was not armed was also significant, reinforcing its role of supporting the Bougainvilleans' own peace process, rather than one of enforcement. Many argue that the process, supported by the UN and Bougainville's neighbors, could stand as a model response to a crisis such as experienced in Bougainville.

David Worner was a member of the Peace Monitoring Group in Bougainville from October 2002 - February 2003. He currently works for the Australian Agency for International Development (AusAID). Views are the author's own and do not necessarily represent those of AusAID.

For further information please contact: "David Worner" (David_Worner@ausaid.gov.au)

The Comprehensive Agreement on Human Rights and International Humanitarian Law: A Document of Peace and Human Rights

Rene V. Sarmiento

There is no substitute to a just and lasting peace. The path to peace, though it zigs and zags and faces many detours, is better than armed conflict and war. War is hell.

The Philippine government's pursuit of a just and lasting peace is best reflected in its six paths to peace which are found in President Gloria Macapagal-Arroyo's Executive Order No. 3 of 28 February 2001¹, reiterating President Fidel V. Ramos's Executive Order No. 125². These six paths which are indivisible and interdependent are (1) pursuit of social, economic and political reforms; (2) consensus-building and empowerment for peace; (3) peaceful negotiated settlement with different rebel groups; (4) programs for reconciliation, reintegration into mainstream society and rehabilitation; (5) ensuring the welfare and protection of civilians and reducing the impact of the armed conflicts on them, and (6) building, nurturing and enhancing a positive climate for peace.

The exploratory talks between the Philippine government and the Communist Party of the Philippines/New People's Army/National Democratic Front (CPP/NPA/NDF) started shortly after former Secretary of National Defense Fidel V. Ramos was sworn in as President of the Republic of the Philippines in 1992. A series of informal talks was conducted by the Philippine government to convince the CPP/NPA/NDF to engage in peace talks, explore the ways of peace and attain a just and lasting peace in the country.

On 1 September 1992 at The Hague, The Netherlands both the Philippine government and the CPP/NPA/NDF forged The Hague Joint Declaration which states the 4 substantive agenda for the formal peace negotiations: (a) human

rights and international humanitarian law; (b) social and economic reforms; (c) political and constitutional reforms; (d) end of hostilities and disposition of forces. The Hague talks was followed by 3 more exploratory talks in the next two and a half years and resulted in the attainment of 4 procedural agreements, namely, Broukelen Joint Statement, Joint Agreement on Safety and Immunity Guarantees (JASIG), Joint Agreement on the Ground Rules of the Formal Meetings, and Joint Agreement on Reciprocal Working Committees (RWCs).

During the period of June 1996 to March 1998, 5 more agreements were completed after a total of 15 rounds of formal and informal meetings. These agreements were a) Additional Implementing Rules Pertaining to the Document of Identification; b) Supplemental Agreement to the Joint Agreement on the RWCs; c) Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CAHR-IHL); d) Additional Implementing Rules of the JASIG Pertaining to the Security of Personnel and Consultation in Furtherance of the Peace Negotiations; and e) Joint Agreement in Support of Socioeconomic Projects of Private Development Organization and Institutes.

The Comprehensive Agreement on Human Rights and International Humanitarian Law (CAHR-IHL) is a landmark agreement between the Philippine government and the CPP/NPA/NDF and is a glowing testimonial to the painstaking and persevering efforts of the two sides. Fingering, short and lengthy discussions, late evening and early morning deliberations, corrections and fine-tuning of punctuations and provisions attended the preparation and finalization of the CAHR-IHL.

The CAHR-IHL consists of seven parts. They are a) the Preamble which introduces the Agreement and articulates the reasons for and the intention of the parties in entering into the Agreement; b) Declaration of Principles; c) Bases, Scope and Applicability; d) Respect for Human Rights; (5) Respect for International Humanitarian Law; e) Joint Monitoring Committee; and f) Final Provisions.

The CAHR-IHL contains the finest principles of human rights and international humanitarian law found in the 1987 Constitution of the Republic of the Philippines and in various international instruments on human rights and international humanitarian law. It also expresses the historical experiences of the Filipino people in their epic struggle against dictatorship. In his opening speech at the formal signing of the CAHR-IHL at The Hague on 14 March 1998, Luis G. Jalandoni, Chair of the NDF Peace Panel, extolled the Agreement and said that it is “ *founded on the interests, aspirations and concrete situation of the Filipino people, especially the workers, peasants, urban poor, women, fisherfolk, national minorities and other struggling sectors of Philippine society.* ”

The finest principles of human rights are universality, indivisibility and interdependence, and solidarity. These are enunciated through numerous rights like the right of the people to oppose oppression and tyranny; the right of the victims and their families to adequate compensation and indemnification, restitution and rehabilitation; the right to effective sanctions and guarantees against repetition of human rights violations and impunity; the rights against summary executions (*salvagings*) and involuntary disappearances; the right against unwarranted and unjustified arrest and detention; the right not to be subjected to physical or mental torture, solitary confinement, rape and sexual abuse; the right not to be subjected to forced evacuations, food and other forces of economic blockades and indiscriminate bombings, shellings, strafing, gunfire and the use of landmines; the equal right of women in all fields of endeavor and in all spheres of political, eco-

nomie, cultural, social and domestic life and to their emancipation; the right of children and the disabled to protection, care and a home; and the rights of the indigenous people communities in the Philippines to autonomy, to their ancestral lands and the natural resources in these lands, to engage in and benefit from affirmative action, to their participation and representation in the economic, political and social life and institutions, and to cultural and all around development.

The finest principles of international humanitarian law are a) the humane treatment and protection of persons who do not participate in hostilities (civilians) and of those who have stopped taking part in hostilities (sick or wounded combatants, and captured and detained members of armed forces); b) protection and respect to neutral persons or entities and medical personnel, including persons of humanitarian and/or medical organizations like the International Committee of the Red Cross (ICRC); c) personnel and facilities of schools, the medical profession, religious institutions and place of worship, voluntary evacuation centers, programs and projects of relief and development shall not be the target of any attack and the persons of said entities shall be guaranteed their safety; and d) children shall not be allowed to take part in hostilities.

One relevant and timely human right found in the CAHR-IHL is the right of victims and their families against repetition of human rights violations and impunity. Its timeliness was shown when former Yugoslavia leader Slobodan Milosevic was first arrested and detained in Serbia and then handed over the last week of June 2001 to the International Criminal Tribunal for the former Yugoslavia (ICTY) at The Hague. The arrest and trial of Slobodan Milosevic demonstrate the growing international revulsion against impunity. Kenneth Roth of Human Rights Watch said that the case of Slobodan Milosevic is a momentous occasion for his victims, who might see a modicum of justice done. William Pace, convenor of the Coalition for an International Criminal Court, remarked that the transfer of Slobodan Milosevic to The Hague signal the era of impunity being replaced by a new era of international law and

justice.

The resumption of the peace talks between the Philippine government and the CPP/NPA/NDF in Oslo, Norway in April and June 2001 tackled, among others, the modality of implementation of the CAHR-IHL. The important issue in this modality of implementation is the political authority that will implement the principles of human rights and international humanitarian law. The Philippine government says that since sovereignty is indivisible it is the Philippine government alone which has the sole authority to implement all the CAHR-IHL including the power to arrest, prosecute, try and impose sanctions on human rights violators. The CPP/NPA/NDF claims otherwise. The CPP/NPA/NDF argues that has its own legal and judicial system and it can well exercise its power to arrest, prosecute, try and impose sanctions on human rights violators. The debate rages and the negotiation continues. Once the issue of modality and political authority is resolved during the resumption of peace talks, there will be no stopping to the full implementation of CAHR-IHL which will contribute a lot to the fostering and enhancing a climate of peace in the Philippines.

Pending agreement on the modality issue, the Philippine government continues to implement specific provisions of the CAHR-IHL that does not require joint implementation by the Parties. The Philippine government painstakingly adopts reform measures that address the root causes of social discontent aware that dissatisfaction destabilizes and that armed conflict destroys lives, damages liberties and devastates properties. Worst, prolonged armed conflict sears the soul of the nation for it divides and pits brother against brother, sister against sister, families against families.

On 9-10 October 2003, exploratory talks to resume formal peace negotiations will be held in Oslo.

Hope springs eternal that during these exploratory and, eventually, formal talks, the modality issue will once and for all be resolved. For like justice,

peace delayed is peace denied.

Rene V. Sarmiento is a well-known Filipino human rights lawyer who, as member of the Philippine government negotiation panel, participated in the peace talks between the Philippine government and the Communist Party of the Philippines/New People's Army/National Democratic Front from 1996 till the present.

For further information, please contact: Office of the Presidential Adviser on the Peace Process, GRP Peace Negotiating Panel for Talks with the CPP/NPA/NDF, 4th Floor Agustin I Building, Emerald Avenue, Ortigas Center, Pasig City, Metro Manila, Philippines, ph (632) 637-7259; (ph/fax) (632) 636-0701 up to 06 local 829/830; e-mail: gpp_cnn.opapp.gov.ph; www.opapp.gov.ph

Endnotes

1. Executive Order No. 3, *Defining the Policy and Administrative Structure for Government's Comprehensive Peace Efforts.*
2. Executive Order No. 125, *Defining the Approach and Administrative Structure for Government's Comprehensive Peace Efforts.*

Integrated Strategy to Combat Racism, Discrimination, Xenophobia and Intolerance*

UNESCO has been undertaking significant steps to address the issue of racism and discrimination since the 1950s. First, it undertook a major project of producing scientific texts refuting racist theories. This resulted in a number of statements and the Declaration on Race and Racial Prejudice by the UNESCO General Conference at its 20th session in 1978.

Second, it undertook anti-racism and anti-discrimination standard-setting by adopting a number of instruments through the years. Third, it implemented a special program and a project as practical forms of combating racism and discrimination, namely,

- a. The special programme against apartheid, which UNESCO had categorized in 1966 as “a crime against humanity”;
- b. The Slave Route Project, which contributed to a better understanding of the tragedy of the slave trade and the ideological bases of racism.

UNESCO continues this work on racism and discrimination issue by drafting a strategy document. This is a response to the United Nation's General Assembly resolution of March 2002¹ calling on UN specialized agencies to do follow-up activities on the World Conference Against Racism, Discrimination, Xenophobia and Related Intolerance (WCAR, September 2001). It undertook a series of regional consultations in Africa, Europe, America and Asia to discuss the draft strategy document. The consultations culminated in an international meeting of experts held in Osaka City on 4-5 June 2003.²

Draft Strategy of UNESCO

The draft UNESCO Strategy (draft Strategy) responds to the specific recommendations addressed to UNESCO by WCAR's Durban Declaration. It provides key orientations for the action of UNESCO for the coming years, starting with biennium 2004-2005.

The participants in the Osaka Meeting welcomed the draft Strategy, underlining its focused nature and targeted actions, particularly aimed at estab-

lishing key priorities and concrete programming for various geographic regions. After having discussed the thematic and regional priorities identified by the draft Strategy, the participants made the following recommendations to UNESCO in adjusting the draft text.

General recommendations

The participants recommended that

- The advocacy of cultural diversity should be complemented by the need to ensure that it complements the universality of human rights - cultural diversity/”pluralism” should enrich and not undermine human rights;
- There is a need to refer more concretely to the Dialogue among Civilizations, a current UNESCO-supported project;
- Gender-sensitivity should be highlighted more prominently and integrated into all activities - racism and discrimination have different impact on men and women, and there is often multiple victimization in the process;
- Indigenous peoples, Afro-descendants, Asian-descendants, migrant workers should be borne in mind more concretely by the draft Strategy and mainstreamed into all programming;
- Programming against racism and discrimination needs to be interdisciplinary and integrated, sensitive to the psychology of all concerned, with impact on not only the knowledge base but also attitudes and behavior;
- There is a need to revisit the concept of “identity” - the way people perceive their identity, and to reflect on its relationship with xenophobia, racism and discrimination;
- In addition to highlighting the plight of those of African descent, the issue of those of Asian descent should also be covered;
- UNESCO should maximize cooperative activities with existing partners, including UNESCO National Commissions and associated schools, while broadening the partnerships to cover also, inter alia, spiritual and community leaders;

- The quality of education should be underlined and this depends upon the capacity of teachers, especially at the primary and secondary school levels, which needs more support through a variety of incentives and training;

- More inter-regional programs should be initiated/fostered, e.g. programs to interlink youths in different regions to prevent and overcome racism and discrimination;

- While welcoming the variety of international instruments against racism and discrimination, there is a need to promote more effective implementation of the standards espoused by these instruments particularly at the national and local levels, as well as to withdraw the reservations entered by countries in regard to these instruments;

- Data and indicators on the issue, coupled with more information on ethnicity, need to be compiled/evolved through greater systematization, bearing in mind the need for objectivity in the process;

- The victims and survivors of racism and discrimination should be consulted and involved in programs of concern to them, including in the media, especially as this participation contributes to their empowerment;

- Adequate resources need to be committed to programming against racism and discrimination with a view to sustainability of operations and accessibility to the victims.

Specific recommendations for key sections of the draft Strategy

The participants made the following specific recommendations:

a. In regard to activities projected for the Asia-Pacific region under the draft Strategy, there is a need for more programs interlinking African and Asian youths;

b. In regard to activities projected for the African region under the draft Strategy, the issue of racism and discrimination should be examined not only from the angle of the external relations between the region and other regions, but also from the stance of internal relations in the African context;

c. In regard to activities projected for the European region under the draft Strategy, the dialogue

between European and Arab countries should be supported by UNESCO in cooperation with the European Union;

d. In regard to priorities for the Latin-American and Caribbean region, the priorities should be revised as follows:

- Help the countries in the region to formulate and implement appropriate affirmative action policies, taking into account research findings, and specific socio-demographic data on Afro descendants and indigenous peoples;

- Strengthen the capacities of Latin American and the Caribbean universities and research bodies and NGOs with a view to developing research into responses that might serve as basis for the formulation of policies to combat racism and racial discrimination;

- Strengthen African descent communities and indigenous peoples defense, advocacy and communication capacities to promote multicultural diversity of the societies in the region through education, culture and information.

e. UNESCO should undertake more staff training including the Field Offices in regard to the issue of racism and discrimination;

f. As part of the action to make UNESCO more visible, the various mechanisms of UNESCO for receiving complaints in regard to discrimination should be used more extensively;

g. UNESCO should ensure complementarity between its actions and the work of other agencies and various United Nations “decades” targeting action for human rights in specific fields.

The draft Strategy, having considered the recommendations in the Osaka Meeting, will be submitted to the UNESCO's 32nd General Conference in October 2003 for adoption.

*This article is based on the UNESCO documents on the strategy for follow-up to the WCAR.

Endnotes

1. A/RES/56/266, adopted on 27 March 2002

2. UNESCO organized this international experts meeting in cooperation with HURIGHTS OSAKA, the International Movement Against All Forms of Discrimination and Racism (IMADR), with partial support from the Osaka Expo Foundation.

Events

Events Held

The Indian Association of Parliamentarians on Population and Development (IAPPD) organized the International Conference of South Asian Parliamentarians (SAARC) on "Advocacy Role of Elected Representatives in the Prevention of HIV/AIDS" on 1-2 August 2003 in New Delhi. The conference focused on South Asia response to HIV/AIDS epidemic, HIV/AIDS prevention, stigma, effective policies on HIV/AIDS, enhancing political commitment, expanding partnerships on HIV/AIDS prevention, and migration and its relation with the problem. The conference was co-sponsored by the Asian Forum of Parliamentarians on Population and Development (AFPPD), the Indian Ministry of Health and Family Welfare, and the United Nations Population Fund (UNFPA)- New Delhi.

For more information, please contact: Indian Committee of Youth Organizations (ICYO), Khare Apart. 194-A, Safdarjang Enclave, New Delhi 110029, India, ph (9111) 729093; ph/fax (9111) 26183978; e-mail: icyo@icyo-india.org

The Human Rights Commission of Malaysia (SUHAKAM) held its Human Rights Day Celebration 2003 on 9-10 September 2003 with a conference entitled "Human Rights and the Administration of the Law." The conference aimed to promote awareness of the fundamental liberties stated in the Malaysian Constitution and the Universal Declaration of Human Rights, and to integrate human rights principles into the law enforcement and judicial systems.

For more information please contact: Mr. Kamaruddin Mohamed Baria, Secretary, SUHAKAM, 29F, Menara Tun Razak, Jalan Raja Laut 50350 Kuala Lumpur, Federal Territory, Malaysia, ph (603) 26125600; fax: 603-26125620; e-mail: humanrights@humanrights.com.my; www.humanrights.com.my

Events to be Held

The 5th Philippine Youth Summit on Human Rights entitled "Young People: Transcending Borders for a Human Rights Future" will be held on 24-28 October 2003 in Brentwood, Baguio City. The summit will bring young people from all over the country to discuss and level-off on certain human rights issues, share skills and build capacities to come up with practical ways of involving in human rights advocacy. This activity is part of the Amnesty International-Philippine Section's Human Rights Youth Action Network (HRYAN).

Participants should be 15-25 years old and have not attended any of the past youth summits of AIP and HRYAN.

For further information, please contact: Amnesty International-Philippine Section, 17-B Kasing-Kasing St., cor. K-8th, Kamias, Quezon City, Metro Manila, Philippines, ph (632) 9279856; fax

(632) 9276008; e-mail: amnestypilipinas@meridiantelekoms.net

Lesbian, gay, bisexual and transgender advocates from 40 countries are gathering on 11-18 November in Manila for the 22nd World Conference of the International Lesbian and Gay Association (ILGA). The conference entitled "Surviving Discrimination, Celebrating Our Lives," is the first of such gathering in Asia. The conference focuses on the issue of combating discrimination and human rights violations based on sexual orientation.

For more information please contact: Pinoy Pride, ph (632) 8134324; fax (632) 8911253; email: secretariat_ilga2003@yahoo.com; www.ilga-asia.org

The Asia-Pacific Center on Education for International Understanding and the Asian Regional Center for Human Rights Education, with the support of the Asia-Pacific Human Rights Information Center, are jointly organizing a regional conference on human rights education entitled "Human Rights Education in Asia-Pacific: Defining Challenges and Strategies" on 10-12 November 2003 in Bangkok. The conference will a. map out the coverage of human rights education programs in the region in terms of educational fields (formal, non-formal, informal), sectors, issues, and geographical spread, b. discuss strengths and weaknesses in the growth and development of human rights education programs; and c. identify strategies on how to further develop human rights education programs in light of the goals of the UN Decade. for Human Rights Education (1995-2004).

For further information please contact: Asia-Pacific Centre of Education for International Understanding (APCEIU) UNESCO Youth Centre, Maegok-ri, 868-1, Hobup-myon, Ichon, Kyunggi-do, Korea; ph (823) 638-9051; fax (823) 638-9607; e-mail: sungpark@unesco.or.kr; aceiu.unesco.or.kr/english/aceiu/aceiu.html

The City Montessori School (CMS) will be holding the 4th International Conference of Chief Justices of the World on Article 51c of the Constitution of India at Lucknow on 12-14 December 2003. The conference aims to promote the spirit of Article 51c of the Indian Constitution which aims at fostering respect for international law and to build global public opinion on safeguarding the future of the world's two billion children. Chief Justices from several countries around the world are expected to attend this conference.

For further information please contact: Department of Public Information, City Montessori School, 12 Station Road, Lucknow, ph (91522) 2638738, 2638606, 2638483, 2637655, 2637691, 2637658; fax (91522) 2638008; e-mail: info@cmseducation.org; www.cmseducation.org

HURIGHTS OSAKA ACTIVITIES

HURIGHTS OSAKA will hold its third public symposium on human rights on 18 December 2003. This year's symposium has the theme "Revisiting International Human Rights Standards." Ms. Michiko Yoshinaga, a non-fiction writer, will deliver the main speech at the symposium.

HURIGHTS OSAKA held a meeting on 6 September 2003 on the rights of persons with disabilities. Mr. Satoshi Kawashima, a graduate student of Niigata University and a lecturer at the International Welfare and Medical College, was the invited speaker for this meeting.



PRINTED MATTER

AIR MAIL

May be opened for inspection by the postal service.

HURIGHTS OSAKA, inspired by the Charter of the United Nations and the Universal Declaration of Human Rights, formally opened in December 1994. It has the following goals: 1) to promote human rights in the Asia-Pacific region; 2) to convey Asia-Pacific perspectives on human rights to the international community; 3) to ensure inclusion of human rights principles in Japanese international cooperative activities; and 4) to raise human rights awareness among the people in Japan in meeting its growing internationalization. In order to achieve these goals, HURIGHTS OSAKA has activities such as Information Handling, Research and Study, Education and Training, Publications, and Consultancy Services.



HURIGHTS OSAKA

HURIGHTS OSAKA

(Asia-Pacific Human Rights Information Center)

1-2-1-1500, Benten, Minato-ku, Osaka 552-0007 Japan

Phone: (816) 6577-3578 Fax: (816) 6577-3583

E-mail: webmail@hurights.or.jp

Web site: <http://www.hurights.or.jp>