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Reconfiguring politics:
the Indonesia – Aceh peace process

Issue Editors

Aguswandi and
Judith Large

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***Acehnese who said they were victims of human rights abuses take part in a protest
outside the Aceh Monitoring Mission in Banda Aceh, on 14 December 2006.***

Source: Reuters/Tarmizy Harva

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Acronyms

ABAS	Proposed new province in Aceh, Southwest Aceh (<i>Aceh Barat Selatan</i>)	JSC	Joint Security Committee
ALA	Proposed new province in Aceh (<i>Aceh Leuser Antara</i>)	KOMNAS	
AMM	Aceh Monitoring Mission	HAM	National Commission on Human Rights
ASEAN	Association of Southeast Asian Nations	KPA	Aceh Transitional Committee (<i>Komite Peralihan Aceh</i> , demobilized GAM armed forces)
ASNLF	Aceh Sumatra National Liberation Front	LoGA	Law on the Governing of Aceh
BIN	National Intelligence Agency (<i>Badan Intelijen Nasional</i>)	MoU	Memorandum of Understanding
BRA	Aceh Reintegration Board (<i>Badan Reintegrasi Aceh</i>)	MOI	Mobil Oil Indonesia
BRR	Rehabilitation and Reconstruction Board	MPR	People's Consultative Assembly (<i>Majelis Permusyawaratan Rakyat</i>)
CMI	Crisis Management Initiative	NAD	Aceh province (<i>Nanggroe Aceh Darussalam</i> , lit. Aceh Land of Peace)
CoHA	Cessation of Hostilities Agreement	NGO	Non-governmental organization
CRT	Civilian Response Team	NII	Islamic State of Indonesia (<i>Negara Islam Indonesia</i>)
CSO	Civil society organization	PAN	National Mandate Party
DPD	Senate (<i>Dewan Perwakilan Daerah</i>)	PETA	Indonesian army-backed militias (<i>pembela tanah air</i> , 'homeland defenders')
DPR	People's Legislative Assembly (<i>Dewan Perwakilan Rakyat</i>)	PKS	Justice and Welfare Party
DOM	Military operations zone	POLRI	Indonesian National Police (<i>Kepolisian Republik Indonesia</i>)
GALAKSI	Gayo-Alas-Singkil, three ethnic groups represented in a proposed new province in Aceh	PPP	United Development Party
GAM	Free Aceh Movement (<i>Gerakan Aceh Merdeka</i>)	SIRA	Aceh Referendum Information Centre (<i>Sentral Informasi Referendum</i>)
Gol	Government of Indonesia	TNA	Military wing of GAM (<i>Tentara Negara Aceh</i>)
FKK	Communication and Coordination Forum (<i>Forum Komunikasi dan Koordinasi</i>)	TNI	Indonesian military (<i>Tentara Nasional Indonesia</i>)
FPSG	Resistance Front Against GAM Separatists (<i>Front Perlawanan Separatis GAM</i>)	UNDP	United Nations Development Programme
HDC	Henry Dunant Centre for Humanitarian Dialogue		

Glossary

Brimob

paramilitary police in Aceh (abbr. of *Brigade Mobil*)

Bupati

administrative chief in a rural district, mayor

Geuchik

village head

Kabupaten

administrative district

Kecamatan

subdistrict

Kota

city

Makar

rebellion

Organic/non-organic forces

'Organic' denotes troops recruited within their own province and permanently attached to the local territorial command structure. 'Non-organic' refers to troops deployed to a province on a short-term basis for specific combat exercises and counterinsurgency operations.

Pancasila

the founding ideology of the Indonesian state which emphasizes unity

Pemekaran

procedure for creating new administrative units (lit. blossoming)

Provokator

a term widely used to attribute violence to unknown actors, though over time associated increasingly with the Indonesian military

Qanun

provincial administrative regulation

Reformasi

process of social and political liberalization following the fall of the Suharto regime

Ulama

Islamic religious scholars

Wilayah

district



This map does not show the new district of Pidie Jaya, established in Aceh on 2 January 2007 under the proposal for the expansion of districts by the Indonesian parliament.

Introduction:

the forging of identity, the imperative of political voice and meeting human needs

Judith Large and Aguswandi

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Aguswandi is a conflict adviser, human rights advocate and a political analyst of Indonesian affairs.

'Violence, hatred and intolerance are bred out of injustice, poverty, and a thwarted sense of political fulfillment' Edward Said (2000)

At the height of the 1999 NATO bombings of Serbia in defence of Kosovo, a fleeting international news broadcast drew attention to a demonstration of local activism thousands of miles away. Somewhere on the island of Sumatra, villagers and activists had managed to draw huge letters on an expanse of roadway, rendering them visible from the air. 'NATO' the message said in English, 'Save us as well! The site was Aceh, and the then emerging notion of 'liberal interventionism' was not lost on people looking for a way out of repression and protracted armed violence in their homeland. The regional jurisdiction of NATO was of course inappropriate to Aceh and the two situations are obviously very different. Moreover many people outside of Indonesia were not yet familiar with the conflict that had raged there for years.

And yet a government in exile for Aceh sat in Stockholm, Sweden, while a government *in situ* in Jakarta was undergoing historical and massive change from single party dictatorship to a multi-party democracy, with *reformasi* on a scale never before seen in the region. Five years after this local appeal to the outside world, Aceh would hit the headlines for a different reason, due to devastation incurred by the tsunami of late December 2004.

The war in Aceh is a salutary reminder of the historical forging of identities, the imperative of political voice and the need for meeting human needs. It is an internal conflict fuelled by a failure of imagination in the state-building process, by years of exclusion and lack of access to resources and power. Almost a decade since the NATO bombings, the status of Kosovo is still painfully being crafted. In Aceh a peace agreement based on democratic process and (in principle) both political representation and redistribution, rather than full independence, is a test case of utmost importance.



Key dimensions to the conflict in Aceh

Two key insights are essential for understanding both the evolution of conflict in Aceh and the current parameters for conflict resolution there. One is its historical location and its importance as a nexus for trading links and previous independent sultanates, with a particular Acehese legacy of Islamic social form and strong leadership, including queens, who withstood invasion fiercely. The other is the configuration of the Indonesian state itself, and in particular the principle of *dwi fungsi* which gave the military internal (domestic) and external (defence) functions as well as license to do business for profit, given the relatively empty coffers of a post-independence struggle and the post-war national project under Presidents Sukarno and then Suharto.

Who are the Acehese?

The inhabitants of Aceh are divided into earlier pre-Malayan hill peoples, the Gayo and the Alas, and the low land coastal people who are the product of centuries of intermarriage between the Batak, Dravidians, North Indians, Javanese, Arabs, Chinese and Minangkabau. At the last national census the

administrative capital city Banda Aceh had 2,389,000 inhabitants. The province then had eight regencies (Aceh Selatan, Aceh Tenggara, Aceh Timur, Aceh Tengah, Aceh Barat, Aceh Utara, Aceh Besar and Pidie) and two municipalities (Banda Aceh and Sabang), as well as two Administrative Cities (Lhokseumawe and Langsa); 142 districts and 5596 villages.

Aceh emerged as a sultanate or sovereign state in the 16th century and preserved its independence against the Portuguese until the Dutch took 35 years of conflict to complete their East Indies colonization. The province is located at the northwest corner of Sumatra island in Indonesia, bordering on the Malacca Strait (North and East), the Indonesian Ocean (West) and North Sumatra Province (South). It has a population of approximately four million, and a variety of natural resources holding potential for economic development. These range from fertile agricultural land for growing spices, peppers and fruits; forests, fisheries and water as well as oil and liquid natural gas, with many types of minerals including a famous red gold. Until recently forests were 75 per cent of the land and 2.47 per cent was cultivated by small holders. The economy of the province is based on agriculture, fishing and mining.

Legend has it that in the late 1940s, the Acehnese gave financial and material assistance to the new central government while being incorporated into the newly born Indonesian Republic – even donating their personal gold for the first Indonesian national aircraft. But belonging to a new post-colonial state, and the curbing of *de facto* autonomy meant being ruled from Java and consequently within a decade serious discontent had emerged. There were classic ‘centre-periphery’ dynamics here (decisions made in Jakarta, taxation going to Jakarta, political appointments coming from Jakarta). Fearing the role of Islam would be undermined, local elites and, in particular, Aceh’s influential Islamic scholars supported an armed rebellion from 1953 until the early 1960s. In response, President Sukarno returned Aceh’s provincial status and its autonomy in religious and cultural matters. But when Suharto replaced Sukarno the promise of autonomy was once again broken. Because of patterns in the exploitation (and plunder) of natural resources, long-standing grievances simmered over governance, underdevelopment and revenue drain to Jakarta elites. In 1976 a full secessionist uprising began, with the *Gerakan Aceh Merdeka* – Free Aceh Movement (GAM) – fighting intermittently for an independent state. This coincided with the growth of oil- and gas-based industries in the north-east of the province.

The legacy of the DOM

From the late 1970s and particularly in 1989 and the early 1990s, the experience of military repression and human rights abuses deepened already severe alienation from the Indonesian state, accelerating popular support for independence. The status of Military Operations Zone (Daerah Operasi Militer, or DOM) was imposed in Aceh between 1989-1998. Under it, mass violations were committed indiscriminately during an anti-insurgency campaign. According to the International Crisis Group, between 1989 and 1998 between 1000 and 3000 people were killed, and another 900 -1400 were missing, believed dead. Death tolls are controversial and much disputed, and some estimates by Acehnese NGOs are much higher. After the lifting of the DOM and the fall of Suharto, human rights activists traveled to Jakarta to offer public education (‘socialization’) on the scale of suffering and state violence in Aceh, offering documentation through records of disappearances, killings, rapes and assaults, and photos of mass graves. A wave of re-examination of the past, demonstrations and rapid change was sweeping Indonesia. This was the time of the referendum in East Timor, which went horribly wrong and led to both war and Timorese independence. Small wonder then, that students (SIRA) spearheading the

movement for a referendum on independence for Aceh got little formal hearing in Jakarta. In Banda Aceh, however, the legacy of the DOM contributed to the mobilization of a million people in public protest, memorably gathering in front of the main mosque in Banda Aceh.

‘Self-determination’ versus the sovereign integrity of the Republic of Indonesia

There is much controversy about the history of the resistance movement in Aceh and the evolution of GAM, in particular the growth of other groups such as the Free Aceh Movement Council (MP-GAM) based in Europe with a representative in Malaysia. Hasan di Tiro fled Aceh in 1979 and set up residency (and a government in exile) in Stockholm. The rival Secretary General of GAM, Teuku Don Zulfahri was assassinated in Kuala Lumpur in June 2000. Di Tiro, who called himself President of the Aceh/Sumatra National Front and Head of State, Aceh, was a respected academic who claimed hereditary leadership from sultans in Aceh. He studiously developed and argued a case for self-determination according to his understanding of international law. For example, di Tiro claimed (in appeals to the United Nations (UN)) that the Dutch Government had illegally ‘annexed’ Aceh to the Dutch East Indies in 1873, citing a proclamation by US President Grant of impartiality in the war between the Netherlands and Aceh and quoting *The Times* of London in the same year to the effect that Aceh was never defeated in that war. He argued for the application of UN resolutions on legitimacy of the armed struggle, on colonial transfer and the right of people to fight for liberation against colonialism (in this case, Javanese).

As government changed in Jakarta at the end of the 1990s, and with the backdrop of financial crisis, old claims for power and local control (as well as new grievances) erupted across the archipelago. In an era following on from the violent disintegration of Yugoslavia and wars of separation in Ethiopia and Somalia, the ‘international community’ could not countenance the ‘Balkanization’ of Indonesia through violent conflict in Aceh, Kalimantan, east Java, Sulawesi and Maluku, not to mention then Irian Jaya (now West Papua, where similar and specific claims of self-determination are held). For the political elite in Jakarta, the threat to Indonesian sovereignty was seen as having both external and internal dimensions. The ‘external’ dimension was perceived as linking Acehnese separatism (and the revival of similar claims in West Papua/Irian Jaya) with attempts by foreign powers to carve up Indonesia. Many government officials were

suspicious of foreign NGO agendas. The linkage of separatism with foreign subversion became a long-standing element in official Indonesian discourse on separatism. Hence the principle of 'non-interference' was evoked for dealing with it, particularly after the East Timor disaster.

The humanitarian pause

It was in 1999 that the new Henry Dunant Centre of Geneva or HDC (now known as the Centre for Humanitarian Dialogue) entered the scene, on the basis of discussions with the new President Wahid and a needs analysis in Aceh. HDC had not worked in Indonesia before, in fact Aceh was their first test case for what became known as humanitarian dialogue. As a Swiss private agency they were acceptable to some members of the government in Jakarta and began facilitating discussions in Geneva for an end to hostilities to enable humanitarian access. This led in 2000 to a ceasefire known as the 'humanitarian pause', that held into 2001, and a major breakthrough in December 2002 when the parties signed the *Cessation of Hostilities Agreement (CoHA)*. This agreement outlined a ceasefire followed by demilitarization measures and an 'all-inclusive dialogue' on autonomy provisions followed by provincial elections in Aceh. Within months, however, it broke down, and Indonesian security forces launched their largest-ever military operations in Aceh.

In fact the suffering of the people of Aceh had resumed after the brief interlude of the lifting of the DOM. Between January and the beginning of August 2000 approximately 300 people were killed in Aceh and internally displaced people were attacked in the very camps where they had sought shelter. In early August the visiting head of the US-based International Forum for Aceh, Jafa Siddiq Hamzah, disappeared in Medan. His body was later discovered outside the city. Later in the same month Oxfam local staff were tortured and held by security forces in south Aceh. This sent a clear signal that international agencies that were perceived as supporting 'the enemy' were not wanted in Aceh. Local people described being 'between the lion and the tiger' as combatants jockeyed for control and both government buildings and schools burned. Some forms of intimidation had no clear ownership, prompting speculation of a 'hidden hand' at work to destabilize the situation. The killing of the commander of GAM's military wing, Teungku Abdullah Syafi'ie, by the security forces on 22 January 2002, three days after the provincial governor of Aceh invited him to peace talks, was a huge loss.

HDC fielded dedicated staff in Banda Aceh and worked through local joint monitoring teams to oversee

compliance and document incidents. But there were huge problems from the start in terms of gaps between political voice/intent and military presence/behaviours. 'Security' in Aceh was the realm of Brimob, a paramilitary police brigade, and the Indonesian military which held *de facto* control over Aceh's affairs and the amount of influence Jakarta could bring to bear was questionable. Continued violations demonstrated that the Indonesian Military (TNI)/Brimob were unwilling or unable to control their forces in the field; it was clearly in their interest to maintain a security situation in which military force was seen to be the only answer. GAM meanwhile gained in confidence in terms of their profile, using pauses to rearm and to bring out more openly their own information campaigns. Often members of the Joint Monitoring teams were caught between the two forces with demands for money and loyalty. At one stage (July 2001) police arrested six GAM representatives on the security and humanitarian committees facilitated in Banda Aceh by the HDC, accusing them of abusing their status as negotiators.

GAM wanted to internationalize the talks brokered in Geneva (which they saw as legitimizing their cause) and broaden their advocacy. The Government of Indonesia (GoI) took a counter-position, maintaining that all negotiations would only take place at the local government level, as a domestic problem which was purely internal. This allowed the Jakarta government to distance itself, while publicly accusing the HDC of operating beyond their original mandate. A complete collapse of talks took place in 2003 and martial law was imposed once again, this time under President Megawati. We now know that key government figures who had been brought into HDC processes directly or indirectly – Susilo Bambang Yudhoyono (then Coordinating Minister for Security and Politics), Jusuf Kalla and Farid Husain, maintained an interest in a negotiated outcome during this period.

Local realities, and the shock of tsunami

Local realities for the affected population included personal loss, poverty, displacement, rape, abduction, intimidation and threat of attack or loss of trade or livelihood. The picture 'on the ground' was also one of pragmatic co-operation between opposing forces further down the command chain, as TNI soldiers and GAM affiliates or other local gangs forged their own trading deals in drugs, gold, or even weaponry, in a shadow economy. With little trust in local 'governance' structures, the mosque and religious leadership frequently offered sanctuary, food aid and advice for those in need. 'Civil society' in the sense of human rights NGOs, women, students or academic organizations, had no formal channels of input into

high-level talks on the future of Aceh. Then on 26 December 2004, a 9.1-magnitude underwater earthquake caused a tremendous tsunami which devastated Aceh, resulting in the deaths of over 128,000 people. Fragile wooden homes and shop fronts in Banda Aceh and along the coast quite literally disappeared.

Breakthrough, and the Helsinki process

If the conflict in Aceh between GAM and the GoI might have been called 'asymmetrical', the cruel impact of the tsunami rendered suffering in symmetry unprecedented in the province. As one former combatant put it two years later at a meeting in Bangkok, 'My family was gone; the people were gone; the Enemy was gone. What is there to fight for?' But let it not be said that the 'tsunami won' in Aceh. True, GAM might have been on the verge of an all-out military defeat, but nationalist causes can go underground for the long term when this happens. Rather, there was a shake-up in circumstances that meant talks could begin again, on a new foundation. This publication examines exactly this process – how a Finnish businessman took the initiative and led the way to high-level mediation; how a statesman brokered not only an agreement but the assistance of the European Union and the Association of South East Asian Nations (ASEAN) to bring weight to bear on a monitoring process that was acceptable to both sides.

Moreover, the agreement is predicated on meeting those basic needs – for self-governance, for poverty-reduction, education, revenue sharing and meaningful electoral participation and representation – that had fuelled violent conflict in Aceh for years. Similar grievances, based on exclusion and lack of access to resources and power and channeled through strong identity reinforcement and claims, are central to neighbouring conflicts in southern Thailand or Mindanao. This is why democratic process and the outcome of the *Memorandum of Understanding* (MoU) signed in Finland in August 2005 matter so much. Even three years later, it is early days.

Political process and political culture will take time to develop, in tandem with recovery and healing from decades of crisis. Difficulties in passing the post-MoU *Law on Governing Aceh* (LoGA) in Jakarta taught many that negotiations with central government will continue to be a feature in building the peace for Aceh. Oil and natural gas reserves are finite and require management. Ironically, the improved security situation has meant a drastic increase in illegal logging. Former combatants and their families are still making personal transitions; old personal or inter-group enmities may

remain unresolved. Calls for transitional justice and accountability will resonate for many, as they do throughout the wider archipelago. The physical changes to infrastructure and building through post-tsunami reconstruction have brought about a new landscape for many, while rural areas may feel left behind or forgotten. Generational and political factions can grow and splinter long after weapons have been put down, and one great test will be the cultivation of responsible and accountable local leadership. This study will explore exactly these tensions and opportunities, as ongoing challenges, in the hope of being relevant to Aceh and elsewhere.

Key dimensions to the peace process

Given Indonesia's sensitivity about internal interference, the Aceh mediations (both HDC and CMI) were products of 'private diplomacy' rather than UN or inter-governmental brokerage. Michelle Miller's background study casts light on the asymmetrical nature of the conflict and the maturing of a rebel movement to readiness for legitimized political negotiations. The importance of trust and building relationships with a third party is brought out by Konrad Huber in his overview of the peace process, while interviews with key participants in the Helsinki process provide their own personal insights and anecdotes. You will find here the voices of both Nur Djuli and Jusuf Kalla, as well as Martti Ahtisaari. Private diplomacy, however, was well connected in order to ensure international support and a monitoring mission acceptable to both parties. Antje Herrberg gives here an 'insider view' of the Brussels side to the AMM, while Kirsten Schulze offers overall reflection and analysis of the mission.

Even during the Helsinki talks there were voices asking 'who speaks for civil society?' This is a critical issue for scholars and practitioners concerned with the sustainability of agreements and whether they deliver a peace dividend to populations themselves. In recent years new instruments such as UN Security Council Resolution 1325 on Women, Peace and Security have been brought into being with this in mind. In spite of a vibrant record of human rights advocacy and student activism, in Aceh it was not until the debates on the governing law that civil society found recognized channels for their views on the peace. This volume includes Suraiya Kamaruzzaman's account of women's participation during and after the war. Afridal Darmi takes on the question of who and what is civil society in Aceh today and how does it function, interspersed with local voices sharing their own experience.

Essentially the 'reframing' process – from autonomy to self-government – finally accepted at the negotiating



table, was realized in principle in the LoGA. Bernhard May examines this as the key legislative and enabling step to a new foundation, followed by election process unprecedented in Indonesia. The standing of independent candidates and the ushering in of newly elected (formerly GAM) officials is here recounted by Edward Aspinall. Aceh was undergoing huge changes simultaneously, as described by Patrick Baron in his article on reconstruction. The role of the international community, the influx of post-tsunami resources and agencies have had their own impact.

Aceh is in a process of transition. That transition will be very much dependent on how we learn the lessons of the past, and how the many actors working to sustain peace in the province address some of the concerns highlighted by this publication's authors. Key questions and challenges remain. We read of hopes and grievances concerning human rights in the words of Faisal Hadi. The issue of 'reintegration' as a process is well examined by Lina Frödin, and Fadlullah Wilmot tackles questions of justice in his examination of Islamic law (Shari'ah). The volume touches on the challenge of hidden economies which became ingrained during the conflict, and the dire

reality of current illegal logging. Alongside implications of the human security need for long-term development, reform and socio-economic justice, Sidney Jones reflects on conditions to do with security and the rule of law. The weaving together of these strands, and more, are pivotal for the future of Aceh.

The conflict in Aceh

context, precursors
and catalysts

Michelle Ann Miller

Michelle Ann Miller is a postdoctoral fellow at the Asia Research Institute, at the National University of Singapore. She is the author of *Rebellion and Reform in Indonesia*.

There are diverging accounts of the primary causes of Aceh's contemporary conflict. This article charts causal factors and antecedents to the contemporary conflict during the colonial period of Acehese history and the early decades of independence, before considering the immediate causes mediating the emergence of Free Aceh Movement (GAM) in the 1970s. Finally the processes unleashed by Aceh's transformation into a 'Military Operations Area' (DOM) and the subsequent democratic breakthrough of 1998 are considered in terms of how the context for addressing the conflict in Aceh was transformed.

Legacies of colonialism

The narrative of colonial domination has been central to the interpretation of the conflict promoted by GAM, widely accepted in Aceh but rejected by most other Indonesian and foreign sources. In GAM's view the conflict stemmed from the 1873 Dutch invasion of the 'State of Aceh-Sumatra', and was perpetuated by the 'illegal transfer of sovereignty' in 1949 from the 'old, Dutch colonialists to the new, Javanese colonialists.' GAM justified its claim to territorial sovereignty through the construct of a singular Acehese national identity based on ethnicity, language, culture, history and geography.

This narrative of outsiders' repeated attempts at subjugation of a singular Acehese nation is debatable. It is true that a distinctive Acehese identity linked to sovereign statehood had existed for four centuries prior to Aceh's incorporation into Indonesia. Aceh's strategic location along the Malacca Straits trading route also led to the development of a Malay-Islamic written and cultural tradition, setting the Acehese apart from many other ethnic groups in the archipelago closer geographically to the island of Java. However, even at its pre-colonial zenith the state of Aceh sequestered a number of smaller states whose indigenous ethnic groups never completely assimilated into Aceh. Almost 20 per cent of Aceh's population is not ethnically



Acehnese, claiming membership of at least seven linguistically and culturally distinct indigenous ethnic minority groups (Gayo, Alas, Kluet, Aneuk Jamee, Tamiang, Singkil and Puloe) and non-indigenous ethnic minorities (the largest comprising Javanese settlers). GAM's argument about Aceh's illegal incorporation into Indonesia is also refuted by the weight of historical evidence that the contribution of the Acehnese to the Indonesian nationalist struggle was wholly voluntary, both in terms of human and economic resources (including the Acehnese' famous purchase of the first aeroplanes for the new Republic). Nevertheless, of the whole archipelago the Dutch confronted the most tenacious resistance to colonial rule in Aceh, resistance that was never completely quelled. As one Dutch colonial governor famously put it, the defiant spirit of Acehnese resistance against outside rule was nurtured by 'a fanatical love of freedom, reinforced by a powerful sense of race, with a consequent contempt for foreigners and hatred for the infidel intruder.'

Precursors in the 1950s and 1960s

While most sources acknowledge the historical 'difference' of the Acehnese people, there is general consensus that the activities of the Indonesian state were the primary cause of the contemporary conflict. Even GAM agreed that Acehnese resentment towards the Indonesian state was aggravated by the latter's exploitation of Aceh's natural resources, broken promises about the province's 'special region' status, and depredations committed against Acehnese civilians during military operations. As the site of lucrative oil and gas assets, Aceh's resource wealth influenced Jakarta's decision to deploy large numbers of security forces to the province, whose aggressive

response to perceived security threats produced thousands of civilian casualties.

The roots of the contemporary conflict can be traced back to the Darul Islam (House of Islam) rebellion, which began in 1948 in West Java and spread across the archipelago, reaching Aceh in 1953. The rebellion loosely integrated disparate agendas to form a federation of Islamic states (*Negara Islam Indonesia*, NII). Aceh's agreement to membership of the new Indonesian state in 1949 was locally understood as being contingent on equitable treatment reflecting Aceh's contribution to the anti-colonial struggle and the upholding of Islamic principles. However, Aceh enjoyed less than one year of broad autonomy before incorporation into the province of North Sumatra as part of Jakarta's administrative reorganization of the country into just 10 provinces. The strong sense of betrayal over this decision in Aceh was exacerbated by the subsequent influx of non-Acehnese, non-Muslim migrant workers and military troops into the region, as well as deteriorating socio-economic conditions as a greater portion of the national budget began to be allocated to Java than to the outer islands.

Acehnese resentment erupted into insurgency in September 1953 when local rebels led by Aceh's most prominent Islamic religious leader (*ulama*), Teungku M. Daud Beureueh, joined the wider Darul Islam rebellion. It was only after January 1957, when President Sukarno's government reestablished the 'Province of Aceh', which raised hopes amongst some Darul Islam leaders that Aceh would soon be free to implement Shari'ah, that Acehnese involvement in the Darul Islam rebellion gradually subsided.

As part of Jakarta's efforts to reach a negotiated settlement with the Acehese Darul Islam rebels, President Sukarno also offered Aceh in principle 'special region' (*Daerah Istimewa*) status on 26 May 1959 by conferring broad autonomy to the province in the fields of religion, education and customary law (*adat*). This offer responded to an earlier autonomy proposal by the former Chief-of-Staff of the Darul Islam army, Hasan Saleh, which was rooted in the pragmatic realization that the only way to win concessions for Aceh was through a regional approach to the rebellion's broader Islamic goals. Though earlier autonomy demands by the Darul Islam rebels had been broadly federalist in nature, Jakarta considered an Islamic federation (NII) to be tantamount to returning to the discredited Dutch colonial system, a counter-federalist argument that would resurface in debates on decentralization in the post-Suharto era.

Although Daud Beureueh continued to wage his struggle from the mountains, by the early 1960s the Darul Islam movement in Aceh had been seriously weakened by a combination of internal factionalism, defections and Indonesian counterinsurgency operations. By September 1961, Beureueh was forced to modify his earlier demand for the establishment of an Islamic state in Indonesia to the 'implementation of Islamic law in Aceh, in particular, and Indonesia, in general.' Responding to Beureueh's compromised military capacity and softer rhetorical stance, Jakarta reopened negotiations with the rebels. In early 1962, these talks culminated in a peaceful settlement in which Jakarta allowed Aceh to start enforcing Islamic law for Muslims within its borders.

The New Order, centralization and rebellion in the 1970s

After more than a decade of relatively peaceful centre-periphery relations, Acehese discontent resurfaced in the early 1970s. The centralizing policies and practices of Suharto's New Order did not fulfill Acehese expectations of the restoration of Islam as a dominant sociopolitical force. As Acehese *ulama* became increasingly politically marginalized by the New Order's 'secular' nationalist policies, so too did their calls to implement the *Daerah Istimewa* formula. Provisions to create institutions to promote and enforce Islamic law failed to materialize and the jurisdiction of Islamic courts became increasingly restricted under the New Order. By 1974, when the New Order issued Law No.5/1974 on 'The Principles of Regional Government Administration', Aceh's *Daerah Istimewa* formula had been completely stripped of meaning. This law further increased Jakarta's grip over regional administrations by establishing presidential control over gubernatorial appointments and gubernatorial responsibility for managing provincial government.

The New Order's centralized rule was solidified through the reorganization of Acehese society. Reflecting its dual priorities of national stability and economic development, the regime nurtured two key groups in Aceh. First, the armed forces became permanently embedded in the province to defend national economic interests, to prevent the emergence of opposition forces, and to monitor and control those 'legitimate' political parties that had helped to elevate Suharto to power. Second, Suharto fostered the growth of a class of indigenous Acehese technocrats to implement national development directives and counteract the influence of the *ulama*. This bureaucratic elite tended to be highly conscious of their distinctive Acehese identity and sought to elevate Aceh's position within the Indonesian state by generating regional development.

Acehese discontent was also fuelled by the 1971 discovery of vast oil and natural gas reserves in North Aceh and the subsequent growth of the Lhokseumawe Industrial Zone (*Zona Industri Lhokseumawe*, ZILS). Most of the profits were siphoned out of Aceh, with the result that development under the New Order produced few substantive improvements to the local economy. Although parts of Java and eastern Indonesia experienced higher poverty levels than Aceh during the New Order, the expansion of ZILS compounded regional anger as villagers were forced to resettle outside the industrial zone and large numbers of skilled non-Acehese, non-Muslim workers were introduced to operate the oil and gas companies. Lucrative assets in North Aceh also attracted thousands of Indonesian security forces personnel, whose depredations against the civilian population hardened local attitudes against Indonesian authority.

It was within this context of growing regional discontent that Aceh's first separatist insurgency was born. On 4 December 1976, Tengku Hasan Muhammad di Tiro, a successful businessman and self-appointed Darul Islam 'ambassador' to the UN in New York, returned to Aceh to launch the Aceh-Sumatra National Liberation Front (ASNLF, also called GAM). The ASNLF/GAM shared some common grievances with the Darul Islam rebels. Like Daud Beureueh, Hasan di Tiro had previously promoted a federal state of Aceh within an Islamic Indonesian Republic and only pursued the extreme option of armed separatism after the *Daerah Istimewa* formula produced no fundamental change to the relationship between Aceh and Jakarta. However, unlike the Darul Islam rebels who sought to change the form of the Indonesian state but not to secede from it, the ASNLF/GAM 're-declared' the 'free and independent Sovereign State' of 'Aceh-Sumatra' with the intent of severing all ties with the 'foreign regime of Jakarta and the alien people of the island of Java.' Also in contrast

to the earlier generation of Darul Islam rebels, GAM's demands were not religious and were explicitly nationalist in nature. Though virtually all GAM rebels were Muslim, they based their claims to territorial sovereignty on the construct of a distinctive ethnic, cultural, historical and geographically specific identity and never sought to establish ties with Islamic movements in Indonesia or elsewhere.

The different responses by Jakarta to the Darul Islam and GAM insurgencies reflected the varying objectives of the two uprisings, as well as the changing character of the central government from Sukarno's so-called 'Old Order' to President Suharto's New Order. Whereas Sukarno had relied on a combination of military force and negotiations to contain the Darul Islam rebellion in Aceh, Suharto's New Order demonstrated its intolerance of separatism by relying primarily on military force. By the late 1970s the rebels had been forced underground and only resurfaced as a cohesive fighting force after 1986. In large part, GAM's resurgence was made possible by Hasan di Tiro's ability to secure support for GAM from Libyan dictator Colonel Muammar al-Gaddafi. GAM's growth was also made possible by continued central government neglect and interference.

In 1989, Jakarta forcefully responded to the expansion of GAM by launching a large-scale counterinsurgency campaign against the Acehese rebels. Aceh was officially transformed into a 'Military Operations Area' (*Daerah Operasi Militer*, DOM), widely understood as the imposition of martial law, for the next decade. It is unclear how many Indonesian troops were stationed in Aceh during DOM as no official figures were released, but most sources estimate that about 12,000 security forces personnel were involved. The number of conflict-related deaths from the DOM period is also disputed, and the more time passes the less likely it is ever to be clarified. A 1998 Indonesian National Human Rights Commission (Komnas HAM) investigation into the atrocities committed against civilians during DOM produced contradictory findings that while 944 Acehese were killed or disappeared during DOM, some 3,000 women were widowed and 15,000 to 20,000 Acehese children were orphaned. Since most sources do not distinguish between 'victims of violence' and 'fatalities', even relatively uncontroversial estimates of DOM-era fatalities tend to fall within the broad range of 1,600 to 6,000 deaths. What did become clear when DOM ended was that the human rights violations that accompanied these operations had further alienated Acehese society from Indonesian rule and created ripe conditions for the regeneration of GAM in the post-Suharto era. By mid-1998 Acehese antipathy towards Jakarta had become deeply entrenched and manifested itself in widespread

demands for retribution, compensation and social justice. It was Suharto's appointed successor, B. J. Habibie, who formally 'lifted' DOM in August 1998 and withdrew thousands of security personnel from Aceh.

Democratic breakthrough – a catalyst for peace?

By mid-1998, Indonesia had also initiated a process of democratization after four decades of authoritarian rule. Regime change was precipitated by the Asian financial crisis of 1997-98, and its especially severe impact in Indonesia, where rising unemployment and poverty levels and soaring food prices translated into a sharp increase in crime and general socio-economic unrest across the archipelago. The social impact of the economic meltdown in Aceh, along with the island of Java, East and West Kalimantan and parts of Sumatra and eastern Indonesia, was particularly profound. This sociopolitical and economic instability in turn saw a sharp reduction in Indonesian state power and authority. In Aceh, some centrifugal forces seized this opportunity to pressure Jakarta into providing redress for their long-standing grievances, while others began to look towards the creation of an independent polity in which they would be free to govern themselves without fear of state repression and with control over their own natural resources and livelihoods.

The ushering in of a new *reformasi* era in Indonesian politics included new initiatives to deal with the country's internal conflicts. Most political leaders in Jakarta saw the decentralization of central state power as the most democratic way of containing centrifugal forces and were prepared to acknowledge a 'special' place for Indonesia's troubled provinces within the unitary state. However, the decision by President Habibie to settle the territorial dispute in East Timor by granting that province a referendum on self-determination was seen by many Indonesians as unacceptable and contributed to his political defeat in the 1999 presidential election. For Indonesian nationalists, any governmental efforts to contain the spectre of armed separatism had to strengthen Indonesia's territorial integrity and national cohesiveness, not weaken or destroy it. The view that contemporary Acehese nationalism was primarily a reaction to the New Order's counterproductive policies did not, according to this logic, require a substantive rethinking of Aceh's position within Indonesia. Instead, the prevailing belief in Jakarta was that since the 'Aceh problem' had stemmed directly from the excesses of authoritarian rule, it could gradually be redressed through the democratic accommodation of the Acehese people within a decentralized state system.

Finland's former president Martti Ahtisaari (C) officiates at the signing of a peace agreement between Indonesia's Justice Minister Hamid Awaluddin (L) and the Free Aceh Movement's (GAM) Chairman Malik Mahmood in Helsinki, 15 August 2005.

Source: Reuters/Ruben Sprich

Aceh's arduous journey to peace

Konrad Huber

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This article briefly tells the story of Aceh's journey toward peace. It provides a sketch of the major periods in Aceh's evolution between 1998 and 2006 and concludes with some observations about the nature of peace processes. Aceh's current peace is its second major effort. The first initiative ended in violence in 2003 after more than three years of highly fraught mediation by an untested non-governmental organization. It collapsed in the face of resistance from the conflict's parties. This effort's shortcomings, however, proved a boon to those brave and foresighted enough to give peace another try in 2004-2005.

This article explores three interrelated reasons for the success of Aceh's current peace initiative. First, by 2004, especially after the October election of a new president, different circumstances confronted the two key parties to the conflict, the Indonesian government and the Free Aceh Movement (GAM). Although the Indonesian military (TNI) had been incapable of dealing a knock-out blow to GAM fighters since the declaration of martial law in May 2003, GAM's battlefield capacity had been significantly degraded. Dialogue-oriented government officials were also reaching out to GAM contacts behind the scenes. Second, external mediation in 2005 was far more adroit than its unsuccessful predecessor, both in terms of managing the negotiation process and shaping the ultimate agreement. This skillful mediation, led by former Finnish President Martti Ahtisaari, produced the third key factor. This was the incorporation of an overall political settlement as a central element of the accord, rather than a step-by-step sequenced approach taken in the earlier mediation effort. This deal not only allowed for key compromises, but it also empowered a robust peace monitoring operation central to the agreement's implementation.

Yet Aceh's 30-year journey from war to peace must also be seen in the broader context of the remarkable transformations in Indonesian politics between 1998



and 2006, in the dimensions of democratization, the dramatic eclipse of military influence in civil politics, and GAM's transition from battle-weary insurgents to electoral politicians. The December 2004 tsunami helped to push along an incipient peace process; however, it was deeper currents of change which swept Aceh toward a more durable peace.

A democratic opening? Talking peace while making war

The year 1998 was a momentous one for Indonesia, and it ushered in a three-year period of sustained upheaval and uncertainty that extended to Aceh as well. In stunningly quick succession, the Asian financial crisis sent the country's economy into freefall, Suharto was forced from office after 32 years in power, and his Vice-President B.J. Habibie was elevated to the presidency. Under Habibie, armed forces commander Gen. Wiranto declared an end to the military's heavy-handed approach to Aceh and even apologized for abuses by "individual soldiers" during the preceding decade. Habibie also agreed to a UN-supervised referendum process through which East Timor voted for independence in August 1999. Suddenly, it seemed to the Acehnese that anything – even independence – was possible.

In October 1999, Indonesia's legislature elected a new president: Abdurrahman Wahid, a Muslim cleric renowned for his commitment to political pluralism, dialogue, and reform, including his desire to reduce the

military's long-standing political influence. Known simply as Gus Dur, Wahid vacillated between a referendum or negotiations to settle Aceh's status. Fundamentally, however, he was committed to dialogue. The arrival of the Henry Dunant Centre for Humanitarian Dialogue (HDC) on the scene in late-1999 was therefore extremely serendipitous.

Now known as the Centre for Humanitarian Dialogue, the HDC was a brand-new, Geneva-based organization, established by humanitarian practitioners formerly associated with International Committee of the Red Cross and the UN and aimed at protecting civilians from armed conflict by helping to resolve underlying disputes. The East Timor crisis prompted HDC to send a senior staff member to the region, and widespread speculation about Indonesia's possible break-up induced HDC to focus on Aceh. Much to their surprise, HDC staff quickly found themselves meeting senior Indonesian officials, including Gus Dur, and reaching out to GAM leaders in exile. A dialogue process started in early 2000 soon yielded a May agreement on a *Joint Understanding on a Humanitarian Pause*, intended to open up humanitarian access to the most war-affected parts of Aceh and start a process of confidence-building between GAM and the TNI.

In a harbinger of later events in 2002-03, HDC in fact stumbled into a larger, more ambitious role as a third party than it had expected or planned for. Suddenly, HDC was faced with managing joint government-rebel committees on security and humanitarian issues,

guiding dialogue on implementing provisions in the Pause, and fielding more international staff to support expanded operations in Banda Aceh. GAM enjoyed the greater international status that the Humanitarian Pause seemed to confer and looked forward to continued talks that could further their cause, and humanitarian operations were briefly able to reach more of the war-affected population. But stinging criticism of the government by national legislators and even top military commanders underscored critical weaknesses in the Pause: that it provided cover for GAM to increase its revenue, augment its membership, and extend its control at the local level while government forces were prohibited from offensive operations. Ultimately, the HDC-led monitoring effort was unable to stem provocative let alone belligerent behaviour by the parties, and it could never get past security-focused debates at the level of "colonels and one-star generals," as one HDC staffer put it.

The Humanitarian Pause itself finally fell apart in 2001. Attacks against ExxonMobil's liquefied natural gas (LNG) facilities, blamed on GAM, caused them to be closed for the first time in Aceh's war. This only strengthened TNI claims that GAM was using the Pause to regroup if not grow. GAM retorted that the Indonesian government was talking peace while waging war. The TNI sent further reinforcements, and Jakarta finally announced its formal withdrawal from the Humanitarian Pause. By early 2001 the military leadership had begun to regain the upper hand in its struggle with the president. Faced with the patent failure of the Humanitarian Pause and limited political capital, Gus Dur authorized all-out security operations against GAM in April, and HDC-led peace efforts broke down almost entirely.

Political machinations finally led to Wahid's downfall in July. His successor Megawati Sukarnoputri was expected to bring the country greater stability and a smaller appetite for ambitious reforms. She did continue to seek a negotiated solution to the Aceh conflict, albeit half-heartedly. One of President Megawati's first acts was to sign legislation granting Aceh "special autonomy" after decades of government hostility toward this idea. This deal, while never fully implemented at the time, renamed the province Nanggroe Aceh Darussalam (NAD) and provided for a strong governor's office, Islamic law (Shari'ah) within NAD, and direct elections at the provincial and district levels. It also included revenue-sharing in LNG proceeds at a generous 70-30 split in Aceh's favour during an initial period of eight years (after which revenues would be shared equally). The autonomy deal – which the national parliament passed in a non-consultative fashion that only engendered further hostility toward it – was rejected by GAM out of hand.

Humanitarian dialogue: full steam ahead in 2002

Undaunted by the collapse of the Humanitarian Pause or the resumption of large-scale military operations, HDC ploughed ahead in late 2001 and 2002. External developments aided these efforts. First, the September 11 attacks in New York and Washington suddenly changed the calculus of groups, such as GAM, that relied on violence. Megawati also appointed an urbane, popular officer, Lt. Gen. Susilo Bambang Yudhoyono, as coordinating minister for political and security affairs. Dialogue was intensified in meetings in Geneva in February and May, resulting in an HDC document indicating GAM's acceptance of the autonomy law as a "starting point" and a statement on an "all-inclusive dialogue" to review possible changes to the autonomy law, and the need for an effectively-monitored ceasefire. In the eyes of HDC, these meetings produced an agreement on a sequence of steps for a more comprehensive settlement: from ceasefire to "all-inclusive dialogue" and provincial-level elections to changes to the autonomy law. The government, however, saw the already-passed autonomy law as their maximum offer, not an opening gambit, while GAM reiterated that special autonomy was not the end of their independence struggle.

Despite these fundamental discrepancies, negotiations proceeded under HDC auspices, though largely through months and months of shuttle diplomacy and draft texts faxed between key actors in Jakarta, Banda Aceh, and GAM-Sweden. Coordinating Minister Yudhoyono was reportedly indispensable in winning over President Megawati and fellow generals and ministers on key provisions in the agreement. Recognizing important failures in the Humanitarian Pause, the text envisioned a Joint Security Committee (JSC), which would be a more vigorous monitoring presence than the earlier TNI-GAM "commander-to-commander" mechanism. In the end, the JSC would be constituted as a tri-partite mechanism encompassing GAM, TNI, and a neutral third-party in the form of unarmed military observers from suitable nearby countries.

HDC announced in November 2002 that an agreement was within sight, and planning began for a December 9 signing ceremony in Geneva. To augment international awareness and backing for the deal, the Japanese government held a donor conference on December 2 in Tokyo. In the meantime, the TNI had stepped up battlefield pressure on GAM insurgents, and a HDC-organized group of former senior diplomatic and military personages from Sweden, Thailand, the US, and Yugoslavia – known collectively as the "Wise Men" – increased their entreaties that the parties conclude the

deal. The involvement of such experts seemed to confer on the process gravitas and hint at important linkages to influential countries (particularly the US) that wanted a signed agreement.

Peace deferred: CoHA and the return to war

The *Cessation of Hostilities Agreement* (CoHA) was duly ratified in a signing ceremony at HDC's Geneva headquarters. HDC quickly set about recruiting and fielding personnel to staff the Joint Security Committee (JSC), including non-active Thai and Filipino military, and hiring specialists to guide the all-inclusive dialogue (AID) and other functions. The CoHA posted some early successes such as a reduction in violence, a dramatic increase in freedom of movement, and the establishment of a limited number of so-called "peace zones." These were zones demilitarized by agreement between the TNI and GAM. Peace zone inaugurations tended to turn into pro-GAM independence rallies, however, deeply ranking to the military brass and nationalist politicians who followed these events in the media.

Almost immediately the deal began to fray. The TNI's high command was never uniformly supportive of the agreement, and GAM largely considered CoHA as a chance to advance its political struggle, not as an opportunity to compromise on core demands or build confidence with an adversary it fundamentally distrusted. In a reprise of the Humanitarian Pause, GAM used the relative openness of the CoHA period to seek new recruits, increase "taxation," and agitate for independence, despite earlier statements accepting autonomy as a "starting point." (Some GAM actions, like flag-raising and rallies, were not explicitly banned by the CoHA, which was also silent on the specific procedures for investigating or punishing the extortion that GAM considered legitimate taxation.)

Starting with a mid-January rebel ambush that resulted in a soldier's death in 2003, ceasefire violations by both parties quickly began to mount. These incidents soon surpassed the JSC's ability to investigate and adjudicate alleged violations, especially when TNI representatives on the JSC rejected two February findings against the government and top commanders openly questioned the JSC's neutrality and professionalism. This atmosphere prompted GAM to veto action on a case against their side, and the JSC soon became paralyzed by an intransigence that even the foreign military observers were not able to resolve. By March, JSC installations were being attacked by civilian mobs instigated by the security forces, and goodwill between the parties was all but gone.

Seizing on this chaos as pretext, the TNI then moved to scuttle the deal outright. By May, the Indonesian government announced its intention to launch operations to annihilate GAM within months. Efforts to save the CoHA at an international conference in Tokyo collapsed on May 18, and the following day, President Megawati, with the unanimous support of her cabinet and parliamentary leadership, imposed martial law on the province. This cleared the way for the TNI's largest-ever operations in Aceh, ultimately mobilizing some 35,000 troops. These operations proved largely effective in military terms, especially when coupled with efforts to cut off rebel supply chains, to mobilize larger segments of the civilian population in support of the counter-insurgency, and to offer amnesty to rebels prepared to turn themselves in. By mid-2004, the TNI announced that almost 2000 GAM fighters had been killed, another 2100 arrested, and some 1300 forced to surrender (although these figures were impossible to verify independently).

On the face of things, peace in Aceh began to look more and more remote. Below the surface, however, perhaps senior Indonesian officials, both civilian and military, realized that an exclusively security-driven approach would not ultimately be successful. Likewise, perhaps enough of GAM's rank-and-file had been decimated and remaining fighters driven into the more inaccessible Acehese interior that some senior field commanders – rather than GAM's leadership in exile – were ready to talk peace.

The promise of democracy

The watershed event of 2004 was Indonesia's first direct elections for the president, and this historic moment also deeply affected Aceh in ways that would not become apparent for months. The main characters in this new chapter of Aceh's drama were more moderate Acehese outside of GAM's leadership in exile and Yusuf Kalla, who was first Megawati's coordinating minister for people's welfare and then vice-president under the newly-elected president. The new president was in fact Megawati's coordinating political-security minister, Susilo Bambang Yudhoyono. Their early commitment to continued dialogue set the stage for the later engagement of former Finnish president Martti Ahtisaari, whose organization Crisis Management Initiative (CMI) ultimately became midwife to the *Memorandum of Understanding* (MoU) in August 2005.

In early 2004 – even before the national elections that would confer on him the vice-presidency – then-Minister Kalla launched a secret process that reached out to moderate Acehese and that simultaneously also came across Ahtisaari and CMI as a potential

mediator. Once President Yudhoyono and Vice-President Kalla were sworn in, Kalla renewed his secret efforts in earnest. Through Acehese intermediaries, GAM's top field commander Muzakkir Manaf – presumably without the knowledge of GAM leaders in Sweden – authorized secret contacts in Malaysia between lower-level rebel representatives and government negotiators. In late October 2004, these delegates came to an agreement on a deal that would ensure implementation of Aceh's autonomy law and provide economic benefits for select GAM members and other Acehese constituencies in exchange for disarming some fighters.

Whether or not Muzakkir fully endorsed this agreement or merely saw Jakarta's overture as a tempting opportunity to engage in a time-honored Acehese tradition of double-crossing one's military opponent, the Indonesian government clearly interpreted this episode as evidence of an opening to talk with battle-weary GAM commanders rather than just the Swedish-based leadership. Regardless, GAM political headquarters in Sweden quickly issued a denunciation of this initiative, but clearly GAM's political leadership must also have been re-evaluating options during 2004. Meanwhile, other secret attempts by Kalla's intermediaries to contact the Swedish exiles led instead to the involvement of Ahtisaari (by way of a Finnish businessman who had earlier resided in the vice-president's home province and befriended someone who was to become a key Kalla adviser). By December Ahtisaari was told that both sides were ready to talk.

From the tsunami to Helsinki

It was just at this moment that the Asian tsunami struck in December 2004. Faced with such destruction and suddenly caught in the international spotlight, GAM declared a unilateral ceasefire, and President Yudhoyono promptly sent a government negotiating team to Finland to meet at CMI with the leadership in exile.

Including these late-January 2005 talks, a total of five rounds took place. A major breakthrough occurred early on in February when GAM accepted "self-government" as opposed to outright independence. Apparently this sudden reversal followed internal GAM recognition that talks with Jakarta could collapse once again without a decisive move on their part; debates focused on how "self-government" could be enhanced to include significant symbolic and substantive improvements over the "special autonomy" that had been on offer from Jakarta since 2001. Though this declaration provoked intensely negative reactions within broader circles of GAM sympathizers and some confused public disavowals, this new stance proved

genuinely durable and set the stage for other important concessions. For example, the government agreed that – in contrast to the terms of the CoHA – the new deal would permit the creation of local-level political parties. This was a significant departure from Jakarta's previous policy, which had hitherto insisted that all parties be national in character, and this innovation allowed for the possibility that GAM be transformed from a rebel group into a non-violent political force.

Another major improvement was to authorize a far more robust third party to monitor the agreement than the feeble Joint Security Committee that HDC attempted to manage. The MoU called for a 300-strong force of EU and ASEAN personnel, and the Chair of CMI, Ahtisaari himself, was empowered as the final arbiter of disputes that could not be resolved at lower levels.

Despite an abiding sense of betrayal and disappointment engendered by the CoHA's collapse, the parties were genuinely keen to sign the MoU in August 2005. This was testament to the changed calculus the parties had, including their view of the conflict's broader context and the need for a deal. But Ahtisaari and the negotiators also worked hard at re-establishing a climate of trust. The third-party mechanism conceived of to guide peace implementation – the Aceh Monitoring Mission (AMM) – also proved to be highly effective, as charted in Kirsten Schulze's contribution to this volume.

Peace negotiations as learning process?

Aceh's long road to conflict settlement – lasting some seven years between 1999 and 2006 – invites reflections on how learning takes place in and across peace processes. The context in Aceh did change over time, and ultimately those changes were probably critical in setting the stage for the successful efforts in 2005-2006. (In 2003-2004, the TNI had exacted a huge toll on GAM's military capacity and ability to move freely within the province, but the government was also starting to feel the mounting human and financial costs of operations that President Yudhoyono later estimated at US\$130 million per year.) But many of the key players on both the GAM and government sides were acquainted with each other and with peace efforts from the HDC period. The mediation team at CMI supporting Ahtisaari reportedly read up on and studied the shortcomings of those efforts.

In addition, there were important differences and indeed improvements that characterized the Helsinki effort. First, while the personal engagement of key figures in the CoHA negotiations, especially Yudhoyono,



Source: Reuters/Ruben Sprich

was indispensable, his and Kalla's commitment to the second process carried the full weight of the Indonesian government. Ultimately, they were willing to take risks and search for non-military solutions. Specifically, they probably learned important lessons from Megawati's difficulties in managing the different players at local, national, and international levels. They certainly learned the value of removing spoilers or other impediments to reform (Megawati's armed forces chief Ryacudu was one of the first victims of Yudhoyono's new administration), and they included efforts to win over those who objected to compromise in the army and the national legislature.

The other important difference was the nature of the peace talks, in both content and style. The government, for example, deliberately fielded a team that was not "Javanese" in complexion and engaged in a far more constructive, less take-it-or-leave-it fashion. Most critically, however, Ahtisaari had far greater stature and firsthand political experience as a former president than HDC mediators. He also had direct access to top decision-makers at the UN and EU as a result of his post-presidential career in international peacebuilding. In addition to appreciating the need to plan for a credible third-party monitoring mission, he aptly focused *not* on a sequenced approach to establishing a robust ceasefire first and deferring difficult political decisions for later. Rather, his mantra was "nothing is agreed until everything is agreed," forcing the parties to

come up with necessary compromises, but also creative trade-offs, as part of a larger deal. In instituting litmus tests for the parties and even traveling to Jakarta to urge the removal of military engaged in human rights abuses, he also demonstrated to both sides that he was prepared to be fair *and* tough. The parties themselves, however, were ultimately the ones who had to make the toughest calls – and choose the path toward peace.

Delivering peace for Aceh

an interview with President Martti Ahtisaari

President Martti Ahtisaari was President of Finland from 1994 to 2000. In 2000 he founded the Crisis Management Initiative (CMI), which he chairs. He is currently Special Envoy of the Secretary-General of the United Nations for the future status process for Kosovo.

Accord: Were you familiar with the details and dynamics of the Aceh conflict or familiar with any of the key parties prior to the tsunami of December 2004?

President Ahtisaari: Only in very broad terms. I did not know the parties personally. As early as February 2004 I had been contacted by Farid Husain and Juha Christensen. My message was that the Indonesian government should start thinking seriously about what they could offer that would be interesting enough to bring the other party to the table. The elections later that year – the first direct presidential elections in the history of Indonesia – brought Susilo Bambang Yudhoyono to power, which was a positive sign. Juha came to see me a few days before Christmas 2004 and said that the parties were prepared to come to Helsinki if I was ready to mediate their talks. It was agreed that the Swedish-based GAM parties would come to Helsinki so that I could get to know them as well. This happened in early January 2005.

In late 1999, Husaini Hassan of the Free Aceh Movement Government Council (MP-GAM) contacted the Finnish government (then under your presidency) about whether Finland would offer its good offices in negotiations between GAM and Jakarta.

Interestingly – and probably due to the many other demands – I do not recall being aware of this at that time, and it was probably a communication that went through the foreign office. At that time, the Acehnese were watching Kosovo very closely, looking for international assistance and brokerage.

What had changed by 2005 that made progress possible?

A major change was the new government, which included prominent individuals who had been involved in previous ceasefire talks brokered by the Centre for Humanitarian Development (HDC) and were familiar with the issues.

There was a clear mandate with clear parameters. There had been time to think through earlier failures. History matters – and time itself is important for weighing up options and opportunities. There was a certain realism about the political trajectory – and indeed the tsunami made it a historical juncture in that so much depended on getting the agreement right. I was rather tough with the parties on several occasions. If demands were totally impossible, I had to tell them so in no uncertain terms. At these talks they had commitment to a serious outcome.



Source: Reuters/Lehtikuva Lehtikuva

Was the new Indonesian government's increased legitimacy and political authority over the military a factor in the success of talks?

The new administration was important and a breakthrough in terms of credibility and confidence building. But you must remember that the role and behaviour of the Indonesian military are historically part of a structure that will take time and multiple reforms to change. As the institution only received part of its operating income from the national budget, it had licence to raise revenues in other ways and through business activities. Over the years, a web of opportunities for extortion, illegal transactions and business deals built up – and in Aceh a kind of competition with the rebels for local revenues, taxes and fines.

Of course, some behaviour needed to stop immediately. We received detailed information from the GAM in spring of 2005 about atrocities in Aceh that led me to visit Jakarta in May. I voiced my concern strongly and advised that certain offending parties be withdrawn from the province immediately. Their presence would have caused anxiety and mistrust in the negotiation process.

How important was it that talks were held in Finland?

It was important that they be held outside Indonesia for several reasons and there were strong points in favour of a European setting. I felt from very early stages that the monitoring of any agreement was going to be crucial and that European Union (EU) involvement would be desirable. Also, it was necessary that the parties be isolated from the press. Of course this is not always possible, given the ease and speed of modern

communications, but the parties agreed to say very little to the media during the negotiations. Both mediation team and parties had a choice – be nice to the press or work to try to solve real problems and find an agreement.

An underlying principle of the talks was that 'nothing is agreed until everything is agreed' – which meant that neither party could claim any victories during the process. All the agreements were included in the MoU, which was published only at the end. Would this formula transfer easily to other talks settings?

What you call a 'formula' is only possible if the parties themselves are disciplined. In this case the parties behaved rather well: there was no 'leaking' and a measure of seriousness. Such discretion is, after all, an indication of whether negotiations are genuinely a means to an end (the end to violence for a peaceful outcome) or a vehicle for point scoring and more combativeness. To a certain degree many contested issues are inter-connected, and there will be ebbs and flows in the 'give and take' of negotiations. Hence the need to work towards a whole picture and a full agreement before claiming progress.

CMI frequently advocates that 'a mediator must know where he or she is taking the negotiations.' Does this mean you formulate your own favoured vision of the outcome?

'Taking the negotiations' here is like enabling safe passage rather than a detailed final destination. As I mention in the book *Making Peace*, a good mediator is like a harbour pilot, alerting others to the places to avoid so as not to run aground. I am rather critical of

open-ended processes in which third-party intervention becomes a new vehicle for the conflict itself. Realism is critical. It was clear that the government was not offering independence and I had to work out with GAM how they could obtain the things they wanted, which they thought independence would have fulfilled. Our task was to examine whether we could reach an agreement on this basis. The outcome would be the next best alternative to independence and it needed to be guaranteed by proper legal arrangements.

It is often pointed out that these are unequal or 'asymmetrical' talks. The question for the mediator is one of balance, how to best achieve a fair deal for both. A clear mandate also implies a clear time frame. If there are genuine needs and reasons for an extension, this is acceptable. But it simply cannot be an open-ended process or it will go on forever.

Did your personal good offices also bring both the EU and ASEAN on board for the Aceh Monitoring Mission (AMM)? How important was this body and would more direct international oversight be helpful even today?

One thing that history teaches us is that NGOs should not monitor peace agreements. Very early on the EU monitoring role was a key idea. We need to know who can do what – what one can and cannot do. There was no question of UN involvement after the East Timor experience. The government did not want to internationalize the Aceh question – for them it was an internal matter. The government had already looked in a constructive way for a role for the Association of Southeast Asian Nations (ASEAN) and the EU-ASEAN combination proved to be both acceptable and highly successful.

I originally thought that the AMM was leaving Aceh too early. The mission did receive a necessary extension of operational time. Staying too long is not good either. The duration of international oversight is a difficult call. It is crucial that new political arrangements move forward, and that agreed mechanisms work and will deliver the peace. For example, the elections in Aceh were a milestone in the transfer of responsibility. The EU and ASEAN are not formally present now as monitors but relationships continue.

In retrospect, could both amnesty and reintegration have been better articulated in the MoU so as to avoid layers of subsequent misunderstanding and disagreement?

The mechanisms for amnesty have by and large worked. On reintegration, I believe it is beneficial to have local ownership of these issues in terms of defining terms and process. In our own societies policy

formation is not a smooth, straight line – leaders and political actors argue, political parties split, personality politics can dominate and alliances rise and fall. The key thing in the implementation of the MoU is that the government and GAM should do what they have promised to do. It follows that we must emphasize the rule of law in democratic development. To guarantee human rights we must have the rule of law.

Are there lessons that third parties still need to learn about provisions for decision-making on implementing agreements, particularly when the agreements are very concise and general?

It is vital to get the legal structure right. This has been true for amnesty and reintegration and will be a continual challenge for the management of oil and gas revenues.

I have already referred to the importance of the government delivering on what it has promised. Political leadership should not use the parliament as cover for not following the MoU in spirit. Accompaniment, high level follow-up and mentoring roles are extremely important. We can better learn how to give indirect assistance while letting actual responsibility remain with the parties.

In explaining the breakthrough of the Helsinki talks, what balance would you say there was in the Aceh talks between your skill as a mediator and the 'ripeness' of the conflict to be solved?

Certainly the conflict was more 'ripe' in 2005 than in 2000. I brought quite a bit of previous experience to the table, but you have to be lucky too. With all the skill in the world, I cannot make a mediation process 'pregnant' in the sense of bearing the fruit of peace. The parties themselves must do this. If the parties genuinely are ready for the birth of a peace process then a mediator can be the midwife, so to speak.

I would emphasize the fact that one should never deal with such a thing alone. I had the privilege of working with great people. My colleagues from CMI played a vital role. Many others worked quietly and behind the scenes, being very supportive: UN Secretary-General Kofi Annan, the EU's Javier Solana and Benita Ferrero-Waldner and their staff, the Olof Palme Centre, and many governments and research institutes. There is the danger that we compartmentalize roles and responsibilities, do not cooperate fully and do not use the expertise available. But in this case there was willing support and the EU acted and responded very quickly and professionally.

We have to keep in mind why we are in this business. It is to solve problems.

Why is peace in Aceh successful?

Hamid Awaluddin

Hamid Awaluddin was the Indonesian government's chief negotiator during the Helsinki process and served as Minister for Law and Human Rights. He is now the Indonesian government's Ambassador to the Russian Federation.

Aceh today is a place of peace. Guns are silent. Women no longer become widows because of political violence. Children freely develop their dreams to have a brighter future because they can attend schools. The economy is running well. Social interactions are uninterrupted. The people of Aceh have already elected their own leaders through free, democratic and fair local elections. The clear line between 'we' and 'they' has already been deleted – we have only one clear line, 'we'. These realities were empty dreams during the three decades of bloody conflict. They became possible in August 2005 in Helsinki with the peace accord signed by the Government of Indonesia and the leaders of the Free Aceh Movement (GAM). In short, past differences had already been overcome to achieve a suitable future dispensation.

The government's offers

There are several reasons why peace in Aceh has been achievable. First, the government entered the peace negotiations with clear action plans and reasonable offers. It started with the offer of amnesty to GAM, allowing all their prisoners and detainees to be released two weeks after the signing of the peace accord. All the legal charges against the GAM's activists would be dropped and those who lived overseas could return home unconditionally. The government held about 2700 prisoners and detainees. They are now free.

Along with this, the government offered concrete economic programmes. The Acehnese government was to be allowed to keep 70 per cent of Aceh's revenues. These revenues can undoubtedly propel the economy forward, which was ruined during the war. Such a high percentage of revenues was an unimaginable hope during the war. In short, the unfairness of the previous share of revenues led to three decades of bloody conflict. This is now over. Aceh is developing a better economy now.



The impact of the tsunami

The tsunami that devastated Aceh and caused the loss of almost 200,000 human lives became another factor that led to a successful outcome. The tsunami created common ground which allowed the Indonesian government and GAM to start peace negotiations. Both sides felt pity for all those who were suffering. Both sides realized that helping the victims of the tsunami was much more important than continuing the conflict. Besides, the international community was in Aceh for humanitarian purposes, so both sides were reluctant to keep fighting. Sadness seemed to bury the will to fight.

High-level commitment

A further reason for success is the full commitment of the government to settle this bloody conflict through non-violent means. President Susilo Bambang Yudhoyono convinced the military to support the peace talks, Vice-President M. Jusuf Kalla made the moves, from outlining the plan of the talks to lobbying the parliament. They both worked in tandem to stop the war. They both believed that peace is the best vehicle for addressing the past differences. As a businessman, the Vice-President made calculations in terms of the costs and benefits of continuing the war.

The next factor is the support of armed forces. In the beginning, pessimism overshadowed the peace talks. People believed that the armed forces would be an obstacle to peace, because they would lose the economic benefits they had derived from the war. This is wrong. I received full support from the Commander in Chief of the Armed Forces, General Endiartono. "Enough of the war. The armed forces also lost their men in the battle. No general would sacrifice his men," Endiartono said.

International support

International support was also key to our success. Vice-President Kalla invited the Ambassadors of the USA, United Kingdom, Sweden, Finland, Japan, Australia, and Singapore and asked them to support the plan. "Please ask your government to approach and put pressure on the leaders of GAM who live in Sweden to enter the peace negotiations," Kalla said to those Ambassadors. "You are all in Aceh now for humanitarian reasons, helping the Acehnese after the tsunami, but you cannot be effective in your mission if the guns still smoke and food supplies are intercepted. You cannot build roads and bridges if there is no guarantee that you are not going to be kidnapped. The achievement of your mission here depends greatly on your support to enter peace negotiations and establish peace in Aceh," continued Kalla. This tactic worked very well.

Indonesia's Minister for Information Sofyan Djalil (L) and Minister for Law and Human Rights Hamid Awaluddin, talk at the residence of Indonesia's ambassador to Helsinki, May 2005.

Source: Reuters/Lehtikuva Lehtikuva

The leadership of the mediator, Martti Ahtisaari, was unmistakably decisive. He never allowed either side to discuss issues other than those he provided on the agendas and itinerary. "The only agenda and vehicle we have is special autonomy, nothing else," he said. Ahtisaari was also easily able to find appropriate words to avoid the sensitivities of both sides. He had the courage to say to both sides: "Do not waste my time if you just come to my place to curse each other. You come here for a solution, not for condemnation." In addition, Ahtisaari said, "if you keep talking about the idea of independence, please leave my room and never come back. But remember, you will never get what you dream. Not in my lifetime. I will use all of my muscles to influence Europe and the world not to support you. You will never get independence."

The design of the negotiations

Agreement on a 'zip mouth policy' during the seven months of negotiations contributed significantly to the establishment of peace. Neither the government nor GAM was allowed to leak information to the media on the substantive issues being discussed. Both sides obediently observed this policy, so the peace talks continued without being interrupted much by unnecessary controversial issues in the media. This policy prevented the media from developing and provoking unhelpful debate.

Along with this, the format of the peace process – direct and informal talks – played an important role. Direct talks meant both sides could see each other and talk directly, heart to heart. Both sides could see into each other's eyes. Messages were not delivered by the third party, but conveyed to each other directly. Therefore both parties did not come with interpretations, but conclusions.

Another key to the process's success has been the loyalty of GAM's followers in obeying the commands of their leaders who conducted the peace talk. Not a single casualty occurred during the peace talks. This was a huge help in allowing the talks to continue and reach agreement.

Finally, the willingness and ability of both sides to maintain personal relations was crucial. No single difficult issue was left unsolved. Deep personal relations and ongoing conversations enabled us to find solutions to unresolved issues from the negotiation table.

The Helsinki negotiations

a perspective from Free Aceh Movement negotiators

M. Nur Djuli and Nurdin Abdul Rahman

M. Nur Djuli was a GAM negotiator at the Helsinki peace talks and is now Executive Director of the Aceh Reintegration Board.

Nurdin Abdul Rahman was a GAM negotiator at the Helsinki peace talks and is currently *bupati* (head) of the district of Bireuen.

The seed for the Helsinki peace talks was planted soon after the collapse of talks between the Free Aceh Movement (GAM) and the Government of Indonesia mediated by the Centre for Humanitarian Dialogue (HDC) in May 2003. Despite the immediate declaration of martial law in Aceh, GAM leaders remained committed to peace talks as a way to resolve the conflict. However, the opportunity to realize this came from an unexpected source. Soon after the collapse of the talks, the Finnish businessman Juha Christensen contacted GAM to act as the new mediator. GAM's leadership in Stockholm, Sweden, was initially cool about this approach as it was still hoping that HDC would be able to persuade Indonesia to return to the negotiating table, and Christensen was not known for work in the conflict resolution field.

The new initiative eventually led to talks for two main reasons. Firstly, Christensen not only had a very close relationship with the Indonesian leadership (especially Yusuf Kalla, elected Vice-President in September 2004), but was also able to bring in the high profile former Finnish President Martti Ahtisaari and his Crisis Management Initiative (CMI) to strengthen the mediation. Secondly, the tsunami of December 2004 gave the international community strong reasons to convince Jakarta to come to the table. GAM also perceived that there was no alternative to taking whatever road was available to end the war, and declared a unilateral ceasefire three days after the tsunami in order to allow in emergency assistance. With the HDC initiative, the involvement of the international community had been limited, a problem that the Helsinki process avoided.

Overcoming a rocky start

The first round of talks in Helsinki went quite badly. As GAM negotiators we perceived that President Ahtisaari knew little about Aceh or the Acehnese character and that the premise of the talks was that we were rebels who had to return to the fold. Ahtisaari started by telling us that this was not to be a negotiation between equals, that the government of the Republic of Indonesia was recognized and that we were not, and that, "I don't want to hear about independence or referendum, we are going to discuss your acceptance of the autonomy status. Don't waste your time trying to smuggle in ideas of independence or referendum – if you want to do so you'd better go back to wherever you have come from." This prompted a quick retort that we were Ahtisaari's guests, and if we were not welcome we were ready to pack our bags and go somewhere else. The option in mind at that time was that the Norwegians had made several approaches to us while dealing with the Sri Lankan conflict.



Learning quickly from his error, Ahtisaari apologized on the second day for his “bluntness”, but could not prevent the round ending in failure when the Indonesians rejected our offer of a ceasefire and insisted we accepted the status of ‘autonomy.’

If the words ‘independence’ and ‘referendum’ were taboo to Indonesia, we were allergic to ‘autonomy,’ which represented for us an abhorrent system of brutal oppression and impunity for murders, rapes, disappearances, massacres and all sorts of other brutalities. We knew that people in Aceh would not accept another autonomy law. However, we had come prepared with a hierarchy of plans that we could fall back on. Plan A proposed that Jakarta allow Aceh to have a ceasefire for 15 years, during which time it could build up Aceh as much as it liked – cover Aceh with gold, as we said – but afterwards the Acehnese must be allowed to have a referendum. This was rejected by the Indonesian side who said GAM would consolidate and at the end would continue their pursuit of independence.

On the first day of the second round of talks, we decided that if we insisted on that proposal, the peace talks would collapse. That evening, we communicated with GAM field commanders, explaining that Plan A was not bearing fruit. We waited for about six hours to get a decision from the ground about Plan B. Plan B proposed ‘self-government’ for Aceh - terminology that allowed our delegation to venture into new ground in relations with Indonesia without accepting the unjust autonomy law. In many ways, self-government was another word for autonomy, but without the same abhorrent connotations. Coincidentally, that same evening Ahtisaari talked on television in Finnish and said there was a great chance for peace in Aceh if it was given self-government. Initially we were not sure

whether the Finnish word he used was self-government or self-determination. So we invited Ahtisaari to our room on the second day and asked what he had meant, and he said it meant self-government. We grabbed the terminology as a Godsend and pursued it relentlessly, starting to do away with other associated terminology such as ‘governor’ and ‘bupati’. There was strong resistance from Sofyan Jalil on the Indonesian side, and back in Jakarta the team received heavy criticism from opponents in the military and parliament. The press however termed GAM’s proposal ‘brilliant’ and it attracted tremendous public support. Eventually the Indonesian side accepted self-government in principle and we began to iron out what it meant in practice.

There was another crucial factor that made this advance possible: in the first round Ahtisaari had coined an excellent phrase that made it possible for us to return to the negotiation table without accepting the Indonesian demand for autonomy and for Indonesia to continue without losing face: “Nothing is agreed until everything is agreed.” This became helpful when we explored difficult issues like self-government, because it meant if any one agenda item did not reach an agreement, all points were unacceptable.

Making progress

As talks went on, the sides became friendlier and we found it easier to negotiate directly with the Indonesians without interference from Ahtisaari, who had initially had the habit of responding when we addressed questions to the Indonesian side.

Our delegation also increasingly took the initiative, working hard into the early hours so each morning we were ready with proposals. We had the advantage of

being very small in number, while the Indonesians seemed to be governed by different interests in Jakarta: some six ministries, the police and the military were involved. Their decision-making was slow and cumbersome and their in-fighting quite obvious, especially between the Vice-President's team and those from Foreign Affairs or the military. So we took the lead in forging new ground and the Indonesians principally had to agree, disagree or modify our demands. This was a mode reversal from the Geneva and Tokyo talks, where we were basically handed the government's or mediator's proposals.

There was a brief crisis when – probably as a result of military pressure and the Indonesian chief delegate's legal and political problems – Hamid Awaluddin said in a press interview that Indonesia still insisted GAM accept the prevailing autonomy law. GAM promptly declared the failure of the peace talks, but fortunately this matter was resolved through consultations. It was also confirmed that the military had pulled its representative, Brig. Gen. Safruddin Tippe, out of the Indonesian support team, signaling a growing rift within the Indonesian delegation. In Jakarta the military and foreign affairs people increased their rhetoric against the talks, especially on the Indonesian concession to allow self-government status for Aceh.

Make or break

The 'nothing is agreed until everything is agreed' modality came to a climax at the fifth round in which we discussed the thorniest issues: security issues and local political parties.

On security, we hit a deadlock over the number of troops to remain in Aceh: we initially proposed 4000 and Jakarta proposed 25,000. Even in the biggest and most populated provinces of Indonesia the number is never more than 6000, so we were shocked when the mediators revealed that the proposed level of troops to remain in Aceh was 14,700 and 9200 police. Furthermore, although these were 'organic' troops it was obvious to us that non-organic troops (units of armed forces and police sent to Aceh from other provinces) would simply change insignia on their uniforms and become 'organic.' After prolonged and heated arguments we voted to accept these numbers after strong assurances from the CMI that the Aceh Monitoring Mission would ensure that the military's role would strictly be in external defense, as per the clause written into the agreement. Had we decided to reject this, the peace talks would have been at a stalemate.

The other really difficult issue was the refusal of Indonesia to allow the formation of local political parties in Aceh for constitutional reasons. The branches

of national political parties were, according to the Indonesian side, local parties. But for us these were still national parties and having local parties was a 'bottom line' issue for us. So at one point we packed our computers and told Juha Christensen that we were leaving. He dramatically insisted he had the right to hold us until 5pm and refused to provide us transport into town. Adamant about our position, we asked the Indonesians one last time to give us a yes or no answer to our demand. They came up with wording for this clause – 'local parties with national characteristics', which we were willing to agree to, and Sofyan Jalil called Vice-President Jusuf Kalla and obtained a direct order to accept.

At 11 o'clock on the third day of the fifth round we put initials on the *Memorandum of Understanding* (MoU).

The process in perspective

Nearly three years on, the peace is holding well, despite some ugly incidents involving ex-militias, some internal GAM disputes and the far-from-complete reintegration of ex-combatants.

Of course we could not secure all our demands in Helsinki. With the benefit of hindsight and experience, there are areas we might have liked to have secured more, such as being given more opportunity to decide on our own fiscal policy – currently all taxes are decided by Jakarta. These are areas we discussed but could not get through. We would also have liked to have agreed that human rights violations predating the agreement would be investigated, not only those afterwards. Hopefully some of the Generals involved will still have to face justice, as more pressure builds on them from within Indonesia, especially from a new, young and educated generation.

We have to accept what has been agreed and be careful not to fuel tensions. But there are still many clauses in the MoU that have not been properly addressed by the *Law on the Governing of Aceh* that was promulgated specifically to implement it, such as the role of the military, the distribution of resources and the division of authority between Jakarta and the Aceh government. The government also seems to want to regulate the way GAM reintegrates itself into society, quarrelling about the use of the name and logo of the party. If this prevents GAM from forming a political party in enough time for the 2009 elections it would be dangerous. That GAM is no longer interested in armed struggle should be enough of a victory for the government, who should not be trying to exert pressure on its erstwhile enemy. There should be more sincerity and less strategizing if peace is to hold permanently.

Perspectives on Aceh's peace process

Nashiruddin was the Chief GAM Representative and Negotiator during the Humanitarian Pause and the Cessation of Hostilities Agreement



"The peace agreement is a reality and I think GAM members accept that. Yes we can fight, but we are not sure that we can win through war. What is a war like that? Only war for war. We have the MoU, so why don't we use our time learning how to run our country, instead of fighting and war.

The Aceh Monitoring Mission did an okay job but left too early. They did not want to take risks. They wanted to show they had done a good job in a very short time – and they thought if they stayed here longer the success of their mission would have been questioned!

The main steps required now are implementing the agreement and socializing it – because most people don't know the details of the MoU. Without socialization of the MoU, maybe another group will come with ideas that can spoil the peace, a group that talks about independence and persuades people to follow them. Also the people should benefit from the peace. This is important, because if they benefit then maybe they won't be persuaded by such a group. Economic and political justice is the key.

We hope hardliners don't win the 2009 elections. It would affect the peace process, but that will also depend on the international community and their pressure on Indonesia. The international community don't think only about peace, but they do have an interest in what they can get out of peace – it's human, it's natural."

Mukhtar Hassan, from Jangka Bireuen



"I was a teacher, but then I got involved in GAM. The peace process has brought security, no more feelings of fear. Like many others, I have been able to come back home, to start my job. Without fighting, I can work.

Has the process brought justice? If we talk about justice, no, it is not just, the world is not a place for the just. However, if all the points in the peace agreement are implemented fully, I will be happy with the process. But the key is that all points have to be implemented, especially on the economic empowerment of former combatants. Besides the economy, there must be education facilities for orphans and assistance for the families of former combatants. That will make many families of former GAM combatants happy and can erase memories of the past.

In terms of reintegration, in practice there is discrimination. Some have benefited and some have not got any support at all. I am not yet happy because I want the whole Acehnese population to be helped. The economy must be addressed to improve the income per capita, education, and quality of life of local people. Without this there will be a long-term problem. A great number of economic pilot projects must be organized. I expect that to happen.

I still communicate with my former GAM comrades, but my activities right now are all about improving my economic condition. What I want for myself and others in the long term is that those in charge of Aceh address the problem of poverty, with no gap between villagers and rural areas. No more repetition of past oppression. Aceh is very rich, we deserve better."

The Brussels 'backstage' of the Aceh peace process

Antje Herrberg

Antje Herrberg was the European Policy Director of the Crisis Management Initiative 2004-07. She is now CMI's senior mediation advisor and a consultant for various initiatives. She recently co-founded the European Forum for International Mediation and Dialogue.

Whilst a considerable amount has been written on the Aceh peace talks held in Helsinki under the auspices of the Crisis Management Initiative (CMI), less has been said on how the European Union (EU) got involved in supporting this initiative. After the signing of the *Memorandum of Understanding (MoU)* in August 2005, the EU broke new ground in launching the Aceh Monitoring Mission (AMM), which was the first EU cooperation with the Association of Southeast Asian Nations (ASEAN), and the first instance of such an integrated civil-military mission. This account is drawn from my own experiences and interviews with some key individuals who worked 'behind the scenes' to support the peace process. It will also offer reflections on lessons learned for future application.

The early days: careful discussions

In 2004, the CMI was a new, emerging non-governmental organization with nine staff, with just one person based in Brussels. It had been created more or less as an extension of the office of former Finnish President Martti Ahtisaari to enable his engagement in independent projects relating to crisis management and conflict resolution. He had been approached to mediate renewed talks between the Government of Indonesia and the Free Aceh Movement (GAM), and he worked closely with his staff in the wake of the tsunami crisis in January 2005 as it became clear that a meeting between the sides was imminent.

The role that CMI and its chairman played was unofficial, informal and independent. This 'private diplomacy' aspect was crucial, particularly for the Indonesian government, which did not want to internationalize 'domestic' affairs. CMI was well placed for the mediation role given Ahtisaari's widely accepted impartiality as a mediator and access to networks with governments, with the added advantage of being a 'Nordic' presence in close geographical proximity to Sweden, where the GAM leadership was based.

The Finnish Foreign Ministry responded favourably to the involvement of CMI and indicated its readiness to facilitate the talks. It made it clear that it did not desire a political profile but would provide technical support (venue, transportation and logistics, and security). Ahtisaari's private contacts with President Halonen and Foreign Minister Tuomioja helped ensure political support for the process. It was not known how long the talks would take, so the government's commitment was not specified in terms of money or modalities, but was open-ended. Under-Secretary of State Hannu Himanen stressed that money was not an issue for Finland: 'We did not anticipate nor had any detailed information on possible EU support to CMI. It never affected the Foreign Ministry's decisions'. At the same time, however,



Ahtisaari took the view that broader EU involvement would be advantageous in the long run for support to any ensuing peace process.

The EU connection

The EU framework for dealing with conflict at that time did not include explicit provision for mediation, but emanated from the European Common Foreign and Security Policy (CFSP), the European Security and Defence Policy (ESDP) and assistance schemes focused on conflict prevention and crisis management. In addition, there was the Rapid Reaction Mechanism (RRM) that could be activated in response to crisis, in this case following the tsunami. While there had been support from Brussels for previous attempts at brokering ceasefires in Aceh, the tsunami relief effort dominated institutional responses at this time. In total the EU and its member states mobilized €1.5 billion for all tsunami-affected areas, most of which was eventually channelled to the Indonesian Multi-Donor Trust Fund.

In 2005 the Commission was willing to go beyond humanitarian support to fulfil a political role in facilitating peace. It had already invested in the peace process, providing €2.3million to the Centre for Humanitarian Dialogue's mediation efforts in 2002. According to one of the RRM managers, Patrick Dupont (one of the earliest supporters of the CMI mediation): "We wanted to work on peace, not only on a humanitarian crisis. We were on common accord on the fundamental elements for a peace process in Aceh.

EU institutions and mechanisms

Whereas the **European Commission** (hereafter the Commission) is a supranational institution that administers and implements important financial budgets, the **Council of the European Union** (hereafter the Council) represents individual member states' political will.

The **EU Rapid Reaction Mechanism (RRM)** streamlined existing areas for the alleviation of crisis (human rights work, border management, election monitoring, civil emergency assistance and so forth). In 2007 it was replaced by the **Instrument for Stability**, (which does not carry the RRM's six month limitation) as a response instrument for the Commission, accessed through the Directorate-General for External Relations.

The **European Security and Defence Policy (ESDP)** is a major element of the EU's Common Foreign and Security Policy (CFSP), formally under the domain of the Council. The ESDP's civilian dimension involves tasks in many different areas, including police and rule of law operations, civil administration and protection, monitoring and support for EU special envoys.

We wanted to provide the hardware (for reconstruction) and the software (peace). We were favourably disposed towards working with NGOs on the Aceh peace process. We had experience with the HDC and knew of the advantages and needs of a low profile, less political edge and more flexibility."

The European Commission's Predrag Avramović took up position in the RRM in January 2005, and shortly after he travelled to Indonesia with his colleague Aldo dell'Ariceia to assess the situation. While there he investigated the function or role CMI played in Indonesia, and he recalls encountering a certain scepticism about the organization as they had no presence on the ground, neither local presence nor partners. In retrospect, however, he recalls that this 'was probably good': in other words, CMI offered a 'fresh start' and there were no perceptions of complicated agendas or vested interests.

From the beginning of February, CMI was in daily contact with Avramović to seek assistance from the Commission for the Aceh peace negotiations. The submission of an application was not a 'one off' affair. Indeed a number of proposals were submitted, each one reflecting lengthy discussions with Avramović who worked with his hierarchy to find a suitable formula. He recalls that a 'team' spirit evolved over time – rather than one of a donor and an applicant for a project – and it focused on substance and results.

The Commission approved the RRM grant proposal for a maximum of €269,375 for the period of six months stipulated for the peace talks. Many questioned whether the six-month time frame would be conducive for a peace process as it would put all parties under considerable pressure. However, it was an opportunity for the parties and the mediator to focus on the 'essentials,' as well as reducing the potential for too much political manoeuvring by the parties – a kind of 'make or break' arrangement. It also propelled a number of EU actors (member states and the Council Secretariat) to start thinking ahead to the eventual consequences of successful talks.

EU financial backing for 'political projects' – the CMI together with its support for the Centre for Strategic and International Studies in Jakarta who received a grant for capacity building of local democracy (€220,000) – amounted to about less than 0.25 per cent of the amount of the Commission's support to Aceh in response to the tsunami. This should exemplify that it is not the size of grants that mattered as much, but the initiative and quality of working relations between CMI and the EU.

The fact that the Commission supported the peace talks in Helsinki, and that these were endorsed by Javier

Solana, High Representative for the CFSP, also had a trigger effect that provided a sense of common purpose between the two institutions: the Commission and the Council became stakeholders in the peace process. The networking and high-level political contacts would also pave the way for a new precedent: European monitoring of the eventual peace agreement.

Towards the AMM

From the very first round of talks in Helsinki in January 2005, the possibility of monitoring was a theme. As the Indonesian government was very clear about not wanting to 'internationalize' (in the sense of formal UN involvement), the EU appeared to be a credible monitor in partnership with ASEAN.

From the point of view of one Finnish national working in the Council Secretariat, the planning of a monitoring mission was already beginning then. The Council Secretariat's DGE IX (civilian crisis management) and EUMS/Civilian Military Cell had each established the concepts it needed (Monitoring, Rule of Law, and Civilian Administration) whilst civilian capabilities for crisis management (including monitoring missions) had been examined through the 'Civilian Headline Goal' approved in December 2004. Enthusiasm was high, and the Council Secretariat and member states wanted to make the conceptual framework a reality.

However, many in Brussels still believed that an EU role in monitoring an eventual peace process was a risky political business because of Aceh's remoteness and relatively minor political importance for EU member states. There were questions over whether the parties were really committed to peace, whether there would be 'spoilers' in the province, how precarious the security situation was, and how fast monitors could be deployed. But the 'tsunami effect', the desire for the EU to play a political role, institutional competition and the persuasive power of Ahtisaari translated into new political momentum. After discussions of which institution would take leadership in an eventual monitoring of the agreement, the EU was able to act in unison. According to a number of people involved this was also due to the determination of Pieter Feith, Deputy Director General of the Council, who was intrigued by the challenge and the potential of a monitoring mission. His long-standing friendship with Ahtisaari played a role as well. According to Feith, 'If Martti believed in this as an opportunity for EU, I was ready to support him.'

As it became clear that the peace agreement was becoming a reality and would require on-the-ground monitoring, Ahtisaari probably echoed Brussels decision-makers' thinking when he announced: "I am afraid that this will work."

Over the spring and summer months, planning went into greater detail and a number of difficult questions loomed large. There were practical issues about assessing security for the mission and how to solve the immense logistical issue in terms of financing. Considerable discussions took place over the question of sending in unarmed monitors. According to the planners, thinking evolved over time as confidence grew in the parties' commitment to peace. Pieter Feith said that what struck him most was 'the parties' willingness to reconcile, which was amazing when one looks at the Balkans, for example. The EU should reward such willingness for peace and that's what we did'.

A fact-finding mission went ahead from 24 June – 2 July and included CMI's military advisor Jaako Oksanen and consultant Juha Christensen. While the Council had no financing provision for including NGOs or experts in advance missions, a motivated and innovative staff member at the Commission found ways that made this 'mission possible.' The growing involvement and partnership between the Commission, the Council and CMI on the working level were also exemplified in European backstage presence during the last stages of the talks (EU observers were sent to the fourth and fifth rounds). This provided assurances for all sides on the commitments by parties and supporters of the talks, possibly providing also an additional impetus for all to succeed.

An Information Note from the Commission on 18 July provided a groundbreaking proposal for financing the mission, which provided for more debate in the Brussels arena not about how to finance it but who was allowed to finance it. The AMM was financed through member states and the CFSP budget line. Following the formal decision of the EU's Political and Security Committee on 18 July, the Technical Assessment Mission went on to its assessment, landing in Aceh on 26 July, the same day that Javier Solana, in the presence of Ahtisaari, addressed the Political and Security Committee and commended the success of the fifth and last round of negotiations and urged member states to deliver on a monitoring mission mentioned in the *Memorandum of Understanding*, to be signed on 15 August. The final push by these two leaders marked the beginning of a further level of EU engagement: to provide measures for monitoring and support to sustainability of a peace agreement.

Lessons learned for supporting mediation

Many lessons could be drawn from this experience. One set of lessons concerns inter-governmental partnerships with NGOs in peacebuilding. Increasingly, the EU is promoting partnerships with NGOs in

peacebuilding, and the way in which an NGO worked with the EU structures during the Aceh peace process sensitized the EU further to the value of effective partnership with NGOs. The Aceh experience helped to sharpen the concept of the Civilian Response Team (CRT). In June 2005 the Council Secretariat established a pool of pre-selected and pre-trained experts. Member States are covering the costs and can include experts from NGOs in their national pools.

Moreover, it has been shown that 'just throwing some money' at a 'project' is not what matters for the EU or possibly other regional and international organizations. Rather, when working on a 'political project' like the Aceh peace process it is about the ability of actors to be able to form genuine working relationships – team relationships, rather than simply those of a donor and implementer.

For track two organizations that seek partnerships with the EU, a solid network and 'know-how' about the politics of the EU can be a distinct advantage. This facilitates the forging of a culture of co-operation between the EU institutions and non-state actors. As much as the EU can help to forge a culture of cooperation, NGOs must make the human investment to work with political and financial stakeholders. This cannot be done artificially, or overnight. It almost requires a gradual paradigm shift that NGOs and non-state actors are important players in forging a European foreign policy culture.

Another set of lessons can be learned around investing in mediation support. The building of capacity for mediation support and mediators that can work with the EU and in turn with other regional organizations represents an enormous potential. A systematized understanding of the mechanisms, methods and practice of peace mediation could facilitate the EU ability to act in a responsive and cost-effective manner. The Aceh peace talks required relatively minute resources from the overall budget – consider what the costs could have been had there not been peace mediation.

The EU could continue to work with ASEAN and other regional organizations to build a common capacity to respond to the challenge of crisis response through mediation, and develop ways and methods of dispatching monitoring. The setting up of the UN Mediation Unit is one example where this has already come to fruition. 'Thinking ahead' about mediation support in the forthcoming External Action Service (which will support the new EU 'foreign minister') provides another key opportunity. With the support of all of these strands, we could possibly see more EU success stories like Aceh.

A sensitive mission

monitoring Aceh's agreement

Kirsten E. Schulze

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The *Memorandum of Understanding* (MoU) included the establishment of a mechanism for overseeing its implementation, the Aceh Monitoring Mission (AMM). The AMM's objective was to assist the Free Aceh Movement (GAM) and the Indonesian government with the implementation of the MoU and 'to contribute to a peaceful, comprehensive and sustainable solution to the conflict in Aceh.' Its specific tasks were to:

- Monitor the demobilization of GAM and the decommissioning of its weapons;
- Monitor the redeployment of 'non-organic' Indonesian Armed Forces (TNI) and police;
- Monitor the reintegration of GAM, the human rights situation, and legislative change;
- Rule on disputed amnesty cases;
- Investigate violations of the MoU.

The AMM was set up as a civilian mission headed by the EU's Pieter Feith, reporting directly to the Secretary-General of the European Council, Javier Solana. It comprised monitors from the European Union (EU), Norway and Switzerland as well as five Association of South East Asian Nations (ASEAN) countries: Thailand, Malaysia, Brunei, the Philippines and Singapore. The AMM's first mandate period was six months, extended three times until 15 December 2006. During this time the number of monitors was progressively decreased as the security situation improved. From 15 September to 31 December 2005 the AMM had 125 EU and 93 ASEAN monitors on the ground. At the end of the mission there were only 29 EU and 7 ASEAN monitors left. The AMM had its headquarters in the provincial capital of Banda Aceh.

It was then initially divided into 10 and later 11 district offices covering all of Aceh. They were based in Sigli, Bireuen, Lhokseumawe, Langsa, Lamno/Calang, Meulaboh, Blang Pidie, Tapaktuan, Kutacane, and Takengon.

Weekly meetings of the Commission on Security Arrangements (COSA) were held at the Banda Aceh headquarters, chaired by Feith and attended by senior representatives of GAM and the Indonesian government, police and military. The engagement of such senior representatives as GAM's Irwandi Yusuf and the Indonesian military commander in Aceh, Major-General Bambang Darmono, was key to its success. There were also meetings at the district level (DiCOSA).

These meetings provided a forum at which to raise security issues, questions and complaints in a speedy manner and to resolve them before they became real obstacles. The COSA and DiCOSA meetings were further supported by the dispute resolution



mechanism, although most differences proved to be resolvable within COSA. In the few incidents of violence that did occur the AMM listened to both GAM and TNI parties, carried out its own forensic investigation, and issued a ruling on the incident. Attesting to the AMM's impartiality, neither GAM nor the TNI challenged any of the rulings handed down.

Dealing with combatants

The AMM's initial focus was on security issues. Its role in the parallel processes of GAM decommissioning and TNI redeployment became the mission's greatest success.

Amnesty

In order to build GAM's confidence in the peace process the amnesty had to be implemented early and quickly. The AMM's key function was to monitor the releases and sustain pressure on Jakarta to ensure that amnesties were carried out speedily and completely. Indeed, the first round of releases came only two days after the MoU, with 298 released to mark Indonesia's Independence Day on 17 August 2005. On 30 August the official amnesty was granted through Presidential Decree 22/2005, after which another 1424 were released.

A small number of disputed cases delayed the completion of the amnesty process. As the amnesty

applied only to those GAM prisoners who were involved in the insurgency, not to those convicted on criminal charges, disputes arose as to whether certain prisoners had been involved in criminal activity. These disputed cases created discontent within GAM, which to some extent, rightly or wrongly, blamed the AMM.

Decommissioning

Decommissioning was a litmus test for the peace process. It was over precisely this issue that the 2002-03 *Cessation of Hostilities Agreement* (COHA) had started to unravel. Four specially trained decommissioning teams supervised the handing in of weapons. The first phase of decommissioning was scheduled to start on 15 September, effectively giving the decommissioning teams only two weeks to put everything in place. Nevertheless, 62 weapons were surrendered in Banda Aceh on schedule and three days later the round was completed when a further 279 weapons were handed over, of which 243 were accepted.

The second round of decommissioning took place in mid-October and resulted in a total of 291 weapons being handed over, of which 58 were rejected. This phase further strengthened the Indonesian government's confidence in the process because many of the weapons were surrendered by a reputed GAM hardliner, Bireuen commander Darwish Jeunib. The

third round of decommissioning in November almost collapsed when GAM's representative on the decommissioning team was suddenly replaced and the new representative declared there were no more weapons left, when EU monitors had observed more weapons. In the end, GAM surrendered 286 weapons in November (222 accepted) and another 162 weapons in December (142 accepted). The last weapons-cutting ceremony was held in Banda Aceh on 21 December, representing a total of 840 weapons accepted and destroyed. Despite the challenges, all parties involved declared the process a resounding success.

Redeployment

The four rounds of Indonesian troop redeployment ran from September to December 2005. The first phase of redeployment began on 14 September with the withdrawal of 1300 mobile police (*Brimob*), followed by the redeployment of two military units of the TNI. By the end of redeployment 25,890 TNI and 5791 *Brimob* had been withdrawn, bringing the total to 31,681 'non-organic' security forces redeployed.

While the process as a whole went smoothly, the AMM raised two issues during the early period. The first was continued aggressive patrolling by the TNI and allegations of harassment, beatings and extortion by *Brimob*. The second was repeated reports of intimidation of ex-GAM by members of the TNI intelligence unit. Both issues could have undermined the process, but ceased to be a problem once the AMM brought them to the attention of Major-General Darmono.

The troop redeployments were verified by the AMM and GAM was informed at each COSA meeting. This was followed by an overall verification from 14 January to 15 February 2006 in which the AMM monitored the remaining troops in the various districts and concluded that the Indonesian government had fully complied with the MoU.

Reintegration

Once the decommissioning had been completed, the reintegration of former GAM combatants became a key priority. According to the MoU, the AMM's role was to monitor the reintegration of GAM ex-combatants into society, including amnestied prisoners. Implementation of the reintegration programs was to be carried out by international agencies, local government, and a new government agency called the Aceh Reintegration Board (BRA).

As Lina Frödin describes in her article in this publication, there were many problems with reintegration schemes, including delays in the disbursement of funds and reports of ex-combatants receiving less money than intended. Tensions ensued

over the ultimate fate of funds disbursed, compounded by unrealistic expectations among ex-combatants and lack of capacity. Although the bulk of the criticism was levelled at the Indonesian government and BRA rather than the AMM, some blamed the AMM for not pressing the government harder.

Other criticisms came from within the AMM itself. Some believed that the main problem was inexperience in reintegration processes as a whole, starting with the rapid drafting process of the MoU itself. The AMM was faced with monitoring the implementation of a process, on the final form of which there was no real consensus. Moreover, the AMM did not start focusing fully on reintegration until after decommissioning was completed. And finally, there was criticism of the AMM's top-down structure, which had been adopted to safeguard its personnel in a hostile environment and allow for speedy evacuation. However, this structure proved less appropriate to dealing with complex social issues such as reintegration.

The AMM and political transition in Aceh

If security issues were tackled efficiently, the political issues proceeded at a slower pace and movement on the human rights provisions of the MoU was almost non-existent. The key political processes that the AMM had to oversee were the drafting of the *Law on Governing Aceh* (LoGA), followed by the first direct elections for governor. The AMM was also responsible for monitoring the human rights situation and the establishment of the Human Rights Court and Truth and Reconciliation Commission (TRC).

According to the MoU, new legislation was to be drafted for Aceh based on the principle that it would exercise authority within all sectors of public affairs except foreign affairs, external defence, national security, monetary and fiscal matters, justice and freedom of religion, which belong to the Government of the Republic of Indonesia. Aceh was to be consulted by the Indonesian Government on international agreements relating to matters of special interest to Aceh. Decisions concerning Aceh by the national legislature were to be taken in consultation with the legislature of Aceh and with its consent. Finally, by-laws (*Qanun*) were to be re-established for Aceh respecting its historical traditions and customs as well as reflecting more contemporary requirements.

Drafting and redrafting the LoGA only started after decommissioning and redeployment had been completed and then took more than five months. Indonesian parliamentarians in Jakarta, aware that Aceh undoubtedly would become an example for other provinces, wrangled over how much autonomy the

province should receive. They missed the deadline of 31 March 2006 stipulated by the MoU, finally passing the LoGA on 12 July. It comprises 40 chapters and 278 articles.

Pressure from the AMM was important in getting the legislation passed. According to Indonesian Justice Minister Hamid Awaluddin, 'they played a significant role in pushing us to keep to the timeframe but without interfering in the substance.' From an Indonesian point of view, this confirmed the AMM's impartiality. However, there was criticism from GAM and a wide range of civil society organizations. At the local level Acehese political and human rights activists thought the role of the central government was still too great, criticisms to some extent reflected in GAM's concerns about the scope for interference from Jakarta, as the LoGA allows the central government to 'set the norms, standards, and procedures as well as monitor' governance in Aceh. Some GAM members blamed the AMM for failing to put more pressure on the government to bring the LoGA into line with the MoU.

At a national and international level, human rights organizations pointed out that the LoGA, especially its provision for Shari'ah Law, contradicted international conventions recently ratified by the Indonesian government guaranteeing minority rights, religious freedom, freedom of expression and gender equality. It was also not in line with the MoU's stipulation that 'the legislature of Aceh will redraft the legal code for Aceh on the basis of the universal principles of human rights provided for in the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.' Human rights organizations contended that the AMM, tasked to monitor legislative drafting, should have prevented or at least discouraged the inclusion of provisions incompatible with human rights. After the LoGA was passed the date for the first direct elections for governor and vice-governor as well as 19 regents and mayors was set for 11 December 2006. For the 2.6 million Acehese eligible to vote, the elections were a sign that the peace process was becoming irreversible.

While the political processes were concluded late but fairly successfully, there was little progress on human rights issues. By the time the AMM ended its mission neither the Human Rights Court nor the TRC had been established. This was the result of four factors. First, the AMM had to work in a highly sensitive environment where pushing too hard on human rights risked the mission as a whole. Second, the AMM had no sanctioning power. Third, its mandate only covered the violations by either GAM or the Indonesian security forces. And fourth, there was reluctance within the AMM leadership to push on human rights. As one AMM official pointed out, 'human rights is not well

coordinated or competently represented. The concept is non-existent, there are no policies and the area is weak, confused and aimless.' Several other AMM members claimed that every time they wanted to raise human rights or be more pro-active in this area they were ignored, marginalized or even silenced. Ironically, the AMM's reluctance to push for the implementation of those aspects of the MoU contributed to the mission's achieving its overall aims.

Conclusions

There is no question that the AMM as a whole was a success. Aceh has been transformed from a battlefield into one of the most democratic areas of Indonesia. Without the AMM's monitors and expertise the Aceh peace process may have collapsed early on. Indeed, it was the impartiality and the confidence the AMM inspired in both GAM and the Indonesian military that allowed for the crucial decommissioning and redeployment to be carried out and the subsequent political changes to take place. Yet it is also very clear that monitoring the MoU's security elements was far more successful than monitoring the agreement's political and human rights elements. One of the reasons for this was the fact that the AMM had an active, well-defined role in decommissioning and redeployment, and was fully supported by the international community.

The mandate on human rights was less well defined and the EU provided neither guidance nor political backing for a more assertive AMM approach. The presence of the ASEAN member countries on the AMM undoubtedly also played a role. The AMM's role with respect to legislative change and human rights was consequently interpreted more as one of passive monitoring with a focus on process rather than substance. The AMM did not consider it appropriate to comment on the content of the LoGA and considers the fact that neither a Human Rights Court nor a TRC were established during its mandate period to be a failure of the Indonesian Government, not its own. Not surprisingly, views on this point differ markedly. Human rights activists, including those from within the EU and the AMM, believe that it was the responsibility of the AMM to push harder on human rights. It may well be that the human rights mandate of future international monitoring missions needs to be more limited or sequenced so that the overall mission is not jeopardized. What is certain is that any human rights mandate and the role of the mission in implementing it need to be more clearly defined. Monitoring missions must also receive unequivocal political backing and guidance from their 'home institutions.'

Civil society engagement in the peace process

Afridal Darmi



Former Aceh rebels from the Free Aceh Movement (GAM) are greeted by Indonesian soldiers during a peace rally in the town of Lhokseumawe, Aceh, September 2005.

Source: Reuters/Stringer Indonesia

Afridal Darmi is an advocate and human rights worker. He has served as the Director of the Board of the NGO Coalition for Human Rights and of KontraS Aceh and has been director of Banda Aceh's legal aid foundation since 2003.

Peacebuilding is a relatively new role for civil society in Aceh compared to more conventional activities such as human rights advocacy, community development and economic development. Despite this, Acehnese civil society organizations (CSOs) have become actively involved in the peace process.

The Humanitarian Pause

The *Joint Understanding on a Humanitarian Pause for Aceh* of June 2000-January 2001 was the first chance for Acehnese civil society to become involved. Activists participated in both the formal bodies established for the Pause, the Joint Committee for Humanitarian Action (JCHA) and the Joint Committee for Security Capital (JCSC), as well as the monitoring teams established for each. The duties of the JCHA were mainly to distribute emergency aid to internally displaced persons (IDPs), and this benefited from access to the NGO humanitarian volunteers' network. The JCSC, whose tasks were to ensure no military offensive actions took place, was also helped by the NGO human rights monitoring network, which effectively became the JCSC's eyes and ears in monitoring the security situation in the field. The independent monitoring mission also received valuable inputs from a large network of civil society institutions in the field.

Explaining the peace process

As peacemaking efforts developed, the demands on civil society increased further, with the burden of continuously building and maintaining the trust of the population in the peace process itself. From within both the conflict parties and the general public, there were many who believed more in violence as the final solution to the political conflict in Aceh. CSOs encouraged people to adopt a more pro-peace orientation by facilitating many open discussions focused on humanitarian issues and the termination of violence. They also persuaded people to temporarily postpone resolution of the sensitive issue of 'independence versus unified national integrity'. This question had in the past increased tension and weakened trust in the process. CSOs worked to explain to the public that less sensitive issues, such as humanitarian concerns, the conditions of IDPs and the security of civilians, were easier topics on which to begin dialogue and build momentum in the peace talks.

CSOs were also significant in building trust in the institutions behind the ongoing peace process. Many people were initially sceptical about a peace process mediated by international NGOs and expressed concerns about their capacity compared to 'state-sponsored mediation'. Again, CSOs encouraged pragmatic acceptance of the mediation on offer. They argued that while it might look as though only a small

NGO was in charge, actually the backbone of the process included some important international actors including the Japanese government, the European Union and the World Bank.

Consolidating peace

Following the signing of the *Memorandum of Understanding* (MoU), CSOs also played significant roles in minimizing the potential for new conflict by promoting dialogue on sensitive issues, such as the potential further splitting of Aceh into new territorial units (ALA/ABAS). They also encouraged change in public perceptions of violence. In the post-agreement period, spoilers presented a real challenge to the consolidation of peace. CSOs tried to portray violence by spoilers as criminal rather than political violence that should be dealt with by the police and institutions of law, so as to prevent the peace process being undermined.

Long and substantial experience in supporting communities' economic empowerment has also proved important in supporting the peace efforts. CSOs have been involved in reintegration efforts for ex-combatants, through activities such as the provision of loans for small businesses or jobs in the agricultural sector or other small businesses, as well as in conducting trainings on small business management skills.

Democratic participation and local mediation

Various civil society institutions have made determined efforts to strengthen democracy through forms of critical education, including increasing public awareness and trust in the contents of the MoU, and in the political process (including elections) that followed.

The drafting of the *Law on the Governing of Aceh* (LoGA) can be seen as a high point for people's engagement in the peace process and provided an opportunity for extensive public participation in its drafting and development. CSOs actively conducted various public consultation forums, trying to reach a wide constituency to ensure that the draft would secure as many inputs as possible. CSOs were involved in pushing forward important issues to be addressed in the law, such as proposals on how to make the Acehese government more participative and accountable. They also pushed forward a formal democratization agenda in the form of direct general elections. It is notable that despite concerns that the final draft of the law was weakened on aspects related to the division of powers between the central government and Aceh, there is general satisfaction with the articles on participation and accountability issues with regard to the local democratic process.

One of the genuine innovations of Acehese civil society has been the capacity-building of informal leaders and the strengthening of customary institutions such as the *Geuchiks* (village chiefs) and *Mukim* (subdistrict chiefs), enabling them to defuse dissatisfaction at the local level. This was significant in the process of ex-combatants' reintegration into communities. The presence and roles of local leaders and customary institutions serving as mediators to directly solve problems at the first level were important and effective.

Criticisms

Acehese civil society was not well-equipped to engage in the peace process, particularly in terms of knowledge and experience in conflict management. As a result some CSOs became pawns in the political game played between the conflicting parties. This created negative perceptions among CSO members, and among less experienced individuals, frustration with slow progress in the peace process occasionally resulted in radicalization and regression to militaristic approaches. There is also a lack of records of these experiences. It is a source of concern that so many invaluable experiences and lessons might be diminished one day because they have not been adequately documented and recorded.

Positive and negative impacts of civil society engagement

Some Acehese CSOs believe that their engagement in the peace process in Aceh resulted in it receiving strong international support. Some even claimed that international involvement was the result of years of tireless campaigning on Aceh's issues in various international forums.

Internally, involvement in the peace process offered substantial experience and many lessons which will certainly be useful in the future. Just recently some Acehese CSOs were entrusted with providing expertise and know-how for peace processes in other countries by sharing their experiences and lessons learned.

However, there were also significant negative impacts on civil society. These included pressure and even violence towards CSOs who were involved in peace process mechanisms, with some becoming targets of violence ranging from threats to murder. Some of those within the conflict parties directed their anger at unarmed civil society groups. However, these developments were considered by individuals within Acehese civil society as intrinsic risks deriving from their own choice to be engaged in peacebuilding in the midst of armed conflict.

The Law on the Governing of Aceh

the way forward or a source of conflicts?

Bernhard May

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The Helsinki *Memorandum of Understanding* (MoU) foresaw the promulgation of a new *Law on the Governing of Aceh* as an essential precondition and cornerstone of the peace process. The new law was supposed to provide Aceh with the framework for effective self-government that previous laws had failed to deliver and expectations in Aceh were high. However, the drafting process, which involved a large number of stakeholders, resulted in a legal product that disappointed many, particularly within the Free Aceh Movement (GAM).

Law No. 6/2006 on the Governing of Aceh (LoGA) was promulgated with considerable delay in August 2006. It is an extremely complex piece of legislation that is not limited to the core issues of 'autonomous' regional governance, but covers numerous aspects that are usually regulated in sectoral laws. It includes, for example, regulations on public health and education, natural resources management, including fisheries and mining, economic development and investment, human rights, the armed forces, the police and the judiciary. This wide scope of rather superficial regulations, which necessitate many references to the more detailed sectoral laws, distracts from focusing on the basic principles of 'special autonomy.' In seeking to ascertain Aceh's control over as many governance issues as possible, the proponents of the law have instead achieved the opposite. Furthermore, the direct involvement of an unusually large number of stakeholders with a vast scope of varying interests in all stages of the drafting process has led to many compromises, which often come at the cost of clarity and consistency of the law.

While GAM itself had originally proposed a rather condensed and focused draft of the law (albeit containing some fairly radical ideas of how Aceh's "self-government" should look, including Aceh's membership in certain UN organizations), the intention of the provincial parliament and government to accommodate as many opinions as possible led eventually to a rather complex and voluminous draft. The work of four local universities charged by the



provincial authorities with preparing inputs for the law was merged into a single draft, which was discussed with various parties in the region before being exposed to an assembly of (reportedly) around one thousand stakeholders in Banda Aceh. Then, the provincial government took over from the provincial parliament and finalized the draft with the help of an advisory team of legal experts, and submitted it to the central government. Here, the Minister of Home Affairs had established its own drafting team consisting of government officials and academics, who used the draft submitted by the province as reference for their work. The draft was reviewed and reformulated over six months to harmonize it as far as was deemed necessary with existing laws and regulations, drawing on expertise from relevant central government agencies. Considerable changes were finally introduced through the deliberations of the national parliament, which obviously felt free to see the MoU rather as general guidelines than as commitments to adhere to, because it was not one of the negotiating parties.

The main reason for concern on the part of GAM and many other stakeholders in Aceh is indeed that some parts of the LoGA deviate considerably from the stipulations of the MoU. The four main legal principles that GAM had negotiated in Helsinki promised a fundamentally revised relationship between Aceh and the central government. The way they have been translated into the law does not do justice to this promise.

Aceh and the exercise of authority

The first and probably most fundamental principle of the MoU (article 1.1.2 a) reads, 'Aceh will exercise authority within all sectors of public affairs...except in the fields of foreign affairs, external defence, national security, monetary and fiscal matters, justice and freedom of religion, the policies of which belong to the Government of the Republic of Indonesia in conformity with the Constitution.' The definition of central government responsibilities in the law (article 7) is a bone of contention: 'governmental affairs having the characteristics of national affairs, foreign affairs, defence, security, judicial, monetary, national fiscal, and certain affairs in the religious sector.'

GAM (and some other stakeholders in Aceh) misinterpreted the MoU principle as meaning that Aceh would have the right to *exercise all authorities within all sectors of public affairs* – and that the central government's authority in Aceh would be restricted to the six sectors mentioned in the MoU. The wording of the MoU does not justify this interpretation, and such an arrangement would also be unrealistic as there are numerous functions outside the six sectors mentioned in the MoU that need to be regulated and/or implemented by central government. This is particularly true for those government functions that constitute the constitutional obligations of the central government, are related to international conventions that have been translated into national law, or to government

functions, the implementation of which by the government of Aceh would affect other regions of Indonesia or even other countries.

The potential for conflicts has been aggravated by the fact that the national parliament chose to elaborate on the additional functions of the central government in Aceh by calling them 'governmental affairs having the characteristics of national affairs' and proceeding to elucidate on this in a way that leaves room for multiple interpretations. Making use of another imprecise stipulation of the law, the central government has decided to regulate its own functions in Aceh by a Government Regulation (*Peraturan Pemerintah*). The draft of this regulation, which has been submitted to Aceh for comments, suggests that the central government intends to exercise largely the same responsibilities in Aceh as in all other provinces of Indonesia (except for Papua). Judging from comments from GAM and high ranking provincial government officials so far, further heated dialogue between Aceh and the central government on this draft regulation can be expected.

The controversy will not end here, but will extend to issues regarding the way in which the central government intends to implement its responsibilities in Aceh. The stipulation of the LoGA that 'the central government sets norms, standards and procedures and conducts the supervision over the implementation of government functions by the Government of Aceh and District/City governments' (article 11.1) suggests a broad range of central government authorities over the implementation of regional governance. This seems far from what the proponents of the MoU, principally GAM, understood by effective self-government. While the imposition of national norms, standards and procedures may be justified in many cases, this must be handled with care if the basic idea of special autonomy for Aceh is to be safeguarded. The potential for a substantial diminution of Aceh's perceived special authorities by tight central government rules and standards is particularly great when it comes to the issuance of concessions, permits and licenses, particularly related to investment and the exploitation of natural resources.

A further problem arises in article 7: 'The Governments of Aceh (*province*) and Kabupaten/Kota (*districts*) have the authority to regulate and implement government functions in all public sectors except government functions that are the authority of the central government.' In other words, the law demands shared responsibility between the province and the districts in implementing Aceh's special autonomy. GAM intended that full responsibility for the implementation of special autonomy be assigned to the provincial government. Instead, the LoGA assigns authority to both levels of

government without providing sufficient clarity regarding the distribution of government functions. Therefore, Aceh has to find a way of establishing power-sharing arrangements between the province and the districts in order to avoid conflicting regulations between the two levels of government. Lack of consistency between provincial and district level regulations could lead to legal uncertainty, which would have a detrimental impact on Aceh's investment climate. Equally, an overly dominant role of the province in determining the regulatory framework for Aceh's special autonomy might nourish the impression that centralism has shifted from Jakarta to Banda Aceh and reinforce tendencies in some districts to break away from Aceh and form their own provinces.

Further deviations

There are other ways in which the LoGA deviates substantially from the first principle of the MoU that will probably have less immediate consequences for the way Aceh will be governed. The national parliament as well as the central government's drafting team regarded the MoU's additions of 'external' to the term 'defence' and of 'national' to the term 'security' as limitations of the roles of the Indonesian Armed Forces and the police respectively. These additions were seen as irreconcilable with existing laws and regulations and the terms have therefore not been adopted in the LoGA. Instead, article 202 states, 'the Indonesian Armed Forces (TNI) are responsible for maintaining the security of the state and for other duties in Aceh in accordance with laws and regulations.' The reference of the LoGA to existing laws and regulations (in this case the Law 34/2004 on the Indonesian Armed Forces), indicates that the TNI will have the same duties in Aceh as elsewhere in Indonesia, including dealing with internal security disturbances, although in cooperation with other institutions (article 6.1c and respective elucidations of Law 34/2004). Whilst some in GAM hope for an amendment of the LoGA to bring it in line with the MoU in this respect, it may be more realistic to hope for an amendment of the TNI Law, restricting the military forces to their external defence role, except for disaster-related and humanitarian tasks.

A particularly sensitive field of potential conflict is opened up by another major LoGA deviation from MoU principles. The second MoU principle (article 1.1.2b) states that, 'international agreements entered into by the Gol which relate to matters of special interest to Aceh will be entered into in consultation with and with the consent of the legislature of Aceh,' and the third principle (Article 1.1.2 c) says that, 'decisions with regard to Aceh by the legislature of the Republic of Indonesia will be taken in consultation with and with the consent of the legislature of Aceh.' Both were

substantially altered when they were translated into law because the national parliament in agreement with the central government regarded these provisions of the MoU as constitutionally problematic. As they would infringe upon the constitutional authorities of the President and national parliament respectively, their inclusion in the LoGA might have led to a judicial review by the constitutional court. The principles have therefore been translated into the LoGA (article 8) by using the formula: 'in consultation with and with the consideration of DPRA' (the provincial parliament of Aceh) – in other words, replacing 'with the consent of' with 'with the consideration of.'

Similarly, the fourth MoU principle (Article 1.1.2 d), stating that, 'administrative measures undertaken by the Government of Indonesia with regard to Aceh will be implemented in consultation and with the consent of the head of the Aceh administration,' has been translated into the LoGA with the phrase 'in consultation and with the considerations (not the consent) of the Governor.' This adjustment was seen as necessary because the governor, neither as head of the region nor as the representative of the central government in the region, can have the authority to approve central government decisions. Again, the MoU's proposal would probably have prompted a judicial review.

The question which has been raised, but not answered satisfactorily, is why the Indonesian government representatives were ready to sign agreements with GAM of which it was to be expected that their implementation could raise serious constitutional concerns. Some observers of the Helsinki process have hinted at the possibility that Jakarta advised its negotiation team to accept potentially problematic provisions in order to make sure that GAM would sign the MoU, hoping at the same time to be able to hide behind the national parliament's sovereign authority, should the latter choose to reject the adoption of such provisions in the law.

The need for further regulations

The LoGA stipulates that the way in which consultations with Aceh are to be conducted and the provincial parliament's and Governor's considerations are to be obtained will be determined by a Presidential Regulation. The prolonged process of discussions between Aceh and the central government on the draft of this Presidential Regulation suggests that neither side will easily give up its position. Aceh insists that any consultative mechanism determined by the Presidential Regulation must lead as close as possible to 'consensus as a rule,' while the central government maintains its claim for the final decision-making authority of the national parliament and President. It is not easy to foresee a workable compromise on this difficult issue.

On the other hand, it is critical that some of the central government regulations mandated by the LoGA, which must pass through the above mentioned consultation process, be issued as soon as possible. This applies in particular to the Government Regulation on the Joint Management of Oil and Gas Resources by the Government of Aceh and the Central Government. Given the parties' highly conflicting interests in this field, an orderly consultation is of utmost importance. The establishment of a participatory, transparent and fair consensus-finding mechanism will also be critical for resolving potential conflicts around the above-mentioned draft Government Regulation on Central Government Authorities of National Character in Aceh. Likewise, it will help to come to terms with such critical issues as the presidential regulations on the cooperation of Aceh with foreign institutions and participation in events abroad, and on the transfer of responsibilities of the National Land Agency to the province and the districts.

Conclusions

The way in which Jakarta regulates and conducts consultations with Aceh on essential national policies that have a direct impact on Aceh will be critical for building trust and confidence between Aceh (not only GAM) and the central government. Likewise, in implementing the LoGA and particularly its own authorities in Aceh, the central government must respect the spirit of the MoU if it wants to show commitment to peace. It would be detrimental to peace and stability in the province if it proves right those critics who claim that the LoGA not only fails to fulfill the promises of the MoU, but generally offers very little to justify the notion of special autonomy, except for the allocation of additional funds. In view of the lack of clarity and the ambiguity of many regulations, and the constraints on the way in which Aceh can exercise its special autonomy, the LoGA has the potential to become a source of substantial conflicts between Aceh and the central government, rather than an effective means of fostering and stabilizing their relationship. However, with both sides apparently open to a pragmatic approach to its implementation, the LoGA may indeed become a way forward, albeit a less good way than could have been expected had it been more loyal to the MoU and internally consistent. This pragmatic "way forward" will certainly be tested if the consultations on substantive issues related to its implementation reach deadlock. The real test, however, will come should a revision of the law be initiated as requested by many parties in Aceh, particularly GAM. However desirable a revision in view of the LoGA's many shortcomings may be, it is equally necessary to keep expectations at a realistic level. Readiness to grant even greater concessions to Aceh will, rather, diminish as time goes by.

Elections

consolidating peace

Edward Aspinall

One of the most remarkable outcomes of the peace process in Aceh came with the 11 December 2006 elections. Against most predictions, the former Free Aceh Movement (GAM) strategist and propagandist Irwandi Yusuf was elected as Aceh's governor. He gained 38 per cent of the vote, far ahead of his nearest rival who won 17 per cent. On the same day, candidates nominated by GAM were also elected as mayors and district heads (*bupati*) in six out of the 19 municipalities and districts where elections were held. By early 2008, following run-offs and delayed elections, GAM-affiliated candidates had won a total of nine such district races, and look set to win one more.

Just two years earlier Irwandi had been in prison, but he escaped and made his way overseas when the tsunami of 26 December 2004 destroyed his jail, killing many inmates. His running mate, Muhammad Nazar, a former pro-independence student leader, remained in jail in Java throughout the Helsinki peace talks that led to the *Memorandum of Understanding* (MoU) in August 2005. The stories of many of the newly elected *bupati* and mayors contain comparably dramatic turnarounds of political fortunes. In attempting to explain these events, this article explains the background and implementation of the elections, analyses their significance for the wider peace process and points to reasons for the success of GAM-affiliated candidates.

Elections and parties in the peace process

The elections represented a crucial step in the peace process. One of the most contentious parts of the MoU was the section on political participation. This mandated that, 'free and fair local elections will be organized under the new *Law on the Governing of Aceh* to elect the head of the Aceh administration and other elected officials in April 2006' (section 1.2.3). Section 1.2.2 explained that, 'Upon the signature of this MoU, the people of Aceh will have the right to nominate

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candidates for the positions of all elected officials to contest the elections in Aceh in April 2006 and thereafter.' In addition, section 1.2.1 required that the government, 'create, within one year or at the latest 18 months from the signing of this MoU, the political and legal conditions for the establishment of local political parties in Aceh in consultation with Parliament.'

These provisions may seem uncontroversial, yet they almost caused the collapse of the Helsinki talks. To understand why, it is necessary to recall the conditions that accompanied Indonesia's transition to democracy after President Suharto's downfall in 1998. Amidst violence and political turmoil in many regions, national political leaders feared that democratization would unleash centrifugal forces that would tear the country apart. To counter this, they built a number of supposed safeguards into the new democratic political architecture, including measures specifically designed to prevent localist forces from gaining a foothold in formal politics. Thus, according to Indonesia's national political party law, only parties with a demonstrable presence in half the districts in half the provinces of the country can register with the government. According to the national elections law, to compete in elections they must show a presence in two thirds of the districts in two thirds of the provinces. In the law, which allows for

direct elections of local government heads, it is not 'the people' (as in section 1.2.2. of the MoU) who nominate candidates for such positions, but the national political parties (or coalitions of parties) that have won a minimum percentage of the vote or seats in the most recent legislative election in the region concerned.

For GAM negotiators in Helsinki, it was crucial to exempt Aceh from these Indonesia-wide rules. In exchange for giving up their arms and their goal of independence, GAM leaders wanted to be able to transform their organization into a peaceful, democratic movement and compete for power in Aceh. If only national parties and their nominees were allowed to run for office, acceding to a peace deal would have meant GAM was effectively liquidating itself as a political movement.

On the other hand, government negotiators in Helsinki (and, even more so, politicians back in Jakarta) were very reluctant to concede on these issues, fearing that allowing an exception to the national rules would lead to their unravelling. An even greater fear was that a victorious GAM party or GAM-nominated candidates would weaken ties with the rest of the country or even declare independence.

In Jakarta, national political party leaders kept up a constant barrage of public commentary rejecting compromise. GAM was equally insistent that local parties and independent candidates were democratic rights of the people of Aceh. At the last moment, when it looked like the talks would collapse and the GAM delegates were packing their bags, government negotiators 'blinked' (in the words of one GAM negotiator) and offered 'Aceh-based political parties using national criteria,' setting in train the compromise embodied in section 1.2 of the MoU.

But this was not the end of the road. During the negotiations between Acehnese actors and the national government and parliament leading to the formulation of the *Law for the Governing of Aceh* (LoGA) in 2006, there were again attempts to water down these provisions. Eventually, it was agreed that local parties would be allowed to compete in the legislative elections, starting from 2009. The LoGA stresses that these parties cannot violate Indonesia's constitution or its founding 'national philosophy' of *Pancasila*, which stresses the importance of national unity. For the first direct elections of local government heads (which eventually had to be postponed from May to December 2006, giving GAM more time to prepare for them), independent candidates would be allowed provided they could prove they were supported by three per cent of the population in the province (governor elections) or district/municipality (*bupati* and mayor elections). In subsequent elections only candidates nominated by parties would compete.

The candidates: divisions in GAM

Several sets of candidates in the elections were from Aceh's existing political establishment. Among the most important were former acting governor, Azwar Abubakar, nominated by the National Mandate Party (PAN), and his running mate Nasir Djamil, nominated by the Justice and Welfare Party (PKS), who formed an Islamically-oriented ticket. Malik Raden, a prominent politician from the Golkar party – the former ruling party under the Suharto regime – was considered to have a chance because he had the backing of his party's formidable electoral machinery.

Another favoured candidate was Ahmad Humam Hamid, a prominent and respected local academic who had been active in various civil society and political activities over the preceding decade. He secured the endorsement of the Unity Development Party (PPP), an established Islamic party. Unlike most other mainstream candidates, he was acutely aware of the likely electoral appeal of GAM and tried hard to secure a running mate with a GAM background. He settled upon Hasbi Abdullah, an academic who had served terms of

imprisonment despite not being a GAM leader himself. Hasbi was backed by most of the older generation of GAM leaders, including his brother Zaini Abdullah (GAM's 'foreign minister'), the GAM 'prime minister' Malik Mahmud, and other individuals who had joined the movement in the 1970s and formed its 'blue blood' group. They backed Hasbi both for personal reasons and because they feared that GAM candidates were unprepared to hold power in their own right, whereas a coalition with a 'national' politician would better preserve the peace process. Their critics in GAM claimed this argument was mere rationalization.

During the conflict years, GAM had been remarkably unified and disciplined, unlike many comparable insurgencies. The movement's military commanders in the field were loyal to the leaders exiled in Sweden and deferred to them on political matters. Now, the older group's endorsement of Hasbi caused a dramatic breakdown of this unity. Many of GAM's former field commanders, younger men who were now organized in the Aceh Transitional Committee (KPA), felt that they were being railroaded into supporting Hasbi-Humam. Their opposition reflected frustrations over issues that had been building up since the beginning of the peace process and resentment over what they saw as autocratic behaviour by the older leaders. They also viewed as a betrayal the idea that GAM should enter a coalition with a candidate supported by a national party.

The divisions came to a head immediately after a GAM meeting to select a gubernatorial candidate in late May. In an open vote, Hasbi came a close second – but as a candidate for governor, not deputy. The winning candidate, Nashruddin Abubakar, said he was unwilling to stand and preferred to take a back seat, advisory role. GAM's Government Council, dominated by the older leaders, declared that the movement would not officially endorse any candidate, but that GAM members were free to stand in the election as individuals. This freed them to back the Humam-Hasbi ticket, and they did so. But the decision also opened the way for Irwandi Yusuf to stand for election as an independent candidate. Irwandi won the backing of most of the KPA district commanders and therefore of the majority of GAM's structure down to the village level. His running mate, Muhammad Nazar, was known as a fearless government critic. Untainted by cooperation with 'national' political forces, Irwandi-Nazar were able to present themselves as heirs to GAM's tradition of struggle and as the most likely to stand up to the national government in pushing for full implementation of the MoU.

At the local level, there were some bitter splits in the ranks of former GAM members in the lead-up to the elections. These even spilled over into violence in some

places (for example, a bus carrying Humam Hamid was attacked during campaigning in Bireuen). Mostly, however, the campaigning proceeded peacefully.

Explaining GAM's victory

What explains the victory of Irwandi-Nazar and of district-level candidates affiliated to GAM? Several factors were important. First was widespread voter disillusionment with the mainstream political parties and their candidates, into which GAM candidates could tap to present themselves as agents of real change. The disillusionment had accumulated over preceding years: while local politicians had been virtually powerless to influence the course of the war, Aceh's population had become deeply mired in the poverty caused by the conflict and the province had earned a reputation as one of the most corrupt in Indonesia. GAM candidates also made promises of accelerated economic development, improved infrastructure, more jobs and better government services central to their campaign messages. Some of their promises lacked credibility to more sophisticated urban audiences: according to two witnesses interviewed by the author, the GAM candidate for *bupati* in North Aceh, Ilyas Hamid, publicly stated at one campaign event that his government would finance health and education services for the local population by printing money. But these promises resonated powerfully in poor rural communities where people felt neglected by the government and where local GAM commanders were often admired for their honesty and for having led austere lifestyles during the guerrilla years.

A second factor was the movement's superior organization. During the conflict years, GAM had developed the highly effective political-military organization it needed to run an insurgency. In many rural districts GAM's network was virtually indistinguishable from the familial and social networks that infused rural life, with entire villages providing either passive or active support to the guerrillas. During the elections, GAM-affiliated candidates relied on this network to mobilize voters. In many places, this was done very systematically, with members of 'success teams' campaigning door-to-door. GAM candidates' teams often had far less money than rival teams, which often distributed cash, foodstuff or other necessities to voters; yet such actions helped to reinforce GAM's message that their opponents were corrupt. Elsewhere, it was more a matter of former GAM commanders making it known publicly to people in 'their' communities where their loyalties lay, and this was enough for many GAM base areas to vote *en bloc*. Tellingly, it was the gubernatorial candidates who had the backing of the major part of GAM's former military wing in the KPA who were victorious on election day.

Importantly, too, this organization worked hardest and best in the rural areas where most of the population lived. Hence, in East Aceh, members of the 'success team' of the former guerrilla leader Muslim Hasballah began by systematically assessing likely support in individual villages and appointing campaign organizers for each village. They hardly bothered to campaign in the towns and 'along the main roads.' Muslim did not carry the vote in the towns or in villages near urban centres, but he won convincingly in rural areas and the interior. Likewise, in West Aceh, the successful GAM-affiliated candidate for *bupati* told the author that he had emphasized during his campaign that, "if I am elected I will emphasize development of the villages first, from the grassroots first. This is because the roots of rebellion in the past were always in the villages. In the interior, they are all GAM, in the towns, they were public servants."

Finally, GAM-affiliated candidates did well because they were able to present a message which melded support for the peace process with stress on continuity with their past struggle. GAM candidates knew that their promise to abandon the independence goal was central to the Helsinki peace deal, and they were careful not to violate this pledge during the election campaign. Indeed, they presented the Helsinki MoU as the fruit of GAM's struggle and emphasized that GAM was best placed to safeguard it. But they also did not shy away from evoking memories of their old struggle. In election campaign rallies witnessed by the author (in Bireuen in June 2007 and South Aceh in November 2007), local heroes of the guerrilla campaign as well as GAM symbols and songs featured prominently.

Patterns of voter support

The victory of GAM-affiliated candidates seemingly resolves the question of whether or to what extent the movement had been a popular insurgency. During the conflict years, analysts had debated to what extent GAM had secured its goals by intimidation and coercion of the rural population. While violence of course did form part of GAM's repertoire of behaviour (and there were even some scattered reports of GAM intimidation of voters in 2006), it is very unlikely that, had the movement relied primarily on coercion in the past, its leaders would have won so handsomely in the polls.

The geographic breadth of the support was also striking. Irwandi-Nazar carried the vote in 15 out of the province's 21 districts. GAM-affiliated candidates, not surprisingly, did best in areas where the movement had been strongest during the insurgency: east coast districts that had been GAM base areas since the 1970s were won resoundingly by GAM candidates (Bireuen and North Aceh by Irwandi-Nazar and Pidie by Humam-

Hasbi). Irwandi-Nazar also won convincingly in areas on the west coast that had been conflict hot spots since the late 1990s, notably Aceh Jaya and South Aceh.

GAM's votes were generally much lower in urban areas where the insurgency had been weak. They also were less successful in the less-developed, more sparsely populated and remote districts of the interior and the south-west, where populations were also more ethnically heterogeneous than in the predominantly ethnically Acehnese GAM strongholds. Politics in these more remote areas also tends to resemble those in other backwoods parts of Indonesia, with locally-powerful bureaucrats, business people and other 'strongmen' retaining considerable political influence.

This phenomenon partly accounts for one striking but rarely discussed aspect of the election results: the discrepancy between the gubernatorial and district-level votes. In 8 of the 17 districts where Irwandi-Nazar or Humam-Hasbi won the gubernatorial vote, non-GAM candidates were elected as *bupati* or mayor. For example, in Aceh Besar, the district surrounding Banda Aceh, Irwandi-Nazar came first with 30 per cent of the vote in the gubernatorial poll, but the victor in the *bupati* race was Bukhari Daud, a respected academic nominated by PAN with 26 per cent. In other words, many voters who backed GAM-aligned candidates for governor voted for GAM's rivals at the district level.

This does not necessarily mean that the Irwandi-Nazar campaign was better organized than campaigns for the district-level GAM candidates; on the contrary, often the campaigns were run by the same people and were indistinguishable. Instead, the discrepancy illustrates the relevance of the old axiom, 'all politics are local.' When it came to choosing district heads, voters had a choice between candidates who were often well-known and influential locally. Voters often knew personally *bupati* and mayoral candidates, or were linked to them by patronage ties. Sub-districts were often carried by whoever was the 'hometown candidate.' In contrast, when voters cast votes for the governor of the province, they were thinking more about Aceh's wider interests, identity and relations with Jakarta. At this Aceh-wide level, GAM's appeal was more powerful.

Looking forward

The elections did not mark the end of the peace process. Risks and unfinished agenda items still remain. There is potential for future conflict between Aceh's new leaders and the national government on issues ranging from how to divide natural gas revenues to how to deal with the legacy of past human rights abuses. The divisions within GAM which opened during

the campaign have already caused local-level violence and could spiral if not managed carefully, especially when exacerbated by conflicts over the division of the economic spoils provided by government.

The elections, however, did help to consolidate the peace process in several important ways. They demonstrated to Aceh's population that dramatic political change was possible. They also helped former members of GAM to integrate into Indonesia's governing structures, and begin to abandon their previous posture of opposing them from the outside. Elections also encouraged GAM leaders to turn their attention toward the mundane and technical issues of economic development that concerned voters, and away from the more elemental issues of identity and ethnic pride that had motivated GAM in the past. Even the divisions which opened up within the movement during the elections were arguably a healthy sign of the movement's transition toward 'normal' democratic politics.

Perspectives on post-agreement experiences

Tarmizi, Director of the Aceh People's Forum



When I was a student I joined the anti-Suharto movement. During martial law I escaped to Malaysia where I worked with the Aceh refugee centre. I am now in Banda Aceh and the Director of the Aceh People's Forum, an umbrella NGO in Aceh which works on political issues, development, and civilian participation.

Aceh's current political problems are around the formation of GAM as a political party and also around GAM's lack of inclusiveness. There is a feeling that those who feel excluded would foment rebellion. It would be very dangerous if the government and GAM leaders do not solve this problem. I think the Indonesian government is contributing to splits in GAM, thinking that it will make them weak. But it is not really like that. After they split there will be many factions and each will recruit other people not previously involved.

The reintegration programme only benefits the elite in GAM. This will have a big impact on horizontal conflict at village level... I think they have to change the programmes – do regional development in areas affected by the conflict, make infrastructure, make small-scale economic activity, but now they only make a priority of some victims.

There are not enough civil society activists participating. Intellectual civil society is not allowed to contribute. GAM has a stagnant programme – their only programme was independence. There was a long-term process of building GAM combatants' awareness of the goal of an independent Aceh. The peace process stopped this so now they have no idea how to make development run well in Aceh within Indonesian law and government. We need to change their thinking. We have to supply training, bring them ideas.

Rusydah H. Mahmud, from Bireuen



After my two brothers were killed, I was approached by GAM leaders to join the movement and I received two months' military training in 2000. I joined GAM because I wanted to defend Aceh and the dignity of Acehnese and to avenge the killing of my family. I don't want Aceh to ever be oppressed again.

Because of the peace process I can return to being an ordinary person again and live peacefully. I can also work and start my small business. I am very happy with the peace process. But my concern is many people have not been looked after. Some people have received aid, but many others have not. I got some money from reintegration. I got Rp. 10 million to start a small business. I have already enrolled in a course for fashion and making clothes. I hope to receive a grant so I can build a business using the skills I learned from the course.

Since I joined this co-operative with Tengku Nashiruddin, we have organized and got help. But many other female former combatants have not received any attention. In general, female combatants have not received help, especially in this area. I did hear some other female combatants were helped in other regions.

Not all things have been satisfactory. Not many promises have been fulfilled. Especially in the context of justice, the kids of my late brothers have not received any assistance. It seems like there is no future for them.

The political process in Aceh

a new beginning?

Aguswandi



Acehnese read local morning newspapers declaring the results of the governor election in Banda Aceh, December 2006.

Source: Reuters/Tarmizy Harva

Aceh has become the most politically dynamic space in Indonesia as a result of new political landscapes engendered by the 2005 *Memorandum of Understanding* (MoU). There is nowhere else in the country where a former rebel can compete in an election to become governor, where a former political prisoner can become director of a major agency such as the Aceh Reintegration Board (BRA), or where former insurgents and their supporters could become district heads and mayors (*bupati*). This political dynamism has transformed the context in Aceh and Indonesia at large. Initiatives driving the peace settlement in Aceh have established important precedents for contexts elsewhere in the country. Some have advocated the deployment of conflict transformation strategies used in Aceh in West Papua. The Acehnese example has also encouraged the possibility of independent candidates without party affiliation standing for – and winning – elections. It has also promoted discussion on the possibility of local political parties being established not only in Aceh, but anywhere in Indonesia.

From rebels to administrators

The peace process in Aceh received a significant boost when in 2006 Irwandi, a former Free Aceh Movement (GAM) rebel, was elected the new governor. Despite the emergence of a split within GAM's leadership, the elections encouraged the political reintegration of many former combatants into society. Irwandi's election signified the end of an old way of life, an old politics, and the beginning of new alternatives. Former GAM combatants, skilled in guerrilla warfare, now face different tests of their skills as administrators, government officials and representatives of the people.

Political realities nonetheless challenge this transformation of the rebel into the administrator. Although Irwandi has a strong, democratic mandate as the governor of Aceh, at the same time he has no experience of public office and is not supported by either a political party or the Acehnese parliament. This absence of support has resulted in significant delays, for example, in securing parliamentary approval of the provincial draft budget. Within GAM, Irwandi also continues to lack the full support of the top leadership, especially those from Malik's camp. However, this situation has improved with the progress of the overall reconciliation process within GAM.

Reform of Aceh's administrative structures and the officials who staff the apparatus is one of Governor Irwandi's imperatives. Among the many realities that officials must face in the new situation is the most difficult reality of all – their familiarity and ease with the old situation. The government apparatus in Aceh has not gone through any significant reform, turnover of

personnel or modernization; in short, the way things are done now is the way they were done before. However, there was a significant breakthrough with the highly competitive and open selection process of the heads of the *dinas* (government sector agencies). These improvements have remained isolated at the top level, however, and have as yet to filter down to lower levels.

The weak capacity of local government is even more demonstrable at some of the district (*kabupaten*) levels. The 23 districts of Aceh province, seven of which were won by former GAM members, have different capacities. In most districts the head of the administration, who in practice exercises a wide margin of autonomy from central authority at the local level, is running the *kabupaten* under a regime of 'business as usual'. The ability to absorb the peace process, to take the initiative and to implement real change as the result of the political settlement offered by the MoU is very difficult to discern at this level. This situation is compounded by the fact that governance assistance is available predominantly at provincial, not district, level, while real power is exercised predominantly at district, not provincial, level.

Former anti-separatist groups

Aceh's provincial government has also faced challenges from former anti-separatist groups established during the conflict era. Most of these groups are affiliated to an umbrella association called PETA (*Pembela Tanah Air*, 'homeland defenders'). Like former GAM members, members of groups affiliated to PETA have also received assistance from the BRA. However, there are no parallel processes of change transforming PETA into a political party or other institutionalized entity; rather, as before, PETA's constituent groups continue to pursue their collective interests. The fact that the Aceh Transitional Committee (KPA) is a very visible player catering to the needs of demobilized GAM members gives even less incentive to groups within PETA to disband and cease their existence. In the longer term both KPA and PETA have the potential to contribute to renewed conflict if the transformation of both groups is not organized properly. Many figures associated with PETA now number among the advocates of splitting the province of Aceh into new territorial units (ALA/ABAS; see below).

Splitting Aceh

A key challenge to peace in Aceh is the proposal to subdivide Aceh by creating new provinces – the so-called ALA/ABAS provinces. Proponents of the change are mainly composed of elites from the highlands of Aceh – Central Aceh, South East Aceh and Benar Meriah. In 2005 while government representatives and GAM leaders met in Helsinki to labour on the peace agreement, these elites met in Jakarta to strengthen

their demands for a new province called Aceh Leuser Antara (ALA). They have recently continued to promote the idea in the Indonesian parliament through the nationalist Democratic Party of Indonesia.

These demands are rooted in the perception that the current process is neither politically nor economically in their favour. The MoU defined Aceh's borders as those determined in July 1950, which include the central highlands as part of Aceh's territory. The government's reintegration program, while allocated huge amounts of money for economically empowering former GAM combatants through the BRA fund, is not accessible to them. This has fuelled anger, resentment and even the accusation that the government is discriminating against its "own true sons and daughters of the Republic."

To be fair, some of their arguments about the under-development of the central highlands are partly true. Although the central highlands and west coast of Aceh are places abundantly rich in natural resources, as yet they produce very little. Yet this is not sufficient cause for further territorial adjustment. An effective strategy for meeting demands for development in the central highlands in ways compatible with the broader prosperity and peace of Aceh as a whole is urgently needed.

Political parties

The future of Aceh and its celebrated peace process are integrally linked to the process of GAM's transformation from an armed group into a political movement. In May 2008 GAM, together with 11 local political parties, was legalized as a formal political party that can compete in local elections. The decision to establish a political party shows that former GAM members have the aspiration and intention to participate in a normalized, democratic political process. This is a significant gauge of improvement and the implementation of the MoU.

Aceh nonetheless still faces the challenge of discussing substantive issues. GAM and other local political parties must rise to the challenge of talking about the economy, education, governance and a range of other things crucial to the future of Aceh and Acehnese society. They have also to compete with ideas from other political parties and civil society groups and to convince others of their own ideas in political debate. Overall this is the best scenario for the conflict transformation in Aceh. The 2009 election will be the first opportunity for this sort of constructive competition between both national and local political parties. Some early polls have suggested that local political parties will be popular. While this may be the case, popularity will only be sustained if political parties are able to address the populace with effective platforms for development.

Former militants of the Free Aceh Movement (GAM) stay at their post, which also acts as their residence, in Leupung, Aceh, April 2006.

Source: Reuters/Tarmizy Harva

The challenges of reintegration in Aceh

Lina Frödin

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The MoU and reintegration

The August 2005 *Memorandum of Understanding* (MoU) between the Government of Indonesia (GoI) and the Free Aceh Movement (GAM), included several clauses (under heading 3.2) on 'reintegration into society'. Under the terms of the MoU reintegration assistance was to be focused on three key groups: GAM ex-combatants and supporters, amnestied political prisoners and civilians affected by the conflict, termed 'victims of the conflict'. A national reintegration fund, established by the central government but managed by the provincial government of Aceh, was mandated to cover economic facilitation, employment, allocation of suitable farming land and social security benefits for incapacitated individuals. In the MoU the GoI also committed itself to funding the rehabilitation of property damaged and destroyed in the conflict; central government funding allocated for reintegration, moreover, was both forthcoming and significant at approximately €68 million, allocated in three phases 2005-2007.

When almost three decades of armed and political struggle ended in 2005 there were few sectors in the Acehnese society unaffected by the conflict. The number of ex-GAM combatants, active supporters and associated dependents has been estimated at approximately 25,000 people, a figure far in excess of the 3000 armed combatants claimed by GAM during the peace negotiations (itself a figure related to the 840 weapons that GAM agreed to submit, a quantification of weaponry approved by the GoI). This raised the issue of how to distribute reintegration funds among a much larger population of ex-combatants and supporters than originally envisioned. Political prisoners granted amnesty after the signing of the MoU amounted to a further 2000. Arriving at a number for the third category of 'victims of conflict' and defining this concept proved to be more challenging. This article identifies problems in defining and identifying both the beneficiaries and precise function of reintegration assistance, the impact of parallel post-tsunami reconstruction efforts, and institutional problems hampering a comprehensive reintegration process.

The Aceh Reintegration Agency (BRA)

In February 2006 the Acehnese provincial government established the Aceh Reintegration Board (BRA, *Badan Reintegrasi Aceh*). Its mandate is regulated by gubernatorial decree but its activities are closely followed and directed by Indonesia's national development planning agency, BAPPENAS.

One of the immediate issues confronting BRA was establishing who would be entitled to reintegration



assistance. This led directly to the question of what a reintegration programme was aiming to achieve in Aceh. Was the aim compensation, providing reparations for the loss or hardship suffered by particular individuals, and if so to what extent? Or was the aim to enhance longer-term social and economic opportunities for vulnerable groups whose vulnerability could make them spoilers? A *compensation* programme would allocate reparations to all those suffering losses regardless of their socio-economic situation. Upon payment the programme would be complete. By contrast a *reintegration* programme would aim to improve the socio-economic situation of former combatants and victims of the conflict at risk of resorting to violence or incapacitated as a result of the conflict, and would rely on an individual needs assessment. Targeting and prioritization criteria for reintegration assistance would rely on these needs assessments.

The who? question

Ex-combatants

Early in the peace process GAM was ambivalent about the concept of reintegration, arguing that its members had never been dislocated from their society and therefore needed no 're-introduction.' On the contrary GAM members saw themselves as the defenders of Acehese society. At various times and locations GAM had established shadow governments and in all districts there had been a shadow GAM governor. However, by 2005 many, particularly younger, combatants had very limited or no education or work experience. Many were severely traumatized by extremely stressful experiences, still carried bullets in their bodies or had other conflict-related disabilities

restricting their capacity for work. Due to their socialization into military life many Acehese men are familiar with weaponry and a communal existence where following orders, solidarity and loyalty are the bedrock of social cohesion. While direct orders require no consensus, all wider issues relating to the whole unit were determined through popular opinion. Under such circumstances the transition to civilian life can be challenging, and without proper training and sustainable integration into local economies, reintegration efforts run the risk of failure. Some observers believe that Acehese civilians still have access to weaponry, in the form of residual weapons caches held since the MoU. Familiarity with and access to this weaponry can represent a desperate choice for former combatants left alienated and destitute after the cessation of hostilities.

'Victims of the conflict'

Defining, conceptualizing and identifying civilians affected by the conflict proved to be a major undertaking. Most people living in Aceh had been affected by the conflict: many had lost land, been displaced, recruited to provide intelligence under duress or simply assaulted. Questions abounded: was someone facially scarred following an incident related to the conflict a victim of the conflict? Where should the line be drawn? Being limited by the budget and the political sensitivity surrounding Aceh's relationship with Jakarta, the BRA did not manage to define, conceptualize or identify victims of the conflict in any satisfactory way. Rather, the BRA kept the category broad and undefined. Significantly, this hazy definition still allowed for the exclusion of one group: women suffering rape as an act of war. Social taboos and

stigmatization of rape limited reporting of rape to the BRA, which had not established special mechanisms for addressing such sensitive issues.

The what? question

A second key issue was defining what reintegration assistance would entail and what 'successful' reintegration would look like: reparations for losses inflicted by the conflict or the creation of longer-term opportunities. The BRA established two components within its structure, the socio-cultural and economic departments, indicating that its programming was intended to go beyond cash grants. Due to time constraints, continued central control over its spending and the lack of capacity to design a comprehensive needs-based reintegration programme including land-reform, recovery of livelihoods or creation of employment opportunities, the BRA resorted to cash allocations for all beneficiaries. In doing so the BRA opted for the immediate gratification of vulnerable stakeholders, rather than the sustainable economic development of its target community.

Another issue is the definition of jobs or employment. According to the MoU the former combatants are entitled to 'employment'. Yet when asked about their work, most ex-combatants report that they are unemployed, as are their friends. Employment for many Acehnese means formal employment in an office, industry or being self-employed. However, when asked about their sources of income, many report that they sell fish in the fish market, have a small chilli farm or are members of a cooperative – occupations not regarded as a formal job. Micro-credits and in-kind assistance tend to consolidate the informal sector in this context and do not necessarily contribute to 'employment' or a 'job' in the interpretation given by many ex-combatants to these words in the MoU.

Funding and post-settlement/post-tsunami contradictions

Other problems befalling the reintegration process derived from institutional funding arrangements and the parallel process of post-tsunami reconstruction. The BRA's capacity for long-term planning was compromised by the annual basis of its funding. Since its inception the BRA has had to make decisions bearing in mind the uncertainty of continued funding, and more significantly, it cannot commit to long-term allocations or the release of funds in tranches.

The BRA was, of course, operating in the same context as the massive effort to reconstruct post-tsunami Aceh, and in the footprints of the leading post-tsunami

recovery agency, the Agency for Reconstruction and Rehabilitation (BRR). The BRR has enjoyed incomparably more resources and funding, a ministerial mandate and technical assistance from experts from all over the world. For example, while €7000 (2007 rates) would be allocated for the reconstruction of a house destroyed by the tsunami, only €3500 would be allocated for the same house destroyed in the conflict. Simultaneous but unequally resourced processes led to an uneven pace of reconstruction and an unnatural divide between post-tsunami and post-settlement recovery at provincial and community levels. Lessons learnt in one process were not incorporated into the other, as the reintegration effort has remained largely disconnected from the broader stream of planned social and economic development.

Agencies mandated to address post-tsunami reconstruction have been careful not to become involved in the post-conflict reconstruction. Post-tsunami funding has hitherto remained rigorously restricted to tsunami-related reconstruction and has not allowed for integrated work addressing both tsunami- and conflict-related damage. One of the consequences of this bifurcation has been an uneven development between the hardest-hit tsunami area, namely Banda Aceh and the south-west coast, and the most conflict-afflicted areas on the north-east coast and in the central highlands.

International organizations were initially reluctant to get involved in the reintegration process. Those that did have tended to provide either direct assistance to former combatants and victims of conflict or technical assistance to the BRA. Few or none have provided assistance to the local governmental agencies such as the social affairs department, housing department, health department and so on, in order to form a programme linked to longer-term development and service provision.

With funding from the European Commission, the International Organization for Migration (IOM) designed a reinsertion and reintegration programme for 2000 amnestied prisoners and 3000 former combatants. In its initial phase the programme covered a health check-up, small grant, a set of clothes and toiletries; the next phase included skills training and in-kind assistance. But as the post-tsunami recovery evolved and created an enormous labour market in Aceh, many former combatants were hired by the BRR and became involved in projects as labourers or contractors. In a number of cases former combatants are alleged to have extorted money from reconstruction projects or even a standard share of the contracts. Many INGO and donor reconstruction programmes have reported instances of

disruption to contractor construction activities in villages, usually involving violent threats against workers and sometimes leading to the suspension of works for lengthy periods. Most of these occurrences appear to be related to the demands of individuals or small disaffected groups for financial gain, employment of favoured individuals or preferential purchase of materials from local cartels. Broadly speaking, crime rates in Aceh have increased significantly since the signing of the MoU. Illegal logging is also an emerging market providing quick revenues in domestic and nearby international markets.

Justice

The question of reintegration and compensation leads indirectly, through the payment of reparations, to the question of transitional justice. Reintegration funds in Aceh have been used primarily for cash compensation, without formal official acknowledgments or ceremonies. The MoU stipulates the establishment of a Truth and Reconciliation Commission (TRC). Although not the main purpose of the work of TRCs, reparation payments to victims are a common follow-up. Clearly, the payment of reparations is a process more closely linked to justice and fact-finding than reintegration.

The inclusion of the concept of 'victims of conflict' in the MoU's section on reintegration has somewhat blurred the two processes. Victims of conflict are arguably not primarily in need of reintegration formally understood as a process aiming for stability and security, following disarmament and demobilization. A reintegration process commonly includes income-generating activities, basic health provisions and other interventions for former combatants in order to facilitate their transition from combatants to normal civilians. Reintegration does not necessarily target the poorest or most economically vulnerable, but should target individuals prone to resorting to violence who may jeopardize the peace process.

It is indeed justified to facilitate social and economic opportunities for all those who have suffered significant losses, and, as established in the MoU, their losses should be recognized in a TRC if they so wish. Now, what is happening in Aceh is something in-between. The BRA transfers between €300 and €1000 to the natural heirs of the deceased or missing, the disabled, the internally displaced and those orphaned by the conflict. Former combatants receive €2500, whereas political prisoners, GAM supporters and militia members receive €1000.

BRA, being an *ad hoc* reintegration agency, distributing funds allocated by central government at provincial

level, needs to be clear about its function and mandate as well as its limitations. By the end of the reintegration process, the Gol can claim that it has also fulfilled its commitment to reconciliation by allocating funding to victims of the conflict, and could thereby argue that there is no need for a separate truth and reconciliation process. The reintegration process has therefore been balanced between the Gol's wariness of giving money to its former enemy, the BRA's lack of vision and goals, and longer term needs for the solidification of the peace process.

Conclusions

Although gloomy conclusions might be drawn from the above analysis and much indeed remains to be done in terms of reconciliation, socio-economic development, security sector reform and the relationship between central government and the local Aceh administration, it has to be acknowledged that the progress achieved since the signing of the MoU is significant, not to say dramatic.

For many ex-combatants the transition has not necessarily been easy and many recall with nostalgia the camaraderie, loyalty to the movement and friendships forged in war. Ex-combatants are now challenged by dichotomies between hierarchical and communal loyalties of the conflict era and new imperatives of individual responsibility and providing for families. Post-settlement varieties of criminality (extortion, robbery, illegal logging, irregular involvement in contracting procedures) are rampant and challenge the promotion of Aceh as a stable and safe area, also in the eyes of potential investors.

Legitimate leadership and the development of an Acehese cultural identity will be key for the further consolidation of the peace process, including the development of a pluralistic yet integrated Acehese society. The absence of armed vertical conflict does not necessarily mean that the root causes are resolved, only that the tools are different. When asked whether they would take up arms again and under what circumstances, ex-combatants commonly state that should their former commanders order them to do so, should the central government cheat them again, should Aceh not receive what it is entitled to in terms of control over its economy and resources, they would be ready to fight again. However, when asked to what extent they identify as combatants or "normal" civilians, most of the former combatants said that they feel three-quarters normal civilian and one-quarter former combatant, and emphasized the enormous toll renewed conflict would take on them as individuals and on the Acehese as a people.

Managing the resources for peace

reconstruction and peacebuilding in Aceh

Patrick Barron

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The reconstruction of damaged infrastructure and the rehabilitation of the economy in areas previously affected by civil war are vital from both a developmental and security perspective. Conflict destroys infrastructure, increases poverty (although it may enrich some) and affects the delivery of basic services. Capital flight is compounded by the suspension of new inward investment. Breakdowns in social cohesion and trust make it even more difficult for development to occur. Poverty and lack of economic opportunities, and accompanying mistrust of government, can in turn fuel a return to conflict. The difficulties of re-starting economies after conflicts end, and of providing a real peace dividend that demonstrates progress on the ground, is one reason why, according to the World Bank, 44 percent of countries reaching the end of civil war return to conflict within five years. Getting the economy going, creating jobs (especially for former combatants) and rebuilding damaged or destroyed private and public infrastructure are thus key conflict *prevention* activities in the aftermath of civil wars.

The need for post-conflict reconstruction in Aceh

Aceh is no exception. Conflict devastated Acehnese life; and economic reconstruction and development are crucial for sustainable peace in Aceh. The thirty-year conflict between the Government of Indonesia and the Free Aceh Movement (GAM) resulted in an estimated 15,000 deaths, the displacement of over 100,000, and widespread trauma. World Bank studies highlight severe economic impacts. Thousands of houses were damaged or destroyed. During the 1989-98 period, 527 schools were burned or destroyed, and an estimated 880 closed due to damage in the first half of 2003 after the collapse of the *Cessation of Hostilities Agreement*. Twenty-two per cent of village health clinics were damaged by the conflict. Between 11-20 per cent of all transport infrastructure in Aceh was directly damaged by the conflict and similar damage was recorded for water and electricity infrastructure. Lack of maintenance, closely related to the presence of conflict, resulted in even more damage.

Poverty rates unsurprisingly increased significantly, from 14.8 per cent in 1998 to 28.4 per cent in 2004. By 2005, poverty in rural areas stood at 36.2 per cent. Aceh is the only province in Indonesia where poverty rates continued to increase after 2000, turning it into one of the poorest areas of the country despite its abundant natural resources (including large oil and gas reserves). In 1990, Aceh contributed 3.6 per cent to Indonesia's gross domestic product; by 2001, this had fallen to 2.2 per cent. The conflict seriously reduced inward investment and markets were distorted: 18.5 per cent

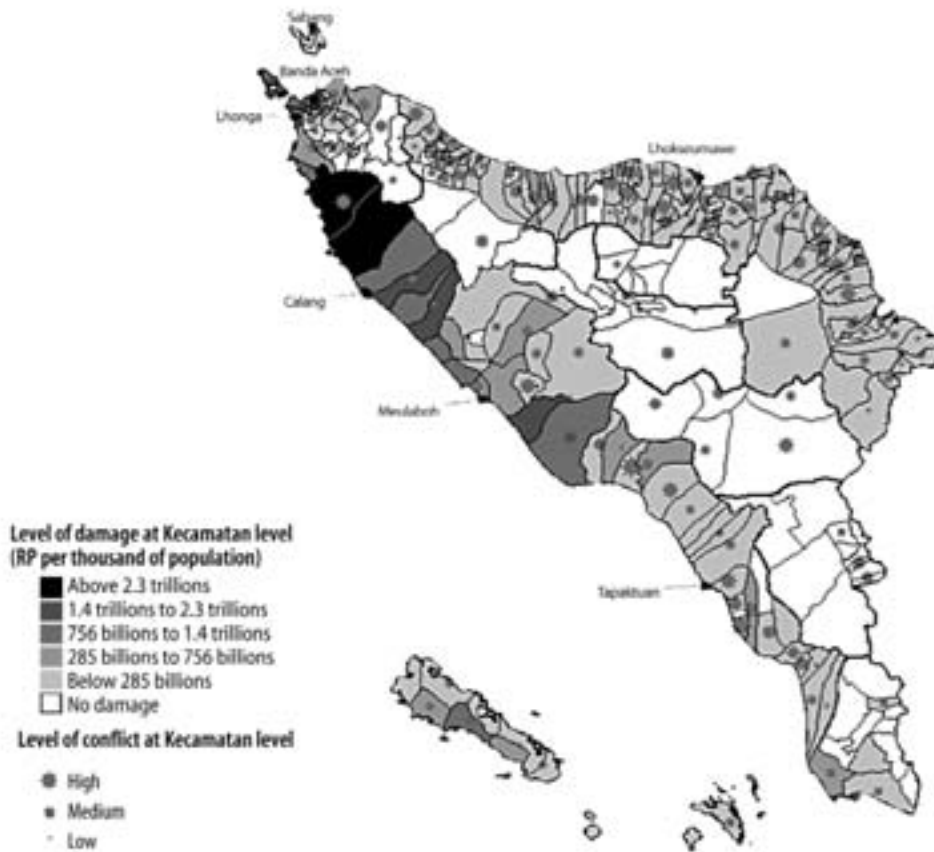


fig 1.
Conflict and tsunami-affected sub-districts in Aceh

Source: BRR/World Bank, 2005

of village markets were damaged and many more were largely empty because farmers were unable to tend their land or travel to the urban centres.

The conflict has its roots in discontent over Aceh's failure to prosper despite its natural wealth, related to perceptions of exploitation and failed promises by Jakarta. The peace process devolves significant political authority and economic resources to Aceh while ensuring sovereignty remains with the Indonesian state. If this settlement does not result in increased economic prosperity *felt locally*, there is every chance that over time people will become disillusioned. Anywhere between 15,000 and 25,000 former GAM combatants and civilian members are looking for jobs, with expectations running high. Many other conflict-affected persons feel they are also due some recompense after the conflict, if not a new house, at least the opportunity for salaried employment. However, unemployment was at 12 per cent in 2006. Tackling these problems is imperative if peace is to last in Aceh.

The tsunami of aid

The Indian Ocean tsunami of December 2004, which killed approximately 167,000 in Aceh alone, led to additional devastation. According to a World Bank / Reconstruction and Rehabilitation Agency study, 500,000 lost their homes; 3000 kilometres of roads were impassable; 2000 school buildings were damaged; over 60,000 hectares of farming land was damaged. Yet the

tsunami also helped fertilize the seeds of peace that had been sown by Indonesia's newly-elected President and Vice-President. It provided an additional moral imperative for both sides to find a peaceful solution, further fuelled by the global spotlight suddenly falling on an area previously largely shut off to foreigners.

The tsunami also brought the global aid machine to Aceh. US\$8 billion of aid (5.3 billion of it from outside of Indonesia) was pledged for reconstruction. By January 2006, some 3645 non-governmental organizations had registered at the United Nations' compound. Importantly, unlike many post-disaster contexts, almost all the pledged aid has actually arrived. With damage from the tsunami estimated at US\$6.1 billion, adjusted for inflation, that leaves US\$1.9 billion for 'building back better' including attending to other post-conflict needs. Nor has there been donor fatigue: new commitments continue to arrive, in part driven by hopes from many that Aceh can be a beacon and stimulus for governance reform across Indonesia.

Unusually for a post-conflict situation, the level of resources that can be used for development purposes in Aceh will not fall after the internationals pack their bags. As a result of the 2001 decentralization laws and a subsequent special autonomy law, Aceh already received significant resources from Jakarta. The passing of the *Law on the Governing of Aceh* (LoGA), which implements many of the provisions of the Helsinki MoU, will result in Aceh retaining 70 per cent of 'all current and future hydrocarbon deposits and natural

resources in Aceh as well as in the territorial sea surrounding Aceh' (MoU article 1.3.4). More significantly, given declining oil and gas deposits, the LoGA provides for an extra 2 per cent of the DAU (the discretionary block grant to the regions) to flow to Aceh for 15 years, starting in 2008, and an additional 1 per cent for five years after, provisions included to compensate Aceh for damage from the conflict. In all, the provincial and district government budgets in Aceh are likely to amount to close to US\$1.7 billion per year and should remain stable over the next quarter of a century. In stark contrast to countries such as Liberia, Sierra Leone and Afghanistan, lack of resources for economic reconstruction and development should not be a barrier to peace enduring.

Problems with the post-conflict reconstruction effort

Despite the vast resources present in post-conflict Aceh, a number of factors have limited the extent to which development and reconstruction resources are being effective in consolidating peace.

Inequalities between tsunami-affected and conflict-affected areas

First, restrictions on the use of post-tsunami funds have meant that conflict-affected areas have been less likely to get assistance. This has resulted in large geographic disparities, providing a potential basis for future unrest. The vast bulk of aid has been programmed in areas directly affected by the tsunami. The initial mandate for the government's Reconstruction and Rehabilitation Agency (BRR) was to target only areas directly impacted by the tsunami (two narrow belts of land on Aceh coasts). The Multi-Donor Fund, which pools resources from 15 donors, has also largely limited its projects to such areas: only two of the projects funded to date operate outside the areas directly affected by the tsunami. Most bilateral aid agencies and NGOs have almost entirely focused on tsunami-hit areas.

There are a number of reasons for this. Needs in tsunami areas were great. Given the scale of the disaster, it made sense to focus efforts on these areas first, especially given the fact that the conflict was still ongoing for eight months after the tsunami. Many agencies also felt that their funds were effectively tied. NGOs (who hold around one-third of tsunami reconstruction resources) had appealed for funds from the public on the basis that these would be used for the tsunami response. Some governments felt restricted to using their funds for directly-affected tsunami areas only. The appropriation of funds in the US, for example, was specifically for tsunami reconstruction; it was felt

that it would be necessary to return to Congress if these funds were to be used for other purposes.

Yet the restriction of funds to tsunami areas has inadvertently had adverse impacts. As Figure 1 shows, while there are some overlaps between areas affected by the conflict and the tsunami, there are many conflict-affected areas that the tsunami did not directly hit, especially on the east coast and in the central highlands. Needs in these areas are great.

One consequence has been rising inequalities between tsunami- and conflict-affected populations. A recent World Bank assessment shows that poverty rates have almost fallen to pre-disaster levels in tsunami-affected areas; in contrast, in 2005 conflict-affected areas were 44 per cent more likely to be poor than average sub-districts in the province. Conflict-affected infrastructure is built back at half the speed of that damaged by the tsunami. This has an impact at the household level. Per capita consumption is markedly lower in conflict areas, as interviewees attest:

'There is a gap [in living standards] between the tsunami-affected people and conflict victims. There is a need to focus on the latter' (NGO, West Aceh district).

'In Nagan Raya district, there are 222 villages. Only 16 were directly affected by the tsunami. The services in the tsunami areas are now very good, while in the non-tsunami areas they are not yet good' (Security Guard, Nagan Raya district).

Specific post-conflict assistance is dwarfed by that earmarked for tsunami reconstruction: around US\$230 million for the former, compared to US\$8 billion for the latter. This is also resulting in poorer quality assistance in conflict-affected areas. The average house for a tsunami victim now costs around US\$8000. In contrast, houses provided by the Aceh Reintegration Agency (BRA) for conflict victims cost US\$3500.

Rising inequalities in aid provision are starting to lead to significant tensions on the ground. Local level conflicts are rising, many relating to disputes over who is being targeted for development aid. From March 2007, development disputes have averaged almost thirty per month.

Uneven opportunities for different groups

Second, assistance to different categories of conflict-affected people – combatants, civilian victims, displaced persons – has been uneven. Inequalities in post-conflict aid and access to resources have caused some tensions and may provide a basis for problems later on.

The vast amount of tsunami aid has created expectations from those affected by conflict. Yet certain groups have benefited more than others. Many contractors from elsewhere in Indonesia arrived soon after the tsunami, creating an unfortunate sense for many of Javanese business profiting from Acehese misery. Among the biggest winners have been those in GAM with high-level connections. The December 2005 local elections resulted in a GAM-affiliated governor and GAM-linked winners in over half of Aceh's districts. The rise to political power of the GAM elite has led to many new opportunities for educated former combatants. GAM contractor conglomerates have won large contracts. Most notably, former GAM leader Muzakkir Manaf now runs a large contractor firm, PT Pulau Gading. In Aceh Barat Daya district, it is alleged that the District Head has allocated Rp. 12 billion (around US\$1.3 million) in contracts to former GAM members.

Others in GAM have received less. One of the greatest challenges of the 'reintegration programme' has been the disjuncture between the number of GAM combatants mentioned in the MoU (3000) and the true number on the ground. One result has been that reintegration aid packages have been spread inequitably across GAM members. Both BRAs assistance to combatants and donor assistance (largely through the International Organization for Migration) has been channelled either through GAM commanders or to lists of combatants provided by them. Combatants with lower status or weaker links to commanders have seen little money. Civilian conflict victims have also had unequal access to assistance. First, those living in tsunami areas are more likely to receive aid (many were victims twice-over, first from the conflict, then from the tsunami). Second, the mechanisms used for distributing assistance to victims risk excluding many in need. As Lina Frödin describes in her article, the BRA has been through several different approaches to targeting them, causing much confusion.

Experience in development programming in places emerging from conflict across the world has shown how perceived inequalities in assistance can lead to fresh conflict. Studies have also shown how community-based approaches – which provide space for communities themselves to decide on resource allocations, and which contain social controls that can help minimize resource capture – are much less likely to lead to violent conflict. Unfortunately, after the suspension of the previous victims programme, these approaches have not been used extensively in Aceh.

Lack of capacity and transition strategy

The third major problem with the post-conflict reconstruction effort in Aceh is the relative lack of attention paid to developing strategies for transitioning from immediate assistance to longer-term conflict-sensitive development programming.

Aceh is unlike most former conflict-affected areas in that it lies within a middle-income state with internal sources of funds, operating markets, and a functioning bureaucracy that extends to the local level. The post-disaster and post-conflict aid machine is much less used to operating in such contexts than in places such as Sierra Leone or Sudan. In Aceh, the government has remained in control of the tsunami and post-conflict reconstruction effort, with internationals playing a supporting role. When the extra LoGA resources come on stream, government financing of development in Aceh will far outstrip that of the international agencies combined.

Despite this there has been relatively little planning for the transition from the emergency and post-emergency aid model to longer-term domestically led development. A few governance programmes have started up and there has been initial work on the transfer of assets built by aid agencies to government ministries. Yet, by and large, international post-conflict and reintegration projects are still focusing on delivering direct assistance to communities, bypassing government structures. Projects are still focusing on assisting vulnerable individuals and groups, rather than stimulating the economy as a whole. In the medium-run, efforts to support the transition of the local economy will be necessary to ensure sustainable development and recovery. The Multi-Donor Fund is planning an economic financing facility, and there are plans for a new Fund focused on peacebuilding and economic development, but funds for this will be minimal compared to needs.

The need for a transition strategy is compounded by problems with the Acehese bureaucracy. Local institutional capacity to plan and distribute the vast funds that will be available is extremely low. The conflict also masked widespread corruption. Given that the conflict was historically driven by grievances against the state and dissatisfaction with how resources were used, building state capacity and transparency is necessary if conflict is not to re-emerge.

Conclusions

There is great potential for economic reconstruction to help build peace in Aceh. Resources are relatively plentiful. However, there is a risk that if these resources are not managed well, they could undermine peace by inequitably targeting areas or groups, by being used for unproductive investments, or if corruption or weak capacity limits their impacts on the ground. Aid agencies have not paid enough attention to building local government systems to manage development resources. More support in this area will be key if economic reconstruction is to contribute to peace rather than conflict in Aceh.

Economic injustice

cause and effect of the Aceh conflict

Nazamuddin Basyah Said



Marjuni Ibrahim, a former GAM member, leads 'guerrilla tours' in the jungle, taking visitors with a taste for extreme hiking and an interest in Aceh's conflict.

Source: Reuters/Tarmizy Harva

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Root causes and a chaotic period

Only two years after the discovery of the Arun natural gas field, Hasan di Tiro declared Acehese independence on 4 December 1976. Natural gas production and exports reached their peak in 1994 and gradually declined thereafter. For some decades, the Acehese witnessed a contrast between the life amenities enjoyed by the white collar workers operating within the enclaves of PT Arun, Mobil Oil, and downstream enterprises around Lhokseumawe and their surrounding slums. Export-oriented natural resource exploitation did not generate enough jobs for less skilled workers, and in most cases, very limited downstream industry linkages were created.

It was only in 2002 when the earlier special autonomy law took effect that Aceh received a seventy per cent share of oil and natural gas revenues. For many years previously the gas dollars were fully controlled by a centralized authority in Jakarta, with only around three per cent of the total revenues from Aceh's oil and natural gas – all related taxes included – returned to Aceh in the form of central government's transfers to the poor province. Infrastructure in Aceh was and is poor. A quarter of the population lives below the poverty line. Rich natural resources, poor infrastructure and public services, and centralized authorities, combined with poverty and lack of opportunities have been *causes* of the conflict. Some of these factors have also been its *effects*. Rising levels of unemployment and poverty, especially in rural areas, prompted the escalation of the conflict in the early 2000s. Yet the ongoing conflict only made these trends worsen.

The 2004 tsunami occurred in this context. It deprived over half a million people in Aceh of not only their sources of income but also their household and productive assets. They were displaced and forced to live in tents, temporary barracks or with their relatives for more than eleven months. Seventeen of Aceh's twenty-one districts were affected and a total asset loss of US\$4.4 billion – equivalent to 97 per cent of Aceh's Gross Regional Product – was incurred. More than three quarters of the losses were incurred by the private sector.

A big push for sustainable peace

The tsunami and the signing of the peace agreement between the Free Aceh Movement (GAM) and the Government of Indonesia (Gol) on 15 August 2005 marked important milestones in Aceh's history. Given the influx of huge amounts of funds from international organizations as well as the Gol, there are high expectations of real changes to benefit the Acehese. Aceh represents a unique case of how to revive and redevelop a region whose people's infrastructure,

livelihood and opportunities for economic growth were nearly totally destroyed. A strategy is needed for recovery not only from the tsunami, but from the physical as well as psycho-social destruction caused by both the disaster and armed conflict.

Reconstruction efforts combined with a substantial redevelopment strategy can help ease the economic situation and create construction and related jobs. Yet the scale of the damage suggests that full economic recovery will take more than the four years planned by the government. The objective should be to change the whole idea of Aceh's redevelopment to promote sustainable development after the completion of the reconstruction phase. Long-lasting peace and economic growth become prerequisites for one another. This can occur as a result of massive investments in infrastructure and the influx of workers to the region during the reconstruction phase, together with improved knowledge and application of technology. The goals for this phase should include normalized livelihoods for victims of both the tsunami and the armed conflict, the creation of more productive jobs, increased income, and sufficient social security. All of these will require conducive economic policies, law enforcement, and institutional improvement. Peace will only last if there is an improvement in the social and economic welfare of the Acehese people.

A transition to sustainable growth and reintegration of GAM ex-combatants

Improved political stability and the institutional supports provided by international agencies have created the preconditions for economic growth. However, a coherent economic growth strategy is not yet in place. This would consist of a sustainable, private-sector-driven, export-oriented economy in which products move up the value chain, creating more employment and improved productivity.

Policymakers should consistently pursue ongoing steps, such as removing the institutional barriers to growth, sustaining infrastructure investment (especially beyond 2009 when the mandate of BRR, the government-established reconstruction agency, terminates), educating and training the workforce to suit a competitive labour market, and helping expand access of small and medium enterprises to capital and land.

The majority of GAM returnees belong to a productive age group, with over 75 per cent aged between 18-35 years. Most of them are primary and junior secondary school educated. School dropouts and unemployed young men, especially in villages, have in the past been

targeted for recruitment by GAM, and remain vulnerable. While physical reintegration, in the sense that ex-combatants are accepted in their communities, seems to be successful, full reintegration has been less so. If these working-age young men remain unemployed, there is a high risk that crime increases and tensions rise.

Many unemployed GAM returnees depend on their relatives for their livelihood. A World Bank survey indicates that 74.9 per cent of GAM returnees are not yet employed. Before joining GAM, around 30 per cent of them worked as farmers and many of these people who still have access to land can easily start working again. However, for the majority, livelihood revival, in terms of providing access to capital markets with technical assistance, is a major need, next to the security of living in permanent housing. About half of them reveal that they want to be small traders. The urgency of launching economic empowerment programmes targeted specifically at GAM returnees has so far been disregarded, while attention has focused on difficulties with the provision of *Jadup* (living allowances) to around 3000 ex-combatants.

There is a whole range of activities that international agencies and local government can get involved in. First, there should be greater support to the Aceh Reintegration Board (BRA). Secondly, ex-combatants should be made confident of the immediate benefits from the peace process. Labour-intensive projects such as rebuilding or repairing local public infrastructure would create *cash-for-work* types of temporary employment before more sustainable economic activities emerge. This would be far preferable to simply distributing *Jadup* to the communities without productive impacts. It is also easier to implement because it does not require an agreed list of GAM ex-combatants, which is a sensitive issue.

For longer-term impacts on the economy and welfare of the Acehese people, and to avoid future conflict, larger-scale private investments are necessary. A competitive future economy would rely on whether products and services provided by the private sector are competitive in the global market. Private investments will then play a greater role in creating jobs and having trickle-down effects on local businesses. Local entrepreneurship will grow and exploit the available opportunities in Aceh.

A long-lasting peace may not be an utopian ideal. Currently there are certainly pebbles in the shoe. The conflict has ruined the 'joints' of the Acehese economy, but the building blocks that are being created provide hope for a peaceful and prosperous future.

The challenge of hidden economies and predation for profit

Judith Large



An Indonesian soldier patrols at the Arun ExxonMobil Corp outside Lhokseumawe in Aceh, May 2003.

Source: Reuters/Supri Supri

Both the *Memorandum of Understanding (MoU)* and *Law on the Governing of Aceh (LoGA)* came into being in a setting complicated not only by the legacies of war and the 2004 tsunami, but also historically ingrained practices which constitute Aceh's hidden, often predatory economy. For years layers of personal interest and decision-making have operated outside any domain of scrutiny or law, due in part to structural roots inherited from the Suharto era. The Indonesian military (TNI) was known in Aceh as a corrupt institution, managing a series of enterprises including illegal logging, drug production and trafficking, and prostitution, as well as 'security' payments viewed by many as extortion. There was a long-standing saying about serving with the military in Aceh: 'You leave with an M-16 and return with 16 M', referring to the military-issue rifle and Rp. 16 billion (equivalent to US\$1.76 million – an exaggerated estimate of the earnings of corrupt officers). This practice was not limited to Aceh. Soldiers posted to the conflict zone on the eastern island of Ambon in the same period were known to smuggle out everything from exotic parrots to coral for the open market. The role of natural resource extraction in West Papua is also notorious for its negative impacts.

The Free Aceh Movement (GAM) for its part was known at times to mirror such practices. Through control of interior upland areas (particularly from 1998-2002) income was gained from taxing logging operations, or more unusually active involvement in illegal logging on the part of some GAM members themselves. Today unemployed former GAM soldiers can find daily labour in illegal logging, which has been on the increase since the end of the war. Challenges for the peace process and for the future of Aceh include: the legacy of security sector business and illegal operations for financial gain, corruption as a way of life and the fate of natural resources which up to now have been abundant in this fertile area of Sumatra.

Patterns in military self-financing

Military self-financing as accepted practice in Indonesia originated in part from the merging of professional military units and regionally based guerrillas or people's fronts to form the first national army. This beginning led naturally to the establishment of semi-autonomous localized units responsible for independent funding and logistics arrangements. Military commercial activities became common, even accepted, practice – not an abuse of power but convention. The TNI received only 30 per cent of its operating expenses from the national government and self-financed the remaining seventy per cent. For a recent example of this, a study by Suzanne Burford documents the 2006 defence budget as 23.6 trillion rupiah or US\$2.6 billion whereas the actual needs are estimated at US\$ 6.2

billion. This 'off-budget' funding (extra-budgetary and unaccountable) is derived from formal military-owned enterprises, non-institutional or informal business and mafia-like criminal activity.

Tempo Interactive documented that under the DOM period more than 100 military posts in the Lhokseumawe Industrial Zone vicinity of the ExxonMobil refinery meant the company channeling approximately US\$4000-10,000 per day to the TNI. A 2003 study by Lesley McCulloch observed that during the war "many of the villages in the area surrounding Lhokseumawe ... are among the poorest in Aceh. Too afraid to farm the fields because of the level of violence in the area, and with their infrastructure destroyed in 'sweeping' operations by the locally based military, the civilians suffer social and economic impoverishment as a direct result of the economic activities of the security personnel in their area."

Military self-financing thus became intrinsically linked to abuses of power, corruption and human rights violations. The conflict of interests between providing security and profit-seeking entailed abusive and routine behaviours including intimidation, extortion, property seizures and profiteering. It was common knowledge that the military and police were involved in various protection rackets, also controlling legal and illegal trade in fishing, drugs, coffee, peppers, logging and weapons. One visible practice was the levying of fees on private and public vehicles traveling on the Banda Aceh-Medan east- and west-coast highways by the military and police, particularly the paramilitary police. Recent evidence indicates that in the immediate aftermath of the MoU there was a restructuring of corruption and rent-seeking, rather than any significant reduction in such activity. It should be recognized that the current Indonesian government is making efforts to control military business activities nation-wide. Under 2004 legislation military foundations will now be supervised by the Defence Department with the Indonesian government taking over all military business holdings by 2009.

Timber reserves and the rise of illegal logging

Aceh is rich in tropical hardwood trees, with timber second only to oil and natural gas in importance as an export. The World Bank and the Indonesian government estimated in the late 1990s that 69 per cent of Aceh's total land area remained forested. With current rates of deforestation, predictions are that remaining forests could be only 40 per cent by 2010.

Long an economically and politically significant export commodity for Indonesia, demand for wood was fuelled internally by reconstruction after the tsunami.

Under both Sukarno and Suharto timber concessions were rewards for political cooperation, initially extended to military elites and locally influential individuals in exchange for alliances with emerging political parties. Destructive logging has cleared vast rainforests to feed timber-based industries exporting plywood, pulp, paper, furniture and other wood products to consumer countries. A study prepared by the Down to Earth project of the International Campaign for Ecological Justice in Indonesia concluded: '[t]he forests are being felled to make way for large-scale commercial pulpwood and oil palm plantations; for mining, gas and oil projects; for roads and industry. The profits go to the investors, while local communities are left to bear the social and environmental scars.'

Lines of authority, bureaucracy, and corruption

Sidney Jones points out that enforcing regulation against illegal logging is complicated by the complex decentralization measures approved by the Indonesian parliament as early as 1999. In Aceh, additional layers of confusion appeared with the special autonomy legislation in 2001, the tsunami in 2004 and efforts to revise the special autonomy law in 2006. It is not always clear who has actual authority for enforcing the law against illegal logging at different levels of government. Even at district level the division of labor between the local forestry office and police is not always clear, and the result is inaction. Where there is a will to address the problem, corruption can render measures ineffective. Corruption takes many forms: in an International Crisis Group study, Sidney Jones observes patterns of '[b]uying and selling logging permits to unscrupulous entrepreneurs; seizing illegal logs and then reselling them; falsely declaring illegal logs to be legally logged, for a price.' There are additional problems with Indonesian national bureaucracy and sheer red tape, with as many as 21 transactions in different departments required to get permits to log legally.

In 2006 it was estimated that local government in Aceh received revenues five times higher than before decentralization in 1999. In the same year, two studies, one conducted by the Central Bank and another by Padjajaran University, concluded that as a result of decentralization and special autonomy Aceh was becoming one of the most corrupt rather than one of the richest provinces in Indonesia. Many people in Indonesia are aware of the danger of 'KKN' - collusion, corruption and nepotism - being decentralized rather than reformed. This will be a long-term challenge calling for structural change; national reform in military practices, new governance with accountability and transparency in Aceh, and the creation of legitimate sources of income and gain.

Human rights and justice in Aceh

the long and winding road

Faisal Hadi

Faisal Hadi has been Executive Director of the Human Rights Coalition (Koalisi HAM), a leading human rights advocacy group in Aceh, since 2003.

For the people of Aceh, telling the story of their daily lives during the conflict means talking about human rights violations. Over the course of its thirty-year long history, armed conflict in Aceh was characterized by appalling violations of the human rights of the civilian population at the hands of the Indonesian military (TNI), especially during the Military Operations Zone (DOM) era (1989-1998). Although statistics are still disputed, some indication of the scale and nature of human rights abuses is clear from data collected by the Aceh Reintegration Board (BRA). In June 2007 the BRA noted that some 33,000 people had been killed over three decades of conflict. Data gathered in 17 districts of Aceh by a joint International Organization for Migration (IOM) and Harvard Medical School survey showed that 35 per cent of informants had reported having to flee burning buildings, 24 per cent had experienced forced labour and 40 per cent had experienced the expropriation or destruction of property. Other serious human rights abuses, such as rape, were widely attested during the conflict but remain significantly under-reported in official statistics. The extent to which the Free Aceh Movement (GAM) was also responsible for abuses is debated, but it is known that they executed suspected collaborators, pressured non-Acehnese migrants to leave the province, and extracted money from the general population.

Securing a space for human rights

Aceh initially remained isolated from the successful promotion of human rights elsewhere in the country from the late 1990s. In 1998, pro-democracy activists in Jakarta forced President Suharto out of power, and in Aceh the demand to bring those responsible for human rights violations to justice was voiced out loud by civil society. But while the collapse of Suharto's New Order brought significant new political freedoms and human rights reform at the national level, such positive change was barely felt in Aceh as the conflict re-ignited. Instead, human rights abuses worsened as the conflict raged on, culminating in a repressive period of martial law in 2003-04.

Although national law *No. 26/2000 on Human Rights Courts* established four human rights courts in Indonesia, including one in Medan in the neighbouring province of North Sumatra, no cases of violations in Aceh were heard in it. Only a handful of soldiers have faced justice, such as the 24 convicted by a joint civil-military court in May 2000 for a mass killing of civilians in Beutong Ateuh in 1999; no senior military officer has been prosecuted by the Human Rights Courts for any violation.



Human rights in the peace process

The situation in Aceh finally changed with the tsunami of December 2004, which focused the minds of the warring parties and the international community on reaching a workable peace agreement. Yet despite being a key Acehnese grievance during the conflict years, human rights abuses were not very conspicuous on the agenda of the Helsinki peace negotiations between GAM and the government. Both parties had varying levels of anxiety about committing themselves to robust justice measures, whilst the mediator preferred to allow the parties to set their own agenda. Those voices in favour of more extensive justice mechanisms, such as civil society human rights activists, had little opportunity to influence the process.

Nevertheless, when the negotiations resulted in the *Memorandum of Understanding* (MoU) in August 2005 and were accompanied by an end to violence on the ground, it opened another pathway of hope for survivors. Unlike previous peace accords, levels of violence dropped to very low levels as soon as implementation began, stimulating high expectations of redress for past violations. In the MoU, the principal means for redressing human rights violations were embodied in two articles: article 2.2, 'A Human Rights Court will be established for Aceh'; and article 2.3,

'A Commission for Truth and Reconciliation will be established for Aceh by the Indonesian Commission of Truth and Reconciliation with the task of formulating and determining reconciliation measures.'

Despite the striking lack of detail in these articles, Acehnese human rights activists welcomed them. The apparent progressiveness of the MoU was cemented in its commitment that the Government of Indonesia would adhere to the UN International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights (ICCPR and ICESCR; article 2.1). Just as the government's ratification of the ICCPR and ICESCR provides the basis for altering national laws in accordance with them, the MoU provided similar grounds for revising local laws in accordance with the Covenants (article 1.4.2).

Among other positive steps were:

- the call for conventional identity cards to be issued to all Aceh residents (article 1.2.5), ending the discriminatory *KTP merah putih* (ID cards) used under martial law, which each resident of Aceh was obliged to carry and triggered discrimination against Acehnese outside Aceh;
- the provision to try any military personnel committing civilian crimes before civil courts in Aceh (article 1.4.5);

- special human rights training for police personnel conducted in Aceh or overseas (article 4.12).

Under the chapter on 'amnesty and reintegration into society' there were several provisions related to justice. Articles on amnesty provided that 'political prisoners and detainees held due to the conflict' would be released unconditionally. The reintegration section promised that, 'All civilians who have suffered a demonstrable loss due to the conflict will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.'

The Human Rights Court

The peace has held but the euphoria surrounding the MoU gradually diminished. It became clear that people's dreams for justice were not about to come true and that they would need to pursue their dreams a bit longer before enjoying their rights. When the *Law on Governing Aceh* (LoGA) came into effect on 1 August 2006, its many compromises on human rights issues cast a thick cloud over the peace accord.

The establishment of a human rights court and the truth and reconciliation mechanism were laid down in the LoGA with clear time limits (12 months), ostensibly recognizing the difficulties Papua experienced establishing the human rights court availed by the 2001 law on special autonomy. Yet these deadlines have since passed. It appears that what were once primary human rights agendas have become perceived as bad ideas and there is unwillingness to make them happen.

The human rights court issue also suffers from multiple interpretations. Although GAM negotiator Nur Djuli announced early on that the Human Rights Court (HRC) would have retroactive powers, according to the LoGA (Article 228), the HRC can only try cases of abuses occurring after enactment of the LoGA, rendering it meaningless for resolving past human rights crimes. Looking back to the period before the signing of the MoU, various people involved in the process indicated that negotiations on human rights would be conducted with a spirit of 'looking to the future', and indeed the negotiations almost collapsed over the principle of retroactive prosecution. Central government's standpoint has not yet changed – or at least dares not change due to weak political power. Retroactive prosecution for human rights crimes is still technically possible, however, through *Law No. 26/2000 on Human Rights Courts* dating from the year 2000. This law allows for serious human rights violations prior to 2000 to be tried in 'ad hoc human rights courts' established by the president with the agreement of

parliament. In theory Indonesia's National Commission on Human Rights (Komnas HAM) takes its findings to the parliament, which then decides whether there was a gross human rights violation and if so, can establish an *ad hoc* court.

For crimes after 2000 regular human rights courts may be used, such as the one established at Medan in North Sumatra province. However, as noted, although this court technically has jurisdiction over Aceh, and therefore fulfills the MoU stipulation that a human rights court be established for Aceh (no other court fitting this description has been created since the passing of the LoGA), no cases relating to Aceh have been heard there. The core obstruction to both the retroactive and more current prosecution of human rights violations is the same: the government and parliament in Jakarta do not give the necessary support for the judicial system to work. The law needs to be amended to eliminate parliament's political role in judicial practice, and to provide Komnas HAM with sharp enough teeth for it to offer a feasible domestic remedy to injustices. At a military ceremony attended by retired generals of TNI and POLRI in Jakarta on 28 April 2008, senior figures expressed their explicit rejection of investigations being conducted by Komnas HAM. This illustrated the narrowing political support for such investigations. The Minister of Defense Juwono Sudarsono has publicly discouraged retired generals from complying if summoned by Komnas HAM, while President Yudhoyono himself keeps silent. The Minister of Law and Human Rights, Andi Mattalatta, accompanying Yudhoyono in receiving President Marti Ahtisaari in Jakarta on 7 May 2008 to discuss progress on the peace process, explained to the press that because government had given amnesty to GAM, it would not be proper to enforce the law against the TNI. The space for fair and just remedies for Aceh seems to be shrinking.

Truth and reconciliation

A further key component to transitional justice is the establishment of a Truth and Reconciliation Commission (TRC). TRCs can play an important role in countering cultures of revisionism, impunity and the postponement of justice, providing a supplementary channel to judicial processes enacted by *ad hoc* or permanent human rights courts. As a transitional remedy, it should not postpone the rights of survivors so long that they can no longer be seen as transitional. It is also supposed to be based on voluntary participation and as such is less coercive than other justice mechanisms.

Both the MoU and the LoGA assumed the establishment of an Acehese TRC as part of the national TRC structure. However, in late 2006 the Constitutional Court in Jakarta over-ruled national legislation establishing the national TRC, citing concerns about provisions for amnesty and legal impunity for perpetrators of gross abuses. This pushed the formation of a national TRC further into the future and placed the whole Aceh process in legal limbo. The current debate is whether Aceh should wait for a national TRC or whether one can be established based on provincial regulations (*qanun*) together with the LoGA. There are questions here over whether *qanun* could provide enough legal force to handle cases where those responsible number among the political and military elite, and also the consequences of such an approach for the provincial budget.

Whether the TRC is eventually established at the national or Acehese level, it should guarantee meaningful involvement for the survivors of human rights abuses. These people reside mostly in rural areas and it is very important to engage them in the TRC discourse and facilitate their understanding in order to equip them to approach and receive justice. They are the primary stakeholders in the process. No other stakeholders have as much of a legitimate right to shape the truth and reconciliation process. Truth and reconciliation cannot be imported or copied from other experiences; it is crucial to build ownership of such a process by providing as much relevant knowledge and information to victims as needed to guarantee their maximum access to the process. Considering the number of affected people is spread across such a large area, these efforts will demand much time and plentiful resources. However, as noted in Lina Frödin's contribution to this volume, reparations for the broad category of 'victims of the conflict' have been paid out without recourse to a truth-telling mechanism.

Human rights for all

In summary, it is becoming clear that the provisions of the MoU related to dealing with past human rights violations were too vague to be effective in the face of concerted political and institutional obstacles within Indonesia, combined with the international community's indifference or lack of leverage over Indonesia, and the limited scope for civil society to influence legislative change. But if the MoU, the LoGA and existing laws do not provide reliable remedies for past human rights abuses, then the ultimate challenging question is what the best course of action is on rights issues.

There are grounds for optimism in considering the other dimensions of human rights. Compared to civil and political rights, economic, social, and cultural rights

are still overlooked in Aceh because the prolonged violence has led human rights to be associated primarily with bloodshed and physical violence. However, economic, social and cultural rights have become increasingly important for Aceh, for example in addressing the right to adequate housing for tsunami and conflict survivors. This has become a priority in defining a new realm for the integrated fulfillment of human rights in Aceh, together with education and health services.

The culture and structure of human rights in Aceh needs to be revolutionized. People should know their rights, so they can mentally transform themselves from victims who ask for aid from the government to survivors who claim their rights. Aceh government officials must understand them well too, so they can go beyond delivering aid and fully bear the duty to respect, fulfill and to protect human rights in Aceh. By transforming these mentalities and educating the people, the post-conflict and post-tsunami generation should be able to develop their full potential.

Aceh must look backwards and forwards at the same time. The problem of past human rights abuses needs to be resolved so that a new foundation can be built, where people will be free from the fear of similar violations in the future. At the same time it is important to look forward to build a new era of prosperity and dignity, in which everyone is allowed to live a decent and humane life.

Agents for change

the roles of women in Aceh's peace process

Suraiya Kamaruzzaman



Women at an Aceh peace rally in Jakarta 2003.

Source: Reuters/Supri Supri

Suraiya Kamaruzzaman is a women's human rights defender in Aceh.

Scant attention has been paid to the role that women played in the conflict in Aceh, their survival efforts or their involvement in development and peacebuilding. According to the historical narrative of violence and humanitarian tragedy in Aceh, women are vulnerable, victimized, suffer in submission and bear the consequences of being the wives and relatives of 'the enemy.'

This is not the whole truth: Acehnese women played strategic roles, generated bright ideas and were able to find unique ways to survive. They were able to become agents for change, performing negotiations between the two parties involved in the conflict or engaging in efforts to save their husbands, sons or their community. When insecurity forced men to flee their villages, women became the main breadwinners and decision-makers and took over most of the social roles played by men in their community life. In addition, they worked together to clean and repaint *meunasah* (Islamic schools), went to the fields or gathered firewood. They took care of the children and financed their education. They hid boys being hunted because of their fathers' and uncles' political choices, and sometimes they had to carry them home and bury their dead bodies. Women also undertook various religious programmes such as rotating Koranic recitation gatherings from one house to another to build continuous communication, and accompany and console those who lost family members to the conflict.

Unified voices

Women have also taken organized action in response to the conflict. Groups of women have undertaken peaceful campaigns, lobbying, information dissemination, human rights education, negotiation and data collection. Some brought human rights violations to the UN Commission on Human Rights in Geneva. Many of these women faced pressure, intimidation, terror, rape or sexual harassment because of their actions.

In October 2000 the United Nations passed Security Council Resolution 1325 on the theme of women, peace and security. It stressed the importance of women's roles in conflict prevention and resolution and highlighted the need for women's equal participation in maintenance and promotion of peace and security. Months before this, Acehnese women had rolled out their own agenda at the first All Acehnese Women's Congress (*Duek Pakat Inong Aceh*). Nearly 500 women from all possible backgrounds, many of whom had suffered the direct consequences of armed conflict, sat together in dialogue in February 2000. They shared their painful experiences, formed strong bonds and

planned for the future. Sharing the hope that they would be able to make Aceh better – and that peace was an absolute requirement for a better Aceh – they called for the prioritization of dialogue towards resolving the conflict and for greater women's participation in all political decision-making. They distributed their 22 recommendations to various parties, including to Indonesian president Abdurrahman Wahid. That summer, a women's group lobbied various parties to involve women in the process of negotiating and implementing the Humanitarian Pause then being facilitated by the Henry Dunant Centre for Humanitarian Dialogue.

Exclusion from peacemaking

Unfortunately their voice did not resonate for long, and when the conflict parties engaged in peace talks, women were once again excluded. Despite a record of advocating for peace and fostering reconciliation, women were barely involved in the stop-start dialogue processes spanning over five years that finally culminated in the *Memorandum of Understanding* (MoU) between the government and GAM in August 2005. The kind of gender-aware conflict resolution mandated by Security Council resolution 1325 was not achieved.

This was mirrored in other political processes as well: when Islamic Shari'ah law was introduced to Aceh, women's representatives were once again not involved. Women were considered only as objects of political processes, not active subjects.

Without underestimating the great importance of the MoU and the hard work, skill and patience of its architects, it ignores the contribution of civil society, including women's groups, to peacemaking. The peace process was simplified into an issue between the government and GAM, negating other dimensions of conflict that had lasted for nearly 30 years, wherein numerous and complex issues intertwined and impacted upon the life of all Aceh's people. As a result of women's exclusion from the peace processes, their interests are poorly covered by the agreements.

Peace is not realized simply at the negotiating table: sustainable peace can only be achieved if it involves women and men equally in processes of reconciliation, rights-based development, the rule of law and the dignified fulfilment of justice for victims. Signing the peace agreement is only the beginning; the next great task for all of Aceh's people is to undertake reconciliation, reconstruction and rehabilitation. Various institutions have been established to facilitate this, but women's voices are still not receiving the attention they should. Of the 43 members of the Aceh Reintegration

Board (BRA), only three are women. The Aceh Transition Committee (KPA), the organization for ex-GAM members, does not have a single woman in a strategic position in its decision-making and policy group. In the first-stage list of compensation receivers for former GAM combatants, there was not a single woman among the 3000 names listed, despite the fact that since 2000 photos and information about troops from GAM's women's wing (*Inong Balee*) have frequently been used in media campaigns to show women's role in GAM's struggle.

Persistence

Despite such negations by the policy-makers, Acehnese women have not been sitting idly, but have responded with new determination. The Women's Policy Network (JPuK) (established 2004) has been monitoring the development and implementation of the *Law on the Governing of Aceh* (LoGA) and of *qanun* (local laws) that will detail provisions of the LoGA to promote the equitable inclusion of women's interests. The Women's Peace Network (JpuD) (established December 2005) comprises 26 organizations and seeks to socialize the MoU and strengthen women's participation in peacebuilding strategies. A Gender Working Group (GWG) has been established as the hub for monitoring the policies of all parties involved in the reconciliation, reconstruction, and rehabilitation processes to ensure that they take into account the gender perspective in policy making and application and budget development. At the grassroots level, women's groups perform political education and strengthen individual and organizational capacity through various training, workshops and seminars.

Such efforts are not sufficient in themselves. The big, unanswered question is: when will the policy makers start to open their minds and harness the great potential of women as a force for building a lasting peace in Aceh? It is imperative that the Indonesian government implements UNSC Resolution 1325 in its national policies and builds a monitoring system using clear indicators. Civil society needs to be involved and information on 1325 widely disseminated. The government should engage women in efforts to build peace in conflict areas like Papua. In Aceh, the BRA should consult women's organizations before carrying out any intervention. Applying women's experience should be a basis for strategy and ensuring that gender is mainstreamed in all programmes. More than lip service needs to be paid engaging them equally in reintegration and reconciliation processes. There needs to be affirmative action to promote women as leaders and ensure their involvement in decision-making, especially ahead of the 2009 elections.

Keeping the peace

security in Aceh

Sidney Jones

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The 2005 Helsinki agreement brought about a dramatic change for the better in terms of security – the shooting stopped. After 29 years of low-intensity conflict, a series of failed ceasefires, and a military offensive from May 2003 that resulted in hundreds of civilian deaths, the sudden end to killings was extraordinary. Violence that many predicted at various stages of the peace process did not materialize: in the months following the agreement, there were no clashes between the Free Aceh Movement (GAM) and militia, no revenge killings, and few confrontations between GAM and security forces.

The reasons for the lack of violence were the same as those that led to the agreement in the first place. One was a new government, elected in September 2004, that was committed to peace and willing to make major efforts to bring the army on board. The second was the impact of martial law, which had left GAM much weakened and eager for an exit strategy. When the agreement made it clear that they would be allowed to compete in local elections, the attractions of the non-violent option increased. Finally there was the devastating tsunami. Given the trauma so many had suffered, everyone understood that there would be no support for conflict while rebuilding and reconstruction were underway. None of these factors by themselves would have been enough to ensure a post-agreement peace, but together they were a potent disincentive for violence.

The local elections in December 2006, contrary to many predictions, were also generally peaceful. Resource-based disputes, some of them intra-GAM, led to occasional violence as time went on, with distribution of reintegration funds a particular sore point. The crime rate skyrocketed, with extortion, armed robberies and kidnappings especially prominent, some of them committed by former GAM members. In general, the short-term security mechanisms set up to monitor implementation of the Helsinki agreement worked reasonably well, but as the third year of peace neared completion, there were some clouds on the horizon.

Dispute resolution mechanisms remain in very short supply. The formal court system, poor to begin with, atrophied during the conflict, as judges and prosecutors were intimidated and courthouses burned, particularly in the districts along the east coast. The agreement brought courts back into operation but, as everywhere else in Indonesia, endemic corruption, low professionalism, and limited access are major problems.

Donors have made law enforcement a focus of post-agreement programmes, hoping to inculcate the idea of community policing in a force that was marginalized by the military during the conflict. The police unit that



Source: T. Faisal MG

most Acehnese used to know and dread was the paramilitary Mobile Police Brigade, Brimob. Changing perceptions of the public toward the police was as much of a challenge as changing the attitudes of the police themselves, but intensive training, combined with the willingness of former GAM leaders at a local level to work with them seems to be producing results. While there are still sporadic reports of brutality, and corruption continues, the police have been better at responding to reported crimes than many predicted.

Security during the first post-agreement phase

Security fears in the first post-agreement phase focused on GAM and the military. But demobilization and disarmament under the Helsinki *Memorandum of Understanding* (MoU) proceeded smoothly, largely because of clear deadlines, good faith on both sides, and the robust mandate of the Aceh Monitoring Mission (AMM). A Commission on Security Arrangements (COSA), comprising representatives of GAM and the armed forces and chaired by the head of AMM, provided an effective forum for discussion of security concerns.

The big problem in this first phase, and one that would continue to haunt the post-agreement period, was

reintegration. The initial reintegration programme was based on the idea that GAM would turn over a list of 3000 names as per the terms of the MoU and financial packets would be handed out accordingly. GAM officials resisted releasing names, ostensibly on security grounds, concerned that they could become a hit list in the event of future conflict. That was a genuine fear, given its experience with past ceasefires, but the real problem was how to divide up the money among a much larger population. The solution was to give it to commanders and hope they divided it equitably. Inevitably, it did not work and became a new source of conflict.

A further problem during the first eighteen months was the functioning of the Aceh Reintegration Board (BRA). The poorly planned and even more poorly administered BRA generated enormous problems for itself at the outset by soliciting proposals for livelihood projects from "conflict victims". When this approach resulted in a staggering volume of proposals, the BRA changed tack and proposed a community-led approach channelled through the World Bank, causing considerable anger.

A further sensitivity associated with the BRA was the government's *de facto* acknowledgement of the existence of militias.

To avoid accusations that it was rewarding rebels, the agency decided to give Rp.10 million (about US\$1000) to 6500 militia members, otherwise known as "anti-separatist fronts" or "homeland defenders" (*Pembela Tanah Air, PETA*). Inclusion of militia members in the reintegration programme was probably a necessary step to avoid tensions. The Indonesian military had always denied any role in creating these fronts, but in the end, it was the district military commands that provided the names of those eligible for funding. While fears that militias, backed by intelligence operatives, could become election spoilers did not materialize, the fault line between ex-rebels and loyalists remained, particularly in Central Aceh and Bener Meriah districts. This tension resurfaced dramatically in early 2008 when five members of the KPA – (*Komite Peralihan Aceh*, Aceh Transition Committee, the new name for the old GAM military structure) were killed in the worst act of violence since the peace agreement was signed.

Intra-GAM problems had been brewing for some time between the old guard, based in Sweden and led by Malik Mahmud, who had headed the negotiating team in Helsinki, and the younger field-based faction, led by Irwandi Yusuf. The rift initially had few security implications, but an attack in November 2006 on Humam Hamid, the old guard's candidate for governor, raised concerns about more violence to come, particularly in Bireuen district, where the camps were locked in bitter contention.

If KPA vs militias was one source of tension and GAM factionalism another, a third was that between Aceh and the central government, as illustrated by the differences over the *Law on the Governing of Aceh* (LoGA). The self-government promised to Aceh in Helsinki was considerably diluted in the law, and what GAM leaders view as the unimplemented provisions of the Helsinki agreement could become the basis for resumption of conflict in the future.

No serious security problems arose during the December 2006 elections in which Acehese voters decisively chose a GAM governor and GAM candidates in seven out of nineteen races for district heads (*bupati*). In the general euphoria over the results, concerns over extortion and intimidation on the part of some KPA members went largely unnoticed.

Shortly after the elections, the AMM left Aceh, leaving in its wake no agency with the same authority to resolve disputes and defuse conflict. A new body called the Communications and Coordination Forum (*Forum Koordinasi dan Komunikasi, FKK*), on which KPA and Indonesian military officers both sit, was set up in April 2007 as part of the Aceh desk under the Coordinating Ministry of Politics, Law and Security but its mandate

was narrower. It has been a useful forum when security incidents occur, such as the March 2008 attack in Central Aceh described below. But it is less effective for resolving struggles over administrative authority between Aceh and the central government.

Security developments in 2007

Most security problems in 2007 were linked to district elections or rising crime. Some of the latter was linked to gang members coming up from Medan, North Sumatra (motorcycle thefts rose 300 per cent) but much of it to ex-GAM fighters, most of whom remained unemployed. Resentment rose in the GAM rank-and-file against their former commanders, some of whom were growing rich through contracts handed out by newly elected GAM officials, and there were several incidents of grenade or other attacks on KPA members, apparently by disgruntled associates. Extortion by KPA members was also increasingly reported.

A disputed election for *bupati* in Southeast Aceh in December 2006, in which the notoriously corrupt incumbent was edged out by a rival, led to a string of violent acts in 2007 as efforts to install the winner were repeatedly set back. The district capital, Kutacane, was hit by riots in August, followed by a grenade and arson attacks. Similar disputes over local election results have taken place across Indonesia, but in Aceh they tend to raise additional concerns. In this case the loser, Armen Desky, whose supporters were responsible for much of the violence, had close ties to Jakarta and was a strong backer of a plan to carve two new provinces out of Aceh, Aceh Leuser Antara (ALA) and Aceh Barat Selatan (ABAS) – which would be a clear violation of the MoU. Indonesian intelligence is widely believed in Aceh to be supportive of the division, in part because the National Intelligence Agency, BIN, was involved in the partition of Papua into two provinces in 2003.

An incident in Nisam, North Aceh in March brought the Indonesian army and KPA into conflict for the first time since the elections, when Indonesian soldiers beat up 14 villagers after a KPA-orchestrated attack on four of their colleagues the day before. The four soldiers had been moonlighting as security guards to protect a local school from KPA extortion; the KPA reportedly organized a "spontaneous" attack by villagers, who beat them up, claiming they were intelligence agents. The army then retaliated with force. Such direct clashes, however, were rare. There was more concern on GAM's part about the influx into Aceh of plainclothes intelligence personnel, whom they believed were going to find ways to discredit GAM, deepen intra-GAM rifts, or more generally cause trouble in the lead-up to parliamentary elections in 2009.

As Indonesia's national day approached on 17 August, hundreds of Indonesian flags were torn down across the districts of East Aceh, North Aceh and Lhokseumawe. Police suspected local KPA members but then proceeded to beat up twelve villagers in the course of their investigation, alienating the community.

Police performance in response to security problems was mixed. Despite intensive post-conflict human rights training provided through international donors to the police, reports of brutality and petty extortion continued. And in some GAM strongholds, police reportedly felt their numbers were too few to effectively challenge KPA offenders so they did nothing. The MoU fixed the number of police in Aceh at 9100 for a population of about 4.4 million; with reinforcements, the figure in 2008 stood at about 13,000, still low.

Resentment over distribution of reintegration funds continued to fester, even after the reorganization of BRA in April 2007, further complicated by the slow transfer of funds from Jakarta. The new head, senior GAM member Nur Djuli, scrapped the idea of community projects and returned to a policy of individual payments, focused on housing, generating new anger, this time from communities who had been promised payments.

Security developments in 2008

In 2008, the killing of five KPA members, an intensified campaign for ALA and ABAS, and continuing criminal activity were the main security preoccupations.

The incident in Atu Lintang, Central Aceh, began as a struggle over control of the local bus terminal between a militia-backed group of thugs known as IPT and local KPA members. On 29 February at a meeting at the local transportation office to settle the dispute, four KPA members were attacked as they arrived. That night text messages began circulating that there was going to be war in Takengon, and both sides started mobilizing truckloads of supporters. Muzakkir Manaf, the head of KPA, ordered his men not to do anything. In the early hours of 1 March, a mob of some 200 people attacked the KPA office in Atu Lintang in what was clearly a premeditated and organized attack. They set it on fire, burning four to death; a fifth man was also killed. The head of the district council (also linked to the militias) claimed that people were tired of KPA extortion, as if to justify the attack.

The good news was that police swiftly arrested the ringleaders of the attack, and the KPA did not retaliate. But it was an incident very similar to this one, and in the same area, which led to the unravelling of a 2002

Cessation of Hostilities Agreement. Central Aceh and neighbouring Bener Meriah are the districts where the prospects of GAM-militia violence erupting have always been highest, in part because the militia there is one of the few with a genuine support base, rooted in reaction to GAM attacks there in 2000-2001.

The ALA and ABAS campaign were given an unexpected boost in January 2008 when the Indonesian parliament recommended their creation. This was followed by a lobbying visit to Jakarta of 430 village heads from the prospective provinces, raising questions about who paid for their tickets. Former president and perpetual presidential contender Megawati Sukarnoputri received the delegation, saying she supported the campaign, a sign that funding from the Yudhoyono government's opponents could be channeled to it. But Governor Irwandi has made it clear he opposes the division, and any effort to go around him to bring it about could mean the torpedoing of the MoU.

Meanwhile, police claimed that the number of armed crimes was twenty-two times higher than before the Helsinki agreement was signed. On March 13, Mukhlis Gayo, the man responsible for organizing the village heads' trip to Jakarta, was kidnapped in Central Aceh by an armed group led by a KPA member. Police were able to rescue him and arrest two of the kidnappers. It was the twelfth reported kidnapping in Aceh since June 2007. Then in April, five Chinese nationals were kidnapped for ransom in Gayo Lues district; the affiliation of the perpetrators as of this writing was unclear. The victims were released after ransom money was paid.

Conclusion

No one should take peace in Aceh for granted. Major social and political tensions remain, and as the Atu Lintang incident illustrates, it does not take much to set a spark to the kindling. But overall the level of violence has been low, and most of the incidents have not taken place along the fault lines of the old conflict between GAM and the Indonesian state. There are dangers ahead, however, particularly if political interests in Jakarta see benefits to be gained from meddling in Aceh, as in the ALA-ABAS issue. Continued misbehaviour on the part of KPA members could provide an opening for that meddling. But the vexing issue of reintegration also needs addressing. As long as ex-combatant unemployment remains high, the reintegration programme remains dysfunctional, and resentment grows over the perceived gulf between haves and have-nots, the potential for security problems remains high.

Shari'ah in Aceh

panacea or blight?

Fadlullah Wilmot

Aceh is the only place in Indonesia with the legal right to apply certain aspects of Shari'ah law outside matters related to family and inheritance. The history of Shari'ah in the modern Indonesian state is complex and although there are religious courts which mainly deal with family matters including inheritance, only in Aceh are they referred to as Shari'ah courts. Although some form of Shari'ah has been applied at different periods in Aceh's history, its current form of implementation raises serious issues as it seems to be founded on a superficial, conservative and narrow interpretation of Islam, in contrast to the more moderate understanding of Islam that has existed in Aceh for centuries.

Whilst the Helsinki *Memorandum of Understanding* (MoU) as well as the new legislation on Aceh's governance and associated international monitoring might have been an opportunity to revise the introduction of the Shari'ah, in reality application of a narrowly legalistic interpretation has continued. This article traces these developments, highlights some of the particular problems, and reflects on how the current mode of implementing Shari'ah poses serious theological and philosophical questions.

Islam in Aceh

Despite its reputation for devoutness, Aceh's identity is not based on Islam alone, but is made up of ethnic, political, economic and historical factors. The conflicts with the Dutch and the central government have been associated with calls for Shari'ah law, but Islam was only one of many strands of the struggle. Teungku Daud Beureueh, the leader of Aceh's *ulama* (the legal scholars and arbiters of Shari'ah law) and Military Governor during the struggle for Indonesian independence (when Aceh was the only area of the Dutch East Indies not re-occupied by the allies after the defeat of Japan), demanded special status for Aceh within Indonesia, including – but not restricted to – the right to apply Shari'ah. Yet his vision of Shari'ah was not one based on

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severe punishments. He led *Darul Islam's* (DI) struggle against the centralizing tendencies of the Indonesian government in the 1950s due to disillusionment of the people of Aceh with the new republic's policies. The Free Aceh Movement (GAM) was, like the DI movement, more of an ethno-nationalist movement with economic and cultural underpinnings than an Islamist one.

After Suharto's fall some Jakarta-based political leaders believed that offering Aceh Shari'ah could undercut GAM's appeal, as well as restore public trust in the central government. But when President Wahid offered Shari'ah to strife-torn Aceh, many suspected a political trick and GAM leaders portrayed the move as part of a government effort to paint GAM as fundamentalists. Senior GAM representative Amni Marzuki said in an interview with Reuters in 2000, "the Indonesian government wants us to look like Afghanistan." Other leaders said they did not want the sort of Shari'ah being offered by Jakarta.

Law No. 44/1999 (on the implementation of Aceh's special status) called for implementation of Shari'ah for Muslims and gave the local government authority to set policies on religious life, custom, education and the *ulama's* role. Regulation No. 5/2000 (on the Implementation of Islamic Law) established that all aspects of Shari'ah would be applied. In 2001 the provincial government created a Shari'ah office (*Dinas Syariat Islam*). That same year, the *Special Autonomy Law for Aceh* (Law No.18/2001) allowed for the creation of

Shari'ah courts with jurisdiction over not just the areas of family and property issues covered by existing religious courts but also criminal cases.

The introduction of Shari'ah in Aceh has been in the form of a narrowly conservative interpretation illustrated in the *Qanun* passed in 2002 which criminalized what is regarded as un-Islamic dress, providing a basis for punishing women who do not wear a headscarf. In 2003, a *Qanun* was passed criminalizing gambling, the sale and consumption of liquor, and illicit relations between men and women (including being caught in close proximity, or *khalwat*) specifying for the first time punishments such as caning in public.

It is not entirely clear how Shari'ah criminal laws can co-exist with secular laws or how to regulate the zealous enforcers of religious criminal laws. Most conspicuously, the increasingly unpopular enforcers of Shari'ah in Aceh, the *wilayatul hisbah*, are, as an International Crisis Group report states, a "haphazardly recruited, poorly disciplined, poorly supervised force that distinguishes itself more by moral zeal than legal competence." They seem to lack a proper understanding of their role, often taking people to their office for 'advice' despite the fact that legally they have no police powers and cannot make arrests. There have been many notorious incidents of their zealotry, such as the one in August 2006 when they forced their way into a UN compound in Banda Aceh, peering into staff

bedrooms (violating international conventions on diplomatic privilege and immunity), thus prompting the Acehese authorities and the Ministry of Foreign Affairs to apologize on behalf of the government. There have been other incidents of corruption and brutality.

The narrow, legalistic approach to Shari'ah in Aceh has caused much consternation to moderate and secular Muslims. They asserted that Shari'ah – especially regarding criminal law – was out of line with Indonesia's constitution. Of particular concern was the focus of the *Qanun* on morality and women, and especially raids against women where they have been publicly humiliated and verbally abused. On 9 March 2005 (International Women's Day) 1000 Acehese marched in protest accusing the officials responsible for enforcing Shari'ah with unfairly targeting women.

Some had hoped the peace agreement between the government and GAM would provide a basis for legitimate political reform that would create an opportunity to reverse the more debatable elements of Shari'ah implementation. GAM leaders, including Malik Mahmood, had expressed their opposition to the way Shari'ah was being implemented. The MoU determined that the legal code for Aceh would be redrafted 'on the basis of the universal principles of human rights as provided for in the United Nations International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights' (article 1.4.2). However, this seems to have had little effect. The *Law on Governing Aceh* (LoGA) passed in 2006 included 16 articles on Shari'ah effectively giving the province permission to apply Shari'ah criminal legislation. Women were sidelined in the LoGA deliberations.

Many GAM candidates came to power in the 2006 elections for Governor, Mayors and Regents, including Governor Irwandi Yusuf, who promised to block the more extreme provisions being proposed, such as the punishment of cutting off hands for thieves. However, elections to the provincial and regional assemblies are not due until 2009 and therefore the legislators who passed these laws (mainly from national political parties) are still in power. This has meant that the new GAM leadership does not have the votes in parliament to reverse the existing *Qanun* on Shari'ah even if they were willing to invest political capital in an enterprise which might lead them to be condemned by the *ulama* as irreligious. A new religious bureaucracy – the Dinas Shari'ah with its enforcement arm, the *wilayatul hisbah* made up of otherwise unemployable religious graduates, has been established which will be very difficult to dismantle.

The first laws on Shari'ah in Aceh were drawn up with little public participation by the unrepresentative and

corrupt parliament chosen in the 1999 elections that were boycotted by a large percentage of the population. The current Aceh Provincial Representative Assembly (DPRA) is more representative, but it only represents Jakarta-based political parties. These parties – including some Islamic parties – did poorly in the 2006 local elections in which the big winners were quite distinctly not the ones using Islamic rhetoric in their campaigns. It remains to be seen if the locally-based political parties which will participate in the elections for the first time in 2009 will be willing to invest political capital and develop policies on the issue of rolling back the Shari'ah or whether they will regard it as too risky.

Imposition without consensus

Beyond all these institutional and political problems, important philosophical and theological objections to the current implementation of Shari'ah must be made.

Firstly, the claims of those supporting the imposition of Shari'ah in Aceh, who believe they have the right to force people to live according to Islam, must be challenged. As El-Affendi writes, "Shari'ah can never be imposed. When it is imposed it is not Shari'ah. When only coercion underpins Shari'ah, it becomes hypocrisy." In Islam the right to use force may only be exercised through the consent of the community and executed by legitimate authority. Thus no law should be implemented by a Muslim community without popular support and consent. There is no precedent in classical Islam for bypassing the popular will. In fact, it was the consensus (*'ijma'*) of the community that constituted the main argument in favour of the integrity of the Islamic tradition and the acceptance of its claim to be true.

The majority of Acehese have long believed and practised a faith based on persuasion rather than top-down enforcement of a restrictive interpretation. Although some claim that Shari'ah is the desire of the people of Aceh, the people have never been asked. According to an important Islamic scholar, Muhammad Assad, "... we have no longer any way of ascertaining the opinions of the community except by means of popular vote."

Neither can Shari'ah be imposed simply because it is God's law. On a philosophical level, it needs to be understood that the Shari'ah is interpreted through humans who are imperfect. According to the Islamic scholar Abou El Fadl:

'Shari'ah as conceived by God is flawless, but as understood by human beings who are imperfect and contingent. ... Regardless of how clear and precise the statements of the Qur'an and Sunnah

are, the meaning derived from these sources is negotiated through human agency. . . . But the law of the state, regardless of its origins or basis, belongs to the state. Under this conception, no religious laws can or may be enforced by the state. All laws articulated and applied in a state are thoroughly human and should be treated as such.'

For state authorities to claim that they have the authority to interpret and implement Shari'ah could, from a certain perspective, be seen as a form of *shirk* (associating others with God), one of the greatest sins in Islam as it gives humans power to act in the name of God.

A second area that must be challenged relates to the particularly conservative and intrusive interpretation of Shari'ah that is being implemented. The fact is that there is no justification either in the Qur'an or the *hadith* (oral traditions relating to the words and deeds of the Prophet) for the government enforcing head covering for women or for punishing those who drink intoxicants by caning. The *Qanun* passed by the DRPA also fails to acknowledge contemporary realities or make necessary adjustments to some of the legal rulings and interpretations of Islamic jurists (*fiqhi*) dating from pre-modern times. Aceh's Shari'ah laws do not differentiate between Shari'ah and *fiqh* and in formulating them there seems to have been little effort to carry out independent reasoning or interpretation of the sources of law (known in Islam as *ijtihad*). Unfortunately the Shari'ah laws of Aceh do not seem to have taken into account the importance of the overriding values and foundational goals (*maqasid*) of Shari'ah.

Aceh's Shari'ah laws have made the private sphere public, as they are mainly concerned with personal issues like dress, drinking alcohol, gambling, and men and women being in close proximity. In a democratic and Islamic society, the authorities have no business interfering in the private lives of consenting adults. In encouraging reporting on friends and neighbours for suspected breaches of moral behaviour, Shari'ah in Aceh is encouraging Muslims to commit the sin of spying on others which is forbidden. In Islam, one is supposed to hide the sins of others, not publicize them nor parade and punish offenders in public. One of the names of God is *Ghafur*, The Most Forgiving and Hider of Faults. The Prophet taught that if we cover the faults of others, God will cover our faults in the hereafter. The Shari'ah laws of Aceh have ignored the call for the forgiveness and compassion for offenders that can nurture the prospects for their reformation and return to society, as Hashim Kamali has noted in his study of the Shari'ah laws of Kelantan "the Qur'an leaves the door of reformation and repentance open to all *huddud* offences without any exception". Those implementing the Shari'ah seem to have forgotten this, despite

positive precedents from Achenese history. Daud Beureueh offers a good example of a broad-minded understanding of the Shari'a: he never considered stoning or whipping prostitutes or cutting off the hands of thieves, but advocated providing them with skills so that they could be self-sufficient.

Conclusion

The way Shari'ah is being implemented in Aceh is increasing rather than decreasing injustice and will adversely affect Aceh's intellectual development, its economy, its community and above all Islam. The enforcement of Shari'ah laws as currently understood and legislated for risks derailing the ideal of the new Aceh as an open society, so widely cherished after years of conflict and isolation.

Although a poll in Aceh in 2007 indicated that only 7.2 per cent saw the Shari'ah as an important issue and only 23.3 per cent were happy with its implementation, 87.3 per cent felt that it could solve the problems of the people of Aceh. The answer to this apparent contradiction is that people understand Shari'ah from its broad principles like economic and social justice, not the legalistic interpretations and punishments for personal infringements being implemented in Aceh today. In Indonesia and Aceh today the Shari'ah is seen from an idealistic perspective due to the failure of the state to ensure security or justice – a view propounded by the religious scholars. The corruption of the judicial system has created a lack of trust in the civil courts among Indonesians and particularly Acehnese. The satisfaction rate amongst religious court clients is very high (80 per cent) and in Aceh tens of thousands of inheritance cases brought after the tsunami were settled with a very low number of appeals.

The important issues facing Aceh are not women's dress but justice, equity, honesty, good governance, and care of the environment. It is unfortunate that the Shari'ah debate has obscured many other important discussions in Aceh, and distracted attention away from the issue of how to build a better Aceh after the peace agreement, towards issues such as headscarves for women. Yet the elimination of poverty is a Shari'ah principle – and poverty afflicts 65 per cent of Aceh's population, much more so in rural areas. The Governor's vision of introducing and developing a people-oriented economy and intensifying economic and educational programs to empower poor families would seem to be more in line with the Shari'ah than what is currently being implemented in its name. If Shari'ah is to be implemented in Aceh those drafting and implementing the laws will need to consider how to implement its deeper principles. This is an important task for local political parties competing in the 2009 elections.

Aceh's new era

an interview with
Irwandi Yusuf



Irwandi Yusuf drops his ballot in a polling station in Banda Aceh, December 2006.

Source: Reuters/Tarmizy Harva

Irwandi Yusuf is the Governor of Aceh. A former commander in the Free Aceh Movement (GAM), he was imprisoned in 2003 but escaped when the Keudah Prison was destroyed by the tsunami of December 2004. He subsequently participated in the Helsinki peace negotiations.

Accord: What made peace possible in 2005 when the conflict had seemed so intractable?

Irwandi Yusuf: The peace process started before the December 2004 tsunami but the tsunami speeded it to a conclusion. Previously, messengers from Jakarta visited me in prison seeking negotiations with the GAM in exile. I told them, no way – you must bring a guarantor to guarantee that an agreement would be implemented. GAM still didn't trust the Indonesian government. But after the tsunami, both sides became much more understanding. There was some resistance to talks from the Indonesian military because they still wanted to prove they were able to crush the movement. But in fact GAM's military was regaining strength while the government troops were starting to lose their morale. Had there been no tsunami, the war would have got even bloodier and I don't know what the outcome would have been.

What has the peace agreement achieved?

The peace accord achieved peace. After two and a half years Aceh is still peaceful and I hope it's going to be eternally peaceful. Beyond that, Aceh has been opened up, which is almost unprecedented in recent history. Especially under martial law, Aceh was a closed door which you could only sometimes peep through. The tsunami held the key to the openness of Aceh, empowered by the Helsinki talks.

During the conflict, the people of Aceh and the government community were poles apart. The people were alienated from the local and central governments – both were seen as belonging to Jakarta. Now there is a reintegration – not among the people of Aceh but between them and the government community. It has helped that I'm now part of government, because I'm from the other side – the people's side. By developing trust between the government and people, we are now trying to boost our economy and attract investors.

Are you satisfied with progress in implementing the peace agreement?

We cannot say we are satisfied because there are so many items not yet even touched. Aceh now has its autonomy law, the *Law on the Governing of Aceh* (LoGA). But in order to implement this law we need six or seven regulations or bylaws from the central government, and so far only one has been produced. We particularly need the Presidential Regulation on Consultation and Consensus, which is about how the central government consults the Aceh government when producing other bylaws. Without this regulation, we don't know how to proceed.

Beyond that, we need the human rights court, even though the LoGA says it is only for human rights violations taking place after the promulgation of the

law. We also haven't seen the truth and reconciliation mechanism yet, nor the joint claims settlement commission required by the *Memorandum of Understanding* (MoU). We need these in the immediate future – or at least straight after the 2009 election if it is too difficult to get done now.

You were the GAM representative with the AMM: do you think they did a good job in Aceh?

In terms of keeping the peace, yes, an excellent job. But in terms of monitoring the interpretation of the MoU in law, they did a less satisfactory job. They abandoned Aceh too soon, while we were still struggling to get the laws. Everyone can see that the LoGA is not compatible with the MoU. It gives with one hand and takes away with the other. Now we feel the difficulty when we come to implement this law, because of conflicting articles and missing bylaws.

As the first governor elected after the peace agreement, the hopes and expectations of the people must be extremely high. Do you feel the need to manage these expectations?

Yes, they are too high. I think this is a symptom in all the ex-conflict zones in the world, especially when the new leader comes from the side of the people. They expect everything from him – you've got to change this, you've got to change that, you've got to give us prosperity in a very short period of time. I think even God would be afraid of that! Or a little worried!

The peace agreement was a great achievement, but people sometimes can't feel the peace, or they forget to feel it – like a man looking for a lost horse while he is riding on it. Of course, everyone feels an empty stomach, and an empty stomach makes the mouth gag, and the gagging mouth can spell out many things, some dirty. So I need to fill the empty stomach step by step. We are focusing on the rural areas, community forestry and agribusiness, which doesn't depend on highly developed infrastructure. God has bestowed upon us rich forests and agricultural land, but development is not going to be accomplished within two weeks.

If you could go back to Helsinki, what things that you didn't ask for would you ask for? For example, do you wish the police were under Aceh's administration?

We demanded that police in Aceh be regulated by the governor, but the central government would not agree and we couldn't gain support from the international community on this. We had to justify which goals we could achieve at the talks, and which ones we could not. So we took the middle way. The Aceh governor has the right to approve the chief of police and prosecutors, but they remain in the vertical structure of central

government as policing falls under one of the six areas of authority stipulated as coming under central government, in this case 'national security.'

What else would we adjust with the MoU if we could go back in time? On the issue of hydrocarbon mining, the MoU only stipulates that Aceh retains 70 per cent of the hydrocarbon resource revenues, but it doesn't mention who will regulate and govern this, or who has the authority to give licences for new exploitation. The LoGA says only that the central and Aceh governments will manage these resources jointly. We should have made it right in the MoU.

What are the necessary steps to make peace sustainable and is there a role for the international community?

The peace in Aceh was not generated only by the Indonesian authorities and GAM; it was also generated by the international community, who have obligations to watch and to warn the parties when they see symptoms of pathologies in the peace process. Countries with a stake in the peace process should use their diplomatic relations with Indonesia to advise or censure the government and the leaders of GAM.

Having our own local political party or parties, as stipulated by the MoU, will hopefully strengthen peaceful discussion in Aceh. In 2009, we will have our own parliament based on local and national parties, and this is expected to generate a new era of peaceful and democratic politics.

So do you think GAM will have one political party?

Yes. I do hope the troubles with central government on this issue can be overcome. GAM has done everything Jakarta requested – changing the symbol and so forth. I don't think there are new reasons for Jakarta to reject this party. I hope Jakarta will also understand that a peaceful solution in Aceh has been achieved in a dignified way. GAM wasn't a loser in the war. The government wasn't a loser. So I don't want one side to treat the other like the loser.

Could the national elections in 2009 pose a threat to the peace process?

I am afraid that if ultra-nationalists win, they would not respect the peace in Aceh. But the current President and the Vice-President are very committed people and I thank them for that. Of course, there are many people in the government so they cannot control everything. It is not enough that only they understand the Aceh case. We find Jakarta officials who understand the LoGA are easy to deal with, but those who do not are very difficult. Jakarta must now do more to socialize the Aceh case within the government community.

Compromising for peace

an interview with
Jusuf Kalla



Indonesian Vice President Jusuf Kalla (R) and Aceh acting governor Azwar Abubakar talk to journalists in Banda Aceh, March 2005.

Source: Reuters/Tarmizy Harva

Jusuf Kalla is Vice President of Indonesia and Chairman of the Golkar Party and oversaw the government negotiating team for the Aceh peace process in 2005.

Accord: How did you approach the problem of finding a negotiated settlement to the Aceh conflict?

Jusuf Kalla: I had been involved in Aceh since 2003. In early 2004 I visited Europe to try to meet GAM leader Malik Mahmud, but did not make direct contact. It was only after the December 2004 tsunami that I really had success. In January 2005, I set up a meeting with GAM with the help of a number of European ambassadors. Two weeks later, with the authority of the President, the first meeting with GAM took place.

Initiating the talks required you to sanction contacts with an armed group. Did this pose dilemmas for you as a state representative?

Yes, but if there are problems, go directly to the problems, don't avoid them. To address the problems we had with GAM, I knew we had to make contact with their leaders with a clear vision and mission on what we could achieve. I always ask myself who the top leaders are and make contact with them. I called Malik Mahmud directly, even though I didn't know him personally. I also went to GAM leaders in the field, sending Farid Husain to the jungle to meet GAM commander Sofyan Dawood during the Helsinki talks to make sure that combatants followed the agreement through if it was achieved.

What did your government 'put on the table' to make the Memorandum of Understanding (MoU) possible, and how difficult was it to commit to making the necessary concessions?

Peace means compromise, and compromise means concessions. That's why we put a number of compromises on the table: on the legal matters of Aceh, the economy and the problem of combatants and weapons and an amnesty for all GAM members.

Some concessions were quite controversial. How difficult was it for the government to accommodate GAM's desire for local political parties to be allowed in Aceh?

We knew the issue of local political parties would be a difficult one for parliament in Jakarta. And we understood that we had to make the MoU in such a way that parliament would be able to adapt it into law. We were finally convinced to agree to allow local parties in Aceh on the last day of the talks. I made two points in response to political opposition on this matter: we had local parties in Indonesia in the first elections in 1955; and Papua's special autonomy has a provision for local parties – even though it is not implemented, it means parliament has agreed to allow local parties before.

How did you engage with parliament and convince them about the Aceh talks?

I didn't engage with parliament on it until after the signing of the MoU. I never informed them about the subjects of the negotiations, nor a single paragraph of the agreement. Parliament wanted to know what we were talking about, but I said, 'you don't need to know!' If I had informed the parliament, they would have opposed me. They insisted that if there was a peace process or war announcement, it should be approved by parliament. I responded, 'yes, if it is peace or war with other countries – but this is not other countries, these are our people and I don't need parliamentary approval.' It is all according to the law. Some people were very upset but I had good reasons.

What are the main differences between the autonomy resulting from the peace agreement and the special autonomy provisions granted to Aceh before?

You can see that the Law on the Governing of Aceh really means special autonomy and is about how to govern the province, how the economy will be managed, the system of financial support for local government and so forth. The old law on special autonomy was not so detailed. All this was adapted from the MoU and is different from the other provinces.

Trust is essential in any peace process. How did you and your negotiating team gain the trust of the GAM negotiators?

Of course it was not easy to trust GAM and not easy for GAM to trust us. An important role for the mediators was to help build trust between the sides. After the signing we put together a committee with the EU and the Aceh Monitoring Mission to continue to build trust.

Also, remember that trust between GAM and the Indonesian military was very important. Each one would say to me, 'how can we trust the other side to implement an agreement?' I always said to the military leadership: 'Do you think GAM fighters are comfortable in the jungle? Do you think they will go back when they have a house in the town, and a motorbike?' And as for GAM I said 'Do you think the soldiers are happy, living in their barracks, far from their families, scared of the bullet?'

Are you satisfied with the progress of implementation so far, in particular the reintegration of ex-combatants?

Yes, I am satisfied, but of course you can't solve a 30-year problem quickly. The problem with reintegrating GAM's ex-combatants is the number keeps getting bigger and bigger. Perhaps the 3000

GAM combatants in the MoU cut was just a political figure and that is why it is now increasing, but that was what they agreed.

Is there still a role for international actors in supporting the consolidation of the peace in Aceh?

Now the people of Aceh can solve problems internally and there is no need for more international involvement. Of course, there are evaluations and observations to be done, but there is no need for direct involvement anymore. It's more about the economy now, no longer about political grievances.

Given the agreement was reached under the present Indonesian administration, some fear the 2009 elections may negatively affect Aceh's peace process.

The agreement has now been transferred into law – or at least 90 per cent of it. So it's no longer about personal support, but the law.

One issue that is in the news at the moment is the idea of having three provinces for Aceh, with autonomy for Aceh Barat Selatan and Aceh Leuser Antara. Do you think this is an issue that could negatively affect the peace process?

No, I have said this is not possible and so has the governor of Aceh. The legal border of Aceh province is North Sumatra, we cannot have another province in between. And special autonomy is only for Aceh, not for others. Some may want a new province, but they will get no special budget, no special treatment, and they will have many problems with the people.

What can others involved in trying to address armed conflict learn from your approach towards conflict problems?

I go direct to the problem – and also the solution. I put an offer on the table. In order to solve problems, you have to understand what is behind them, whether they are economic issues, political issues or cultural issues. I read all the books on the history of Aceh – I spent a month doing the research myself. I learned the problem in Aceh was not about allegiance but economic inequality and fairness. Now, with Aceh's system for autonomy, people should support the agreement.

Key texts

Documents listed in bold are printed here. All materials can be found on CR's website at <http://www.c-r.org>.

Peace process

- Bavois Agreement, 27 January 2000.
- Joint Understanding on Humanitarian Pause for Aceh, 12 May 2000.
- Provisional Understanding between the Government of the Republic of Indonesia and the Leadership of the Free Aceh Movement, 9 January 2001.
- **Cessation of Hostilities: Framework Agreement Between Government of the Republic of Indonesia and the Free Aceh Movement, 10 May 2002.**
- Memorandum of Understanding

Indonesian laws

- Law of the Republic of Indonesia No. 18/2001 dated August 9, 2001 on Special Autonomy for the Province of Nanggroe Aceh Darussalam
- Law of the Republic of Indonesia No. 21/2001 on Special Autonomy for the Papua Province
- Law of the Republic of Indonesia No. 11/2006 regarding Governing of Aceh

Other documents

- Brussels, 15 April 2005 RELEX/A4 REG PA (05) D/508248 INFORMATION NOTE TO THE COUNCIL Subject: Support to the Aceh Peace Process Negotiations under the EC Rapid Reaction Mechanism
- Council Joint Action 2005/643/CFSP of 9 September 2005 on the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission – AMM)

Cessation of Hostilities

Framework Agreement Between Government of the Republic of Indonesia and the Free Aceh Movement

Preamble

The Government of the Republic of Indonesia (GOI) and the Free Aceh Movement (GAM) have been engaged in a process of dialogue since January 2000 and concur that the priority in Aceh is the security and welfare of the people and therefore agree on the need for finding an immediate peaceful solution to the conflict in Aceh. On 10 May 2002, the GOI and GAM issued a Joint Statement set out below:

1. On the basis of the acceptance of the NAD Law as a starting point, as discussed on 2-3 February 2002, to a democratic all-inclusive dialogue involving all elements of Acehese society that will be facilitated by HDC in Aceh. This process will seek to review elements of the NAD Law through the expression of the views of the Acehese people in a free and safe manner. This will lead to the election of a democratic government in Aceh, Indonesia.
2. To enable this process to take place both parties agree to work with all speed on an agreement on cessation of hostilities with an adequate mechanism for accountability of the parties to such an agreement. This will also provide the opportunity and environment for much needed socio-economic and humanitarian assistance to the people of Aceh.

The GOI and GAM share the common objective to meet the aspirations of the people of Aceh to live in security with dignity, peace, prosperity, and justice. In order to meet the aspirations of the people of Aceh and permit them to administer

themselves freely and democratically, the GOI and GAM agree to a process which leads to an election in 2004 and the subsequent establishment of a democratically elected government in Aceh, Indonesia, in accordance with the review of the NAD Law, as provided for in point 1 of the 10 May 2002 Joint Statement.

To this end, the GOI will ensure and GAM will support the development of a free and fair electoral process in Aceh, which will be designed to ensure the broadest participation of all elements of Acehese society.

In light of the delicate nature of the confidence building process, the GOI and GAM further appeal for the support of all elements of society and request that no party undertake any action which is inconsistent with this Agreement and may jeopardize the future security and welfare of the people of Aceh.

The immediate requirement is to ensure the cessation of hostilities and all acts of violence, including intimidation, destruction of property and any offensive and criminal action. Offensive and criminal action is deemed to include violent actions such as attacking, shooting, engaging in torture, killing, abducting, bombing, burning, robbing, extorting, threatening, terrorising, harassing, illegally arresting people, raping, and conducting illegal searches.

Throughout the peace process the maintenance of law and order in Aceh will continue to be the responsibility of the Indonesian Police (Polri). In this context, the mandate and mission of Brimob will be reformulated to strictly conform to regular police activities and as such will no longer initiate offensive actions against members of GAM not in contravention of the Agreement.

The JSC will be the point of reference for all complaints regarding police functions and action that are deemed to be in contravention of the spirit and letter of the Cessation of Hostilities (COH) Agreement. As such, the JSC will be responsible for defining, identifying and investigating when and if the police have breached their mandate.

With this general understanding, and to bring the peace process forward to the next phase, both parties hereby agree on the following:

Article 1: Objectives of the Cessation of Hostilities and All Acts of Violence

a) Since both sides have thus agreed that, from now on, enmity between them should be considered a thing of the past, the peace process, which is continued by an agreement on this phase, will proceed by building further confidence and both sides will prove to each other that they are serious about achieving this ultimate common objective.

b) The objectives of the cessation of hostilities and all acts of violence between both parties are (i) to proceed to the next phase of the peace process, as mutually agreed on 10 May 2002 in Switzerland; (ii) to continue the confidence building process with a view to eliminating all suspicions and creating a positive and cooperative atmosphere which will bring the conflict in Aceh to a peaceful conclusion; and, (iii) to enable, provided hostilities and all acts of violence cease, for the peace process to proceed to the next phases, i.e. the delivery of humanitarian, rehabilitation and reconstruction assistance.

Article 2: Commitment by Both Sides to Cease Hostilities and All Acts of Violence

a) Both sides explicitly express their commitment to meet the terms of this Agreement to cease hostilities and all forms of violence toward each other and toward the people in Aceh, by implementing the steps stipulated in this Agreement. In expressing such commitment, both sides guarantee that they are in full control of,

respectively, TNI/Polri and GAM forces on the ground. GOI and GAM commit to control those groups that do not share their objectives but claim to be part of their forces.

b) Both sides further commit themselves to immediately after the signing of this Agreement thoroughly inform their respective forces on the ground of the terms of this Agreement, and to instruct them to cease hostilities immediately.

c) Both sides agree that, should there be other parties taking advantage of the situation and disturbing the peaceful atmosphere, they will endeavour to take joint action against them to restore the peace.

d) During this confidence-building period, both sides agree that they will not increase their military strength, which includes re-deployment of forces, increase in military personnel or military equipment into Aceh.

e) HDC is requested to strictly facilitate the implementation of this Agreement.

f) Both parties will allow civil society to express without hindrance their democratic rights.

Article 3: Joint Security Committee (JSC)

a) The senior leadership in charge of security from each side will meet, in order to establish the initial contact and understanding between both sides. They should also (i) reactivate the Joint Security Committee (JSC), which was established during the implementation of the Humanitarian Pause, and (ii) commence discussion, in order to reach agreement expeditiously, on a plan of action for the JSC in discharging its duties.

b) The functions of JSC are: (i) to formulate the process of implementation of this Agreement; (ii) to monitor the security situation in Aceh; (iii) to undertake full investigation of any security violations; (iv) in such cases, to take appropriate action to restore the security situation and to agree

beforehand on the sanctions to be applied, should any party violate this Agreement; (v) to publish weekly reports on the security situation in Aceh; (vi) to ensure that no new paramilitary force is created to assume previous functions of Brimob, and (vii) to design and implement a mutually agreed upon process of demilitarisation. Regarding this last task, the JSC will designate what will be called Peace Zones (see Art. 4(a)). After peace zones have been identified, the GAM will designate placement sites for its weapons. Two months after the signing of the COH and as confidence grows, GAM will begin the phased placement of its weapons, arms and ordinance in the designated sites. The JSC will also decide on a simultaneous phased relocation of TNI forces which will reformulate their mandate from a strike force to a defensive force. The GOI has the right to request HDC to undertake no-notice verification of the designated sites. With the growth in confidence of both parties in the process the phased placement of GAM weapons will be completed within a period of five months (see attached note).

c) The composition of JSC will be senior officials appointed as representatives of the GOI and the GAM and a senior third party personality of high standing agreed upon by both sides. Each senior official from the three parties are to be accompanied by up to four persons as members. The heads of delegations from both sides have to be senior and have the authority to be able to take decisions on the spot.

The third party (HDC) personality needs to be able to command the respect and high regard of both sides in order to be able to assist in resolving problems, as they arise.

d) In order to perform these functions, the JSC is to be assisted by a monitoring team or monitoring teams, which would be provided security guarantees by both sides in monitoring the security situation and in investigating any violation.

e) The composition of each of the monitoring teams are appointed officials as representatives of the High Command of the security forces of the GOI and the High Command of the forces of the GAM in Aceh and a senior third party military officer agreed upon by both sides reporting to the senior third party personality of high standing in the JSC.

f) JSC and the monitoring team(s) would be provided with the necessary technical and administrative staff and logistical support. The HDC is requested to facilitate the establishment of these bodies by providing the necessary funds, logistical and administrative facilities.

g) It is agreed upon that the JSC and the monitoring team(s) will be established and be operational within one month of the signing of this Agreement. Civil society has the right to provide inputs to the JSC.

Article 4: Establishment of "Peace Zones"

a) Following the signing of the COH Agreement, the JSC, with the direct participation of the senior leadership for security from both sides, will immediately identify and prepare locations of conflict to be designated as "Peace Zones". This would facilitate considerably the work of the JSC since it could focus its attention on these areas in establishing and maintaining security, and these zones, provided peace could be established, will be the focus of the initial humanitarian, rehabilitation and reconstruction assistance.

b) For the first two months after the signing, both parties will relocate to defensive positions as agreed upon by the JSC. Adjustments to these locations could be made by the JSC in order to separate the forces of both parties with sufficient distance to avoid contact or confrontation. Forces of both parties will refrain from operations, movements, activities or any provocative acts that could lead to contact or confrontation with each other.

c) In order to build trust and confidence during these crucial months, these zones and surroundings will be monitored by the tripartite monitoring teams. The JSC will be informed by both parties of any significant movements or activities in these areas.

d) POLRI will be able to investigate criminal activities in these areas in consultation with the JSC.

e) The designation of identified areas of demilitarised zones such as schools, mosques, health institutions and public places, bazaars, Acehnesse meunasahs, market-places, foodstalls, communication centres including bus-terminals, taxi-stations, ferry-terminals, public roads, river transportation services, and fishing ports.

Article 5: Time Frames

a) Both sides agree that hostilities and all acts of violence by both sides should cease forever in Aceh.

b) Both sides also agree that hostilities and all acts of violence during the first three months from the time when the JSC and the monitoring team(s) become operational are very crucial as indicator of the seriousness of the commitment from both sides. If indeed hostilities and all acts of violence could decrease dramatically, or even cease altogether, during this first three month period, the Acehnesse and other Indonesian people, and the international community, would consider that the peace process would most likely succeed.

c) During the period between the signing of this Agreement and the time when the JSC and the monitoring team(s) become operational, both signatories to this Agreement commit themselves to exercise the utmost restraint by not making any public statement that would inflame the feeling and sentiment of the other side, including the people, and by ensuring that their forces will not initiate any hostile act toward the other.

Article 6: All-Inclusive Dialogue

The parties agree to support the process of All-Inclusive Dialogue in Aceh as provided for in the Joint Statement of 10 May 2002. The parties agree to ensure, through this Agreement, the necessary security and freedom of movement for all participants in the All-Inclusive Dialogue to enable the process to be conducted in a safe and fair manner, reflecting the views of all elements of Acehnesse society. The parties reconfirm their agreement that the process of All-Inclusive Dialogue be facilitated by HDC.

Article 7: Public Information and Communications

a) To ensure national and international support for the peace process in Aceh, the Agreement of 10 May 2002, and this Agreement and its implementation have to be publicised as widely as possible within one month of the signing of this Agreement. The process of implementation has to be as transparent as possible and the people have to be regularly informed of the progress made and difficulties encountered.

b) Communications to the public will be given priority, especially through the print and electronic media. Television and radio programmes have to be devised to enable obtaining inputs from the general public provided that they are conducted in a fair and balanced manner. The JSC remains the final reference on this matter.

c) Other media, such as community meetings, seminars, flyers, bumper stickers, T-shirts, and others could also be considered, as appropriate.

d) The HDC is requested to look for sources of funding these public information and communication activities.

Article 8: Joint Council

A Joint Council will be established, composed of the most senior representatives of the GOI and the GAM, and of the third party (HDC). The function of this Joint Council will

be to resolve all issues or disputes arising out of the implementation of this Agreement, which cannot be resolved by other Committees or Structures established under this Agreement. The Joint Council may amend the articles and provisions of this Agreement.

Article 9: Amendment or Termination

This Agreement may only be amended by agreement between the two parties in the Joint Council. Should either party wish to unilaterally terminate the Agreement then they are obligated to first bring the issue to the Joint Council and engage in and support all efforts by the Joint Council to resolve the problem within a sufficient period of time (no less than 30 days). If the Joint Council is unable to resolve the matter, then either party has the right to unilaterally withdraw from the Agreement.

For the Government of the Republic of Indonesia:

Amb. Mr. S. Wiryo

For the Leadership of the Free Aceh Movement:

Dr. Zaini Abdullah

Witnessed by

Henry Dunant Centre for Humanitarian Dialogue (HDC):

Mr. Martin Griffiths

Explanatory Note for Article 3b

This note is intended as HDC's interpretation of the clauses in the Framework Agreement relating to GAM weapons (Article 3) and provide guidance in the manner to carry out the responsibilities to the HDC in that part of the Agreement.

By this agreement the GAM has agreed to place its weapons in designated sites according to the time period outlined in Article 3b. These sites will be designated by GAM and their location communicated to HDC.

It is our interpretation that under the agreed upon system, GAM will not be able to move the weapons that have been placed in the designated sites without the consent of HDC. GAM has to comply with the request of

HDC to conduct no-notice inspections at any time.

HDC will keep the JSC informed of the results of these visits i.e. that the sites visited contain the weapons placed there and whether they continue to remain in the designated sites. Any breach will be communicated to the JSC.

sgd.

Martin Griffiths

Director

**Henry Dunant Centre for Humanitarian Dialogue
Geneva, Switzerland**

Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement

The Government of Indonesia (GoI) and the Free Aceh Movement (GAM) confirm their commitment to a peaceful, comprehensive and sustainable solution to the conflict in Aceh with dignity for all.

The parties commit themselves to creating conditions within which the government of the Acehnese people can be manifested through a fair and democratic process within the unitary state and constitution of the Republic of Indonesia.

The parties are deeply convinced that only the peaceful settlement of the conflict will enable the rebuilding of Aceh after the tsunami disaster on 26 December 2004 to progress and succeed.

The parties to the conflict commit themselves to building mutual confidence and trust.

This Memorandum of Understanding (MoU) details the agreement and the principles that will guide the transformation process.

To this end the GoI and GAM have agreed on the following:

1 Governing of Aceh

1.1 Law on the Governing of Aceh

1.1.1 A new Law on the Governing of Aceh will be promulgated and will enter into force as soon as possible and not later than 31 March 2006.

1.1.2 The new Law on the Governing of Aceh will be based on the following principles:

a) Aceh will exercise authority within all sectors of public affairs, which will be administered in conjunction with its civil and judicial administration, except in the fields of

foreign affairs, external defence, national security, monetary and fiscal matters, justice and freedom of religion, the policies of which belong to the Government of the Republic of Indonesia in conformity with the Constitution.

b) International agreements entered into by the Government of Indonesia which relate to matters of special interest to Aceh will be entered into in consultation with and with the consent of the legislature of Aceh.

c) Decisions with regard to Aceh by the legislature of the Republic of Indonesia will be taken in consultation with and with the consent of the legislature of Aceh.

d) Administrative measures undertaken by the Government of Indonesia with regard to Aceh will be implemented in consultation with and with the consent of the head of the Aceh administration.

1.1.3 The name of Aceh and the titles of senior elected officials will be determined by the legislature of Aceh after the next elections.

1.1.4 The borders of Aceh correspond to the borders as of 1 July 1956.

1.1.5 Aceh has the right to use regional symbols including a flag, a crest and a hymn.

1.1.6 Kanun Aceh will be re-established for Aceh respecting the historical traditions and customs of the people of Aceh and reflecting contemporary legal requirements of Aceh.

1.1.7 The institution of Wali Nanggroe with all its ceremonial attributes and entitlements will be established.

1.2 Political participation

1.2.1 As soon as possible and not later than one year from the signing of this MoU, GoI agrees to and will facilitate the establishment of Aceh-based political parties that meet national criteria. Understanding the aspirations of Acehnese people for

local political parties, GoI will create, within one year or at the latest 18 months from the signing of this MoU, the political and legal conditions for the establishment of local political parties in Aceh in consultation with Parliament. The timely implementation of this MoU will contribute positively to this end.

1.2.2 Upon the signature of this MoU, the people of Aceh will have the right to nominate candidates for the positions of all elected officials to contest the elections in Aceh in April 2006 and thereafter.

1.2.3 Free and fair local elections will be organised under the new Law on the Governing of Aceh to elect the head of the Aceh administration and other elected officials in April 2006 as well as the legislature of Aceh in 2009.

1.2.4 Until 2009 the legislature of Aceh will not be entitled to enact any laws without the consent of the head of the Aceh administration.

1.2.5 All Acehnese residents will be issued new conventional identity cards prior to the elections of April 2006.

1.2.6 Full participation of all Acehnese people in local and national elections will be guaranteed in accordance with the Constitution of the Republic of Indonesia.

1.2.7 Outside monitors will be invited to monitor the elections in Aceh. Local elections may be undertaken with outside technical assistance.

1.2.8 There will be full transparency in campaign funds.

1.3 Economy

1.3.1 Aceh has the right to raise funds with external loans. Aceh has the right to set interest rates beyond that set by the Central Bank of the Republic of Indonesia.

1.3.2 Aceh has the right to set and raise taxes to fund official internal activities. Aceh has the right to conduct trade and business internally

and internationally and to seek foreign direct investment and tourism to Aceh.

1.3.3 Aceh will have jurisdiction over living natural resources in the territorial sea surrounding Aceh.

1.3.4 Aceh is entitled to retain seventy (70) per cent of the revenues from all current and future hydrocarbon deposits and other natural resources in the territory of Aceh as well as in the territorial sea surrounding Aceh.

1.3.5 Aceh conducts the development and administration of all seaports and airports within the territory of Aceh.

1.3.6 Aceh will enjoy free trade with all other parts of the Republic of Indonesia unhindered by taxes, tariffs or other restrictions.

1.3.7 Aceh will enjoy direct and unhindered access to foreign countries, by sea and air.

1.3.8 GoI commits to the transparency of the collection and allocation of revenues between the Central Government and Aceh by agreeing to outside auditors to verify this activity and to communicate the results to the head of the Aceh administration.

1.3.9 GAM will nominate representatives to participate fully at all levels in the commission established to conduct the post-tsunami reconstruction (BRR).

1.4 Rule of law

1.4.1 The separation of powers between the legislature, the executive and the judiciary will be recognised.

1.4.2 The legislature of Aceh will redraft the legal code for Aceh on the basis of the universal principles of human rights as provided for in the United Nations International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.

1.4.3 An independent and impartial court system, including a court of appeals, will be established for Aceh within the judicial system of the Republic of Indonesia.

1.4.4 The appointment of the Chief of the organic police forces and the prosecutors shall be approved by the head of the Aceh administration. The recruitment and training of organic police forces and prosecutors will take place in consultation with and with the consent of the head of the Aceh administration in compliance with the applicable national standards.

1.4.5 All civilian crimes committed by military personnel in Aceh will be tried in civil courts in Aceh.

2 Human rights

2.1 GoI will adhere to the United Nations International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.

2.2 A Human Rights Court will be established for Aceh.

2.3 A Commission for Truth and Reconciliation will be established for Aceh by the Indonesian Commission of Truth and Reconciliation with the task of formulating and determining reconciliation measures.

3 Amnesty and reintegration into society

3.1 Amnesty

3.1.1 GoI will, in accordance with constitutional procedures, grant amnesty to all persons who have participated in GAM activities as soon as possible and not later than within 15 days of the signature of this MoU.

3.1.2 Political prisoners and detainees held due to the conflict will be released unconditionally as soon as possible and not later than within 15 days of the signature of this MoU.

3.1.3 The Head of the Monitoring Mission will decide on disputed cases based on advice from the legal advisor of the Monitoring Mission.

3.1.4 Use of weapons by GAM personnel after the signature of this MoU will be regarded as a violation of the MoU and will disqualify the person from amnesty.

3.2 Reintegration into society

3.2.1 As citizens of the Republic of Indonesia, all persons having been granted amnesty or released from prison or detention will have all political, economic and social rights as well as the right to participate freely in the political process both in Aceh and on the national level.

3.2.2 Persons who during the conflict have renounced their citizenship of the Republic of Indonesia will have the right to regain it.

3.2.3 GoI and the authorities of Aceh will take measures to assist persons who have participated in GAM activities to facilitate their reintegration into the civil society.

These measures include economic facilitation to former combatants, pardoned political prisoners and affected civilians. A Reintegration Fund under the administration of the authorities of Aceh will be established.

3.2.4 GoI will allocate funds for the rehabilitation of public and private property destroyed or damaged as a consequence of the conflict to be administered by the authorities of Aceh.

3.2.5 GoI will allocate suitable farming land as well as funds to the authorities of Aceh for the purpose of facilitating the reintegration to society of the former combatants and the compensation for political prisoners and affected civilians. The authorities of Aceh will use the land and funds as follows:

a) All former combatants will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.

b) All pardoned political prisoners will receive an allocation of suitable

farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.

c) All civilians who have suffered a demonstrable loss due to the conflict will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.

3.2.6 The authorities of Aceh and GoI will establish a joint Claims Settlement Commission to deal with unmet claims.

3.2.7 GAM combatants will have the right to seek employment in the organic police and organic military forces in Aceh without discrimination and in conformity with national standards.

4 Security arrangements

4.1 All acts of violence between the parties will end latest at the time of the signing of this MoU.

4.2 GAM undertakes to demobilise all of its 3000 military troops. GAM members will not wear uniforms or display military insignia or symbols after the signing of this MoU.

4.3 GAM undertakes the decommissioning of all arms, ammunition and explosives held by the participants in GAM activities with the assistance of the Aceh Monitoring Mission (AMM). GAM commits to hand over 840 arms.

4.4 The decommissioning of GAM armaments will begin on 15 September 2005 and will be executed in four stages and concluded by 31 December 2005.

4.5 GoI will withdraw all elements of non-organic military and non-organic police forces from Aceh.

4.6 The relocation of non-organic military and non-organic police forces will begin on 15 September 2005 and will be executed in four stages in parallel with the GAM decommissioning immediately after

each stage has been verified by the AMM, and concluded by 31 December 2005.

4.7 The number of organic military forces to remain in Aceh after the relocation is 14700. The number of organic police forces to remain in Aceh after the relocation is 9100.

4.8 There will be no major movements of military forces after the signing of this MoU. All movements more than a platoon size will require prior notification to the Head of the Monitoring Mission.

4.9 GoI undertakes the decommissioning of all illegal arms, ammunition and explosives held by any possible illegal groups and parties.

4.10 Organic police forces will be responsible for upholding internal law and order in Aceh.

4.11 Military forces will be responsible for upholding external defence of Aceh. In normal peacetime circumstances, only organic military forces will be present in Aceh.

4.12 Members of the Aceh organic police force will receive special training in Aceh and overseas with emphasis on respect for human rights.

5 Establishment of the Aceh Monitoring Mission

5.1 An Aceh Monitoring Mission (AMM) will be established by the European Union and ASEAN contributing countries with the mandate to monitor the implementation of the commitments taken by the parties in this Memorandum of Understanding.

5.2 The tasks of the AMM are to:

a) monitor the demobilisation of GAM and decommissioning of its armaments,

b) monitor the relocation of non-organic military forces and non-organic police troops,

c) monitor the reintegration of active GAM members,

d) monitor the human rights situation and provide assistance in this field,

e) monitor the process of legislation change,

f) rule on disputed amnesty cases,

g) investigate and rule on complaints and alleged violations of the MoU,

h) establish and maintain liaison and good cooperation with the parties.

5.3 A Status of Mission Agreement (SoMA) between GoI and the European Union will be signed after this MoU has been signed. The SoMA defines the status, privileges and immunities of the AMM and its members. ASEAN contributing countries which have been invited by GoI will confirm in writing their acceptance of and compliance with the SoMA.

5.4 GoI will give all its support for the carrying out of the mandate of the AMM. To this end, GoI will write a letter to the European Union and ASEAN contributing countries expressing its commitment and support to the AMM.

5.5 GAM will give all its support for the carrying out of the mandate of the AMM. To this end, GAM will write a letter to the European Union and ASEAN contributing countries expressing its commitment and support to the AMM.

5.6 The parties commit themselves to provide AMM with secure, safe and stable working conditions and pledge their full cooperation with the AMM.

5.7 Monitors will have unrestricted freedom of movement in Aceh. Only those tasks which are within the provisions of the MoU will be accepted by the AMM. Parties do not have a veto over the actions or control of the AMM operations.

5.8 GoI is responsible for the security of all AMM personnel in Indonesia. The mission personnel do not carry arms. The Head of Monitoring Mission may however decide on an exceptional basis that a patrol will not be escorted by GoI security forces. In that case, GoI will be informed and the GoI will not assume responsibility for the security of this patrol.

5.9 GoI will provide weapons collection points and support mobile weapons collection teams in collaboration with GAM.

5.10 Immediate destruction will be carried out after the collection of weapons and ammunitions. This process will be fully documented and publicised as appropriate.

5.11 AMM reports to the Head of Monitoring Mission who will provide regular reports to the parties and to others as required, as well as to a designated person or office in the European Union and ASEAN contributing countries.

5.12 Upon signature of this MoU each party will appoint a senior representative to deal with all matters related to the implementation of this MoU with the Head of Monitoring Mission.

5.13 The parties commit themselves to a notification responsibility procedure to the AMM, including military and reconstruction issues.

5.14 GoI will authorise appropriate measures regarding emergency medical service and hospitalisation for AMM personnel.

5.15 In order to facilitate transparency, GoI will allow full access for the representatives of national and international media to Aceh.

6 Dispute settlement

6.1 In the event of disputes regarding the implementation of this MoU, these will be resolved promptly as follows:

a) As a rule, eventual disputes concerning the implementation of this MoU will be resolved by the Head of Monitoring Mission, in dialogue with the parties, with all parties providing required information immediately. The Head of Monitoring Mission will make a ruling which will be binding on the parties.

b) If the Head of Monitoring Mission concludes that a dispute cannot be resolved by the means described above, the dispute will be discussed together by the Head of Monitoring Mission with the senior representative of each party. Following this, the Head of Monitoring Mission will make a ruling which will be binding on the parties.

c) In cases where disputes cannot be resolved by either of the means described above, the Head of Monitoring Mission will report directly to the Coordinating Minister for Political, Law and Security Affairs of the Republic of Indonesia, the political leadership of GAM and the Chairman of the Board of Directors of the Crisis Management Initiative, with the EU Political and Security Committee informed. After consultation with the parties, the Chairman of the Board of Directors of the Crisis Management Initiative will make a ruling which will be binding on the parties.

GoI and GAM will not undertake any action inconsistent with the letter or spirit of this Memorandum of Understanding.

Signed in triplicate in Helsinki, Finland on the 15 of August in the year 2005.

On behalf of the Government of the Republic of Indonesia:
Hamid Awaludin
Minister of Law and Human Rights

On behalf of the Free Aceh Movement:
Malik Mahmud
Leadership

As witnessed by:
Martti Ahtisaari
Former President of Finland
Chairman of the Board of Directors of the Crisis Management Initiative
Facilitator of the negotiation process

Profiles

Government of Indonesia

Since securing independence from the Netherlands in 1949 Indonesia has struggled to release politics from the influence of the military and the tendency to centralize power in Jakarta. Under the country's first two presidents, Sukarno (1945-1967) and Suharto (1967-1998), the country became increasingly authoritarian. The Suharto period in particular was marked by the concentration of power in the executive (and in the national capital Jakarta), the overwhelming influence of the military in politics, and restrictions on political organization and expression, including elections.

Far-reaching reforms were introduced under President Habibie (1998-1999), who succeeded Suharto after the latter's resignation in May 1998 in the face of popular protests in the wake of the Asian Financial Crisis. Under Habibie restrictions were lifted on political parties, the country's first democratic elections since 1955 were held, regional autonomy laws were introduced, and East Timor was permitted to hold a referendum on independence. However, under the ineffectual presidencies of Abdurrahman Wahid (1999-2001) and Megawati Sukarnoputri (2001-2004), Indonesia's transition to a more democratic politics remained erratic and inconsistent. A retired army general, Susilo Bambang Yudhoyono, won the country's first direct presidential elections in September 2004.

President Susilo Bambang Yudhoyono

After a successful career in the Indonesian military, including deployment in East Timor in the 1970s, Susilo Bambang Yudhoyono became a government minister in 1999 under President Wahid. He ran for president along with his deputy Jusuf Kalla in 2004, defeating Megawati Sukarnoputri in the second round. Yudhoyono's military background lent legitimacy to his assertion that the conflict in Aceh could not be resolved by military means alone; his influence and contacts in

the army also allowed him to shield the peace process from spoilers within the Indonesian military (TNI). During his army career Yudhoyono became associated with the pro-reformist faction. Although he was given a strong personal mandate to govern in the 2004 election his Democratic Party is a minority party, making Yudhoyono not only vulnerable to the influence of his deputy and chair of the Golkar party, Jusuf Kalla, but also to the numerous other political parties which have major representation in the parliament and cabinet.

Vice-President Jusuf Kalla

As a minister under President Megawati Jusuf Kalla facilitated peace talks in local conflicts in Maluku (the Moluccas) and his native Sulawesi. Following his election as vice-president he was also elected Chairman of Golkar, the largest party in the People's Representative Council. This gave Kalla a powerful position from which to persuade other national political parties to agree to the Helsinki initiative. Kalla worked to lay the basis for the legalization of local political parties in Aceh, in order to provide a legitimate and peaceful channel for the institutionalization of Acehese aspirations. The apparent synergies characterizing the Kalla-Yudhoyono relationship during the Helsinki process were however shadowed from the start by speculation on rivalry between the two men.

The People's Consultative Assembly (MPR) and People's Representative Council (DPR)

The MPR is constitutionally the highest state body whose functions include determining state policy and amending the Constitution, and until 2004, when direct elections for the presidency were introduced, electing the president and vice-president. The MPR consists of 695 deputies, including all 550 deputies of the DPR and 130 regional representatives elected by 26 provincial legislatures and until 2004 65 appointees from various societal groups, including the Indonesian armed forces and police. In 2004 the Senate (DPD) was created; DPD deputies are elected through a Single Non-Transferable Vote system allocating four representatives per province.

The DPR is the main legislative institution, consisting of 550 members elected through an open list proportional representation system. Until 2004 the DPR also featured 38 appointees from the Indonesian army and police force, a provision ending with the 2004 parliamentary elections. Although the presidency remains a powerful force in Indonesian politics, one of the main features of the *Reformasi* period since 1998 has been the strengthening of the legislature, with the DPR now becoming a powerful actor with the ability to

assert oversight over the executive and initiate legislation.

Government security forces

The Indonesian military (*Tentara Nasional Indonesia*, TNI)

The Indonesian military was the key force in Indonesian politics under President Suharto, himself a general. Formerly known by the acronym ABRI, throughout its existence the TNI has been deployed for internal security and counter-insurgency operations rather than for external defence. Military officers have played important roles in politics since independence and until 2004 the TNI (with the Indonesian Police) was represented not only in the DPR but also in regional legislatures around the country. Restrictions on local government employment for serving officers have also served to reduce military influence in regional administration. Under *reformasi*, serving officers are no longer appointed to important positions in the civilian bureaucracy. Reform in some areas, such as military funding, has been less successful, and there has been little progress in ending impunity for military officers accused of human rights violations.

Until 1999 the **Indonesian National Police (POLRI)** formed part of the TNI; its separation was formally completed in July 2000. POLRI forces have been widely deployed in a paramilitary role, often (as in the case of Aceh) in joint TNI-POLRI operations. **Brimob** (*Brigade Mobil*) is a POLRI special operations force, originally established in 1945 to disarm Japanese combatants and later assuming paramilitary functions.

With substantial shortfalls in funding (reportedly to the extent of 75 per cent) the TNI has been widely involved in business activities in order to finance itself. Highly profitable foreign-owned businesses, such as the ExxonMobil sites in Lhokseumawe in Aceh, have been subject to TNI 'protection policies'. In Aceh the abundance of natural resources also attracted illegal TNI involvement in fishing, logging, drug trafficking, coffee, palm oil and trade in wildlife. These financial interests were widely believed to be significant in motivating TNI resistance to withdrawal from Aceh.

Significant human rights violations by the TNI have been documented down the years, especially during its operations in East Timor, Aceh, Papua and against alleged communists in the 1960s. Counter-insurgency operations in Aceh targeted civilians as well as GAM guerrillas, resulting in high numbers of civilian casualties.

Political parties

For much of the Suharto period until a genuine multiparty system was introduced in 1999, only three political parties were legal in Indonesia. These were the **United Development Party** (*Partai Persatuan Pembangunan*, PPP), an amalgam of Muslim parties, the **Indonesian Democracy Party** (*Partai Demokrasi Indonesia*, PDI), a grouping of nationalist and Christian parties, and the **Golkar** party, the ruling party under Suharto, which was dominated by state functionaries and military personnel. Since 1999 the party arena has become highly fragmented, with 17 parties achieving representation in the People's Representative Council (DPR) in the 2004 legislative elections and seven of them achieving 'large party' status by securing over five per cent of the popular vote. The other large parties are the Islamic-oriented **National Awakening Party** (PKB), **National Mandate Party** (PAN) and the **Prosperous Justice Party** (PKS), as well as President Yudhoyono's **Democratic Party**.

Golkar leaders, many of whom were accused of corruption, dominated the provincial Acehese administration prior to the special autonomy law signed in 2001 by the DPR. Golkar leader Abdullah Puteh was elected governor in November 2000 by the regional legislature but was dismissed and imprisoned on corruption charges in 2005. The PPP also has a strong regional presence in Aceh. By allowing for local political parties in Aceh the *Memorandum of Understanding* overturned a long-standing proscription of local or regionalist parties in Indonesia.

Local government of Aceh province (*Nanggroe Aceh Darussalam*, NAD)

Aceh's local government structures are the same as other provinces of Indonesia, featuring a governor and deputy governor directly elected since 2006. The province is divided into 23 districts (*kabupaten*) and cities (*kota*). Acehese local government was known as one of the most corrupt in the country, prompting an anti-corruption drive under President Yudhoyono and the dismissal of Governor Abdullah Puteh. In December 2006 former GAM member Irwandi Yusuf won gubernatorial elections to become Governor of Aceh.

The *Memorandum of Understanding* envisaged a higher level of self-government for Aceh relative to other provinces of Indonesia, granting it authority over all spheres except foreign relations, national security and external defence, fiscal and monetary policy, justice and freedom of religion (though in fact this phrasing is identical to that found in the autonomy law which applies to all other regions of Indonesia). However, the

eventual *Law on the Governing of Aceh* attenuated these provisions and weakened the powers assigned to local government structures.

Pro-government militias

Numerous pro-government self-defence groups and local militias, all recruited, supported and equipped by the Indonesian army, were active in Aceh. Their activities increased after the declaration of military emergency in May 2003. Eighteen 'anti-GAM fronts' were established between December 2003 and March 2004 under the umbrella of the Resistance Front Against GAM Separatists (*Front Perlawanan Separatis GAM*, FPSG); these 'fronts' served to provide additional intelligence to local TNI command. Pro-government militias were also responsible for three attacks on offices of the Joint Security Committee tasked with monitoring the *Cessation of Hostilities Agreement*.

Free Aceh Movement (*Gerakan Aceh Merdeka*, GAM)

GAM was founded on 4 December 1976 and was known initially as the Aceh-Sumatra National Liberation Front (ASNLF). Its founder was Tengku Hasan Muhammad di Tiro (widely known as Hasan di Tiro), a member of a prominent family of religious scholars in the Pidie district of Aceh and a participant in the Indonesian national revolution in the territory. In the early 1950s he moved to the US where he became a student, an international advocate for the Darul Islam rebellion and eventually a businessman. GAM's agenda differed from the more religious demands of the prior Darul Islam rebellion by explicitly embracing a nationalist ideology aiming at sovereign independence.

Counter-insurgency operations mounted by the army quickly ended GAM's first attempt to begin a pro-independence rebellion. In 1979 Hasan di Tiro was forced to flee Indonesia. He eventually made his way to Sweden, where he established a government-in-exile (GAM-Sweden), styling himself as a 'head-of-state'. With Libyan support GAM was able to regroup in the late 1980s and restart its insurgency in Aceh, engendering a prolonged period of violent and repressive military response in the early 1990s.

During the military phase of the conflict GAM, through its military wing (known from 2002 as the National Army of Aceh (TNA)), used a strategy of urban and jungle guerrilla tactics to attack TNI and Brimob positions. GAM deployed a decentralized structure dividing Aceh into 17 *wilayah* (regions), each with its own regional commander maintaining independent direct contacts with GAM-Sweden. GAM has been

criticized for human rights violations, including kidnappings of civilians, indiscriminate bombings, particularly of schools, and its treatment of Javanese migrants in Aceh. GAM also dealt ruthlessly with internal dissent, crushing an internal challenge in southern Aceh in 2001. However, GAM supporters have countered that human rights violations perpetrated by GAM are far less significant in scale than those of the TNI, and that actions against ethnic Javanese were motivated by the latter's alleged involvement in pro-government militias.

GAM entered negotiations with the Indonesian government in 2000 in talks brokered by the Henry Dunant Centre for Humanitarian Dialogue (HDC). The eventual failure of the HDC-brokered talks and the *Cessation of Hostilities Agreement* led to a resumption of hostilities that seriously weakened GAM's military capacity. When the tsunami struck at the end of 2004 GAM was on the defensive. In the aftermath of the tsunami GAM declared a unilateral ceasefire, and the organization later renounced the use of violence as part of the August 2005 *Memorandum of Understanding* with the government. Malik Mahmud the 'Prime Minister' of GAM, headed the GAM negotiating team. GAM was subsequently confronted with new imperatives: the creation of an effective structure to participate in civil politics and the reintegration of GAM fighters into civilian life. To respond to these respective challenges GAM established new structures, the most important of which was the **Aceh Transition Committee** (KPA), which was designed to coordinate the activities of the former TNA combatants. The KPA was instrumental in mobilizing support for former GAM members running in the 2006 elections, especially in rural areas.

Major rifts opened up in GAM over electoral strategy and related issues in the lead-up to the elections. Many of the older leaders based in Sweden and their allies alienated many of the younger generation leaders in Aceh, especially those in the KPA. GAM's transformation into a civil political force with a stake in the political process appeared to be secured with the strong performance of former GAM members or nominees in the 2006 elections. By late 2007 almost one half of Aceh was being governed by individuals with GAM affiliations at the district level. However, although governor and former GAM member Irwandi Yusuf remained popular and free of association with corruption, the image of the movement as a whole has arguably been tarnished by corruption scandals, rising crime and difficulties with reintegrating and finding employment for former GAM members.

Irwandi Yusuf

Born in Aceh in 1960 Irwandi Yusuf joined GAM in 1990. While studying veterinary science in the US in 1993 he says he travelled to Latin America to be trained in guerrilla warfare. On his return he worked as a GAM strategist and propagandist. Arrested in 2003 and sentenced to seven years' imprisonment in Banda Aceh, Irwandi escaped captivity when his prison was flooded by the 2004 tsunami. Renouncing his previous pro-independence agenda, Irwandi ran for office in the 2006 elections for governor of Aceh as an independent, winning with 38 per cent of the vote.

Civil society actors

The Aceh Referendum Information Centre (SIRA), headed by Muhammad Nuzar, was founded in 1999. SIRA was formed from a coalition of student organizations around the demand for Aceh's right to hold a referendum on remaining part of Indonesia or becoming independent. SIRA played a significant role in supporting Irwandi Yusuf and other GAM-affiliated candidates in the 2006 elections. Established in 1989 Flower Aceh was the first Acehnese women's group to address women's rights in the context of the conflict. It has worked with internally displaced women and engaged in advocacy relating to gender-based violence by state and non-state actors. KontraS Aceh (Commission for Missing Persons and Victims of Violence) and the Legal Aid Institute (LBH-Aceh) are two major human rights organizations documenting human rights violations perpetrated by all parties to the conflict.

Monitoring mechanisms

The **Joint Security Committee** (JSC) was originally established under the terms of the *Joint Understanding for a Humanitarian Pause for Aceh* of May 2000. It was reactivated on 20 December 2002 within the terms of the *Cessation of Hostilities Agreement* to monitor compliance with the agreement and investigate violations. Its 150 monitors were composed of 50 apiece from the TNI, GAM and an international contingent of mainly Thai and Filipino soldiers. International monitors were withdrawn, however, after a series of attacks on JSC offices by pro-government militias supported by the TNI.

The **Aceh Monitoring Mission** (AMM) was developed and financed under the European Security and Defence Policy of the European Union (EU), in partnership with five ASEAN states. It was deployed in September 2005 with a six-month mandate to monitor all aspects of the Helsinki accords, including weapons destruction, relocation of 'non-organic' military forces, reintegration of demobilized GAM members, legislative changes and the human rights situation. The AMM was also mandated to mediate in disputes over amnesties and to rule on

complaints about violations of the Helsinki accords. It was the first EU monitoring mission in Asia and comprised 226 monitors from the European Union, Norway, Switzerland and five members of ASEAN (Thailand, Malaysia, Brunei, the Philippines and Singapore), deployed through 11 offices. The AMM was widely seen as effectively enforcing the peace agreement and preserving a reputation for neutrality, although it lacked sufficient resources to effectively investigate alleged human rights abuses. Its mandate was renewed but with reduced personnel in March 2006, and terminated after Aceh's local elections in December.

The Aceh Reintegration Agency (*Badan Reintegrasi Aceh, BRA*)

The Aceh Reintegration Agency (BRA) was formed in February 2006 with the purpose of dispensing funds to projects providing livelihoods to ex-GAM members, proposals for which were submitted by the Aceh Transition Committee (KPA). BRA funds were also distributed to former members of pro-government militias and GAM members who had surrendered before the *Memorandum of Understanding*. The reintegration effort was compromised by a lack of review and accountability mechanisms, inefficiency and excessively broad definitions of BRA's intended beneficiaries. The KPA consolidated significant power and patronage networks through its control over the process of submitting names to BRA, and on 4 April 2007 Governor Irwandi appointed Nur Djuli, a former GAM negotiator, as BRA's new director. Although Nur Djuli reorganized BRA, problems remained with the timely receipt of funds from Jakarta and their local distribution.

International actors

Crisis Management Initiative

The Crisis Management Initiative (CMI) was founded in 2000 by former Finnish president Martti Ahtisaari as a NGO engaged in advocacy work for sustainable security and other dimensions of conflict resolution. The CMI was asked to facilitate talks between the Indonesian government and GAM through personal contact between Farid Husain, Indonesian Deputy Minister for Social Affairs and Finnish businessman Juha Christensen. Talks began after the tsunami of December 2004 and resulted in the signing of the *Memorandum of Understanding* in August 2005.

Martti Ahtisaari

Martti Ahtisaari began to work for the Finnish Ministry of Foreign Affairs at the end of the 1960s. First posted as ambassador to Tanzania in the early 1970s he later played a key role in Namibia's transition to independence in 1990. In 1994 Ahtisaari was elected President of Finland. His involvement in resolving a

number of conflicts, notably persuading Slobodan Milosevic to withdraw his forces from Kosovo in 2000, earned him a strong reputation as an international mediator and at the end of his presidency he founded the Crisis Management Initiative. He first met Farid Husain in February 2004 and was preparing to invite representatives of the Indonesian government and GAM to Finland when the tsunami struck Aceh.

Henry Dunant Centre/ Centre for Humanitarian Dialogue

The Centre for Humanitarian Dialogue (still referred to in Indonesia by its original name, the Henry Dunant Centre (HDC)) is a Geneva-based foundation which was formed in 1999 to provide facilitation services to parties in armed conflicts. The HDC began mediating between GAM and the Indonesian government in 2000, in the aftermath of Suharto's fall from power when the Indonesian military was in disarray and scope for peace in Aceh increased. These talks resulted in the *Joint Understanding on a Humanitarian Pause for Aceh* in May 2000 and later to the *Cessation of Hostilities Agreement* (CoHA) in December 2002, which was an agreement on a framework for arriving at a comprehensive peace agreement. HDC-facilitated talks came to a halt in April 2003 following the failure of the demilitarization process envisaged in the CoHA.

Development and reconstruction agencies

The **International Organization for Migration** (IOM) played an especially important role early in the peace process, ensuring reintegration support was provided to former combatants and prisoners. The IOM supported programmes for the reintegration of ex-GAM combatants, the release and reintegration of amnestied political prisoners and for host communities. These programmes are administered through a network of nine IOM-sponsored Information, Counselling and Referral Services (ICRS) offices around Aceh. They continue to provide livelihood assistance to unemployed youth in conflict-sensitive areas and the central highlands.

The **World Bank** (WB) began development programming in Indonesia in 1998. Following the tsunami the WB brought 15 donors together into the Multi-Donor Fund for the reconstruction of Aceh and North Sumatra (MDF), which it chairs together with the European Union and the Rehabilitation and Reconstruction Board (RRB). The WB has also been involved in supporting programmes addressing, amongst other issues, health assistance, reintegration and post-settlement recovery through assistance to the Aceh Reintegration Board and the empowerment of women. The WB is further initiating a second MDF for post-settlement recovery.

In August 2005 the WB also launched the Reconstruction of Aceh Land Administration System (RALAS) project, which seeks to re-establish land ownership across territory laid waste by the tsunami as a precursor to property reconstruction. The National Land Agency (BPN) and local NGOs administered the project, resulting in disputes over the most appropriate means to systematize land titling where lands were uncertified prior to the tsunami or were held communally. While NGOs favoured a participatory system allowing for collective adjudication of disputed boundaries and the consolidation of plots, the BPN was oriented more towards identification of pre-tsunami land rights. The status of land previously held on a communal basis remains a source of potential future conflict.

The **United Nations Development Programme** (UNDP) has been responsible for implementing a total of 33 projects in Indonesia overall, oriented towards five thematic strands of which rehabilitation and reconstruction in Aceh is one. UNDP is engaged in the implementation of the Aceh Justice Project, an initiative within the European Union's Aceh Peace Process Support strand. One component of the project is a two-year project building the capacity of the judiciary in Aceh, launched in February 2008 and implemented in conjunction with the National Development Planning Agency (BAPPENAS).

International corporations

ExxonMobil came into being as a result of the merger of the oil and gas corporations Exxon and Mobil in November 1999. ExxonMobil Oil Indonesia is a subsidiary of ExxonMobil, which in a previous incarnation as **Mobil Oil Indonesia** (MOI) opened operations in Indonesia in the late 1960s. In 1971 MOI discovered one of the largest natural gas fields in the world in northern Aceh, leading to the construction of extensive extraction facilities in the area, which became known as Lhokseumawe after a local town. In 2002 ExxonMobil's facilities at Lhokseumawe employed approximately 2000 local residents; the Lhokseumawe operation accounts for a sizeable share of Mobil Oil's global revenues (reportedly 25 per cent) and some 20 per cent of Indonesia's foreign exports.

In June 2001 11 Indonesian citizens, through the offices of the International Labor Rights Fund, initiated litigation proceedings against ExxonMobil for alleged crimes of murder, torture, sexual violence, kidnapping and other abuses, allegedly committed by ExxonMobil security staff hired from the Indonesian army (TNI).

Multilateral actors

Relations between Indonesia and the **European Union** (EU) date back to the 1970s. The EU has provided

several strands of assistance to the peace process in Aceh, through the EU Rapid Reaction Mechanism (RRM; replaced by the Stability Instrument in 2007), as well as being a major donor of relief and reconstruction aid following the tsunami. EU support to the peace process took the form of five strands: funding of the Crisis Management Initiative's mediation effort, funding and deployment of the Aceh Monitoring Mission (AMM), provision of an election observation mission to observe the local elections on 11 December 2006, assistance with the reintegration of ex-GAM combatants and a support package supporting the rule of law and democracy in Aceh.

Since 2005 the European Commission of the EU has committed €285 million towards relief efforts in post-tsunami Aceh, support which is channelled through the Multi-Donor Fund for the reconstruction of Aceh and North Sumatra (MDF). Since the tsunami the EU has also set up the 'Europe House' as the formal representative of the EU in Aceh.

The **Association of Southeast Asian Nations** (ASEAN) was established in 1967 to promote economic growth and regional stability, and Indonesia was one of the five founder nations. ASEAN members are bound by the principle of non-interference in each other's internal affairs and may only intervene if requested to do so. From May 2003 international human rights organizations documented the mistreatment and deportation from Malaysia of Acehnese refugees and asylum seekers fleeing military operations in Aceh; the Malaysian government claimed these were illegal immigrants. ASEAN members provided military personnel to staff the Joint Security Committee, tasked with monitoring the implementation of the *Cessation of Hostilities Agreement*, and later the Aceh Monitoring Mission monitoring the implementation of the *Memorandum of Understanding*. ASEAN members also provided monitors to observe the December 2006 local elections, as well as post-tsunami relief and reconstruction aid.

Chronology

The pre-colonial past and resistance to colonial rule

Regional records document a Buddhist, rice-growing society in the area covered today by Aceh in 500 C.E. By medieval times Aceh had become a nexus for trade routes from Malay kingdoms, Africa, India, China, Arabia and Europe. Between the ninth and the thirteenth centuries waves of Middle Eastern and Gujarati traders spread Islam to the area now known as Aceh, which became a gateway for Islam to disseminate to the wider archipelago. By the end of the thirteenth century kings, referring to themselves as sultans and *maliks*, were consolidating power bases in port-states along the coast of Aceh.

It was only in the early sixteenth century that Aceh was united, coinciding with and partly triggered by the arrival of Portuguese traders and adventurers in the region. By the early seventeenth century successive sultans had consolidated Aceh into a regional maritime power controlling the Straits of Malacca. During this 'golden age', Aceh was one of the richest and militarily most powerful indigenous states in Southeast Asia.

However, warfare, rivals for trade and internal dissent took their toll and over time Aceh lost its influence. At the same time, European powers began to consolidate their authority in the region. In 1641 the Dutch capture Malacca from the Portuguese; British influence also rises following the establishment of a base at Penang in 1786 and the founding of Singapore in 1819. In the early nineteenth century Aceh becomes a focal point for Anglo-Dutch rivalry. The 1824 London Treaty between Britain and the Netherlands provided for Acehnese sovereignty; however, the 1871 Sumatra Treaty allowed Dutch involvement in Acehnese commerce. The Dutch invade Aceh in 1876, beginning a 30-year war characterized by the fiercest local resistance to Dutch colonial rule in the region. Although the Dutch capture the last Acehnese sultan in 1903, sporadic and small-scale resistance continues until the Japanese invasion.

Indonesian independence

In 1942 Japanese forces bring an end to Dutch rule of the (then) Dutch East Indies. In 1945, following the Japanese surrender, the Republic of Indonesia proclaims independence; Dutch sovereignty is transferred to Indonesia in December 1949. During the years of armed struggle (1945-49), the Acehnese were among the strongest supporters of Indonesian independence; indeed, mainland Aceh was the one part of the Indies which the Dutch did not even attempt to re-conquer. Shortly after independence,

however, Aceh was merged into the province of North Sumatra. A perception that Aceh was being treated inequitably, as well as disagreements over the place of Islamic law, gave rise to widespread disillusionment in Aceh with the new Indonesian state.

In 1953, many Acehnese supported the Darul Islam ('House of Islam') rebellion, originating in the major island of Java and led in Aceh by Daud Bereueh, a religious leader and ousted governor of the province. The rebellion aimed to establish an Islamic state in Indonesia (*Negara Islam Indonesia*, NII), but was eventually put down, and in 1959 the Indonesian government gave Aceh 'special territory' (*Daerah Istimewa*) status. This ostensibly granted autonomy in religious, cultural and educational matters. Aceh's nationalist political leaders continually presented a challenge to Jakarta's centralizing Indonesian nation-building project under President Sukarno (1945-67) and active resistance to the highly centralized development ideology of President Suharto (1966-98).

Under the authoritarian and military-based regime of President Suharto Acehnese grievances once again began to mount. Special territory status came to be seen as increasingly meaningless in the face of the centralizing tendencies of the government in Jakarta, reflected in the latter's over-ruling of attempts to implement local laws in various fields, including Islamic law. Industrial development, following the discovery of major natural gas reserves in northern Aceh in 1971, prompted the migration of substantial numbers of non-indigenous workers to the territory and was experienced by many local people as disruptive and exploitative. In the 1970s only a tiny proportion of the revenue from the Lhokseumawe Industrial Zone filtered back to the local government.

1976

Hasan di Tiro and a group of youths and former Darul Islam fighters form the Free Aceh Movement (*Gerakan Aceh Merdeka*, GAM) on 4 December and declare Acehnese independence. Many GAM members are arrested and some of the movement's leaders are killed by Indonesian government efforts to repress the movement. Counter-insurgency operations begin in 1977.

1979

GAM's leader, Hasan di Tiro, flees Indonesia. He eventually arrives in Sweden where he establishes a government in exile based in Stockholm. Hasan di Tiro lobbies internationally for the self-determination of Aceh, and arranges for GAM members to train in Libya in 1986-89.

1989

GAM re-launches guerrilla operations against the Indonesian military (*Tentara Nasional Indonesia*, TNI) and other targets. This prompts President Suharto to impose a Military Operation Area (DOM) in Aceh.

1990-1991

Intense counter-insurgency measures drive much of GAM's leadership abroad. Official records and human rights groups put the death toll in the region at least 1000, with a similar number of disappearances and thousands of others injured, widowed or orphaned.

1998

In May President Suharto is forced to resign in favour of Vice-President Habibie, who initiates democratic reforms, ends restrictions on free media and lifts Aceh's designation as a Military Operation Area. TNI chief General Wiranto issues a public apology on 7 August following the exposure of human rights violations in Aceh.

1999

President Habibie announces in January that East Timor will be granted the right to hold a referendum including an option for independence. In February a meeting of student and youth activists formulates a campaign for a referendum in Aceh. They form the Aceh Referendum Information Centre (*Sentral Informasi Referendum*, SIRA) to coordinate their campaign. In March President Habibie visits Aceh and apologizes for atrocities committed by the military under his predecessor. His government introduces a *Regional Autonomy Law* in May. Indonesian human rights activists take up the cause of atrocities committed under the DOM, opening a process of documenting human rights violations engaging Acehnese civil society too. Nonetheless violence intensifies. Well-publicized massacres of civilians by security forces in North and Central Aceh take place in May and July. On 30 August the population of East Timor votes overwhelmingly in favour of independence in a referendum.

October

Abdurrahman Wahid becomes President of Indonesia. On 4 October *Law 44/1999 on the Realization of the Special Status of the Province of Aceh* is enacted; among other items the law provides for the introduction of *Shar'ia* Islam and education, the enactment of customary law (*adat*) and the creation of a board of religious leaders.

November

The student movement in Aceh gathers momentum. Mass demonstrations in Aceh and Jakarta call for a referendum on self-determination in Aceh.

2000

Between January and May the Henry Dunant Centre (HDC) of Geneva brokers talks between the Indonesian government and GAM representatives in Geneva.

March

Indonesian Secretary of State Bondan Gunawan meets informally with the head of GAM's military wing, Abdullah Syafie, in Aceh. It is the first high-level meeting between GAM and an Indonesian government official.

May

On 12 May the *Joint Understanding on a Humanitarian Pause for Aceh* is signed. The Pause begins in June, but levels of violence remain significant through the end of the year.

2001

January

HDC arranges another meeting for both parties in Geneva. As the Humanitarian Pause reaches its expiry date of 15 January, 'sweeping operations' are resumed by the TNI in Aceh. Civil society representatives call for a ceasefire.

March

ExxonMobil temporarily closes its gas extraction facility at Lhokseumawe in response to the worsening security situation.

April

Under pressure from the military to declare a state of emergency President Wahid issues Presidential Instruction No.4 with a six-point plan to resolve the conflict, including by allowing more security operations.

June

Eleven Indonesian citizens open litigation proceedings against ExxonMobil at the United States Supreme Court for alleged human rights abuses perpetrated by security personnel hired by ExxonMobil from the Indonesian military.

July-August

President Wahid is removed from power and Megawati Sukarnoputri (the daughter of former President Sukarno) takes up the presidency. On 8 August President Megawati signs a *Law 18/2001 on Special Autonomy for the province of Nanggroe Aceh Darussalam* (NAD, the title of Aceh province according to the law). This law contains more far-reaching provisions than the 1999 *Regional Autonomy Law*, including the right of the province to retain a larger share of natural resource revenues than other provinces and the right to implement aspects of *Shari'a* law.

2002

In January the Indonesian military raids GAM headquarters and kills GAM commander Abdullah Syafie. In February Geneva talks mediated by the HDC resume, culminating in an agreement in May on the structure of future dialogue and negotiation mechanisms; government sources announce, wrongly, that GAM had accepted autonomy. Counter-insurgency operations intensify.

August

The government gives GAM three months to cease armed resistance and accept autonomy.

December

A Preparatory Conference on Peace and Reconstruction in Aceh meets in Tokyo, co-chaired by Japan, the United States, the European Union and the World Bank, and establishes a set of priorities for post-conflict reconstruction. On 9 December the government and GAM sign the *Cessation of Hostilities Agreement* (CoHA) in a meeting brokered by the HDC. Under the CoHA, the Indonesian military agrees to move from offensive to defensive positions and in designated 'peace zones' GAM members agree to put their weapons into storage. The Joint Security Committee (JSC) is formed to monitor the peace process, comprising representatives of both parties and independent monitors from Thailand and the Philippines. Levels of violence drop significantly in the aftermath of the agreement.

2003

January-February

The five-month CoHA implementation phase begins: the first peace zones are established and monitors deployed.

March-April

Violence escalates. Talks between the Indonesian government and GAM break down on 24 April. President Megawati accuses GAM of failing to disarm and orders the military to prepare for a new counter-insurgency offensive in Aceh. On 28 April the government gives a two-week ultimatum to GAM to end resistance and accept autonomy within a unitary Indonesia. GAM refuses to do so. Militia attacks on international monitors prompt their withdrawal.

May

The US, Japan and the European Union urge the Indonesian government and GAM to avoid armed clashes and extend peace talks in Tokyo. On 16 May the Indonesian government reiterates that special autonomy is its final offer and threatens GAM with a renewed military offensive. GAM negotiators do not respond, citing arrests of GAM members *en route* to Tokyo as the reason. On 19 May President Megawati

imposes a six-month 'military emergency' in Aceh in which the military is given greatly expanded powers to pursue counter-insurgency operations and to supervise civilian affairs. An estimated 30,000 soldiers and 12,000 police officers are deployed to Aceh and an Indonesian military offensive (referred to as *Operasi Terpadu*) commences, representing Indonesia's biggest military operation since the deployment in East Timor in 1975 and ultimately seriously weakening GAM's military capacity. *Operasi Terpadu* is accompanied by background screening of civil servants in Aceh, the obligatory distribution of new identity cards for all residents of Aceh and forced participation in oaths of loyalty to the Indonesian state.

November

Coordinating Minister for Political and Security Affairs Susilo Bambang Yudhoyono confirms that martial law is extended.

2004

May

Martial law is replaced by a state of "civil emergency", although troop levels of 40,000 remain in Aceh. The highest security command is transferred from the army to the police.

September

Former General and Security Minister Susilo Bambang Yudhoyono is elected President of Indonesia on a ticket with his deputy Yusuf Kalla as Vice-President. Yudhoyono visits Aceh in November, with pledges of amnesty, economic aid and provincial autonomy. However, the 'civil emergency' remains in place.

December

On 26 December a 9.1-magnitude underwater earthquake and ensuing tsunami devastates Aceh, killing at least 160,000 in Aceh and causing massive destruction to coastal areas and the capital Banda Aceh. In the aftermath of the tsunami Aceh is opened up to foreign aid workers; GAM declares a unilateral ceasefire.

2005

January

On 19 January Foreign Minister Hassan Wirajuda announces that the government will resume talks with GAM to fully restore security and political stability in the tsunami-stricken province. On 27-29 January the government and GAM meet again for the first time since May 2003 in Helsinki, at talks brokered by the Finland- and Brussels-based Crisis Management Initiative (CMI), headed by former Finnish President Martti Ahtisaari.

February

At the second round of talks in Helsinki (21-23 February) GAM accepts 'self-government' within Indonesia as opposed to the discredited autonomy previously offered. GAM spokespeople confirm that their long-standing goal of independence is no longer 'on the table.'

April

The third round of the Helsinki talks takes place 12-16 April.

May

The fourth round of the Helsinki talks takes place 26-31 May. The state of emergency is lifted in Aceh and civilian authority restored. Nonetheless some 39,000 Indonesian troops remain.

July

The fifth and final round of the Helsinki talks takes place 12-17 July. On 17 July the *Memorandum of Understanding* (MoU) is agreed in Helsinki, with terms including the withdrawal by Indonesian government of all 'non-organic' troops (reinforcements sent from outside Aceh) and demobilization by GAM along with the decommissioning of weapons.

August

The MoU is signed formally in Helsinki on 15 August. The Indonesian government immediately grants an amnesty to GAM members and the release of GAM prisoners proceeds immediately.

September

The European Union-led Aceh Monitoring Mission (AMM) begins its work on the basis of an extendable six-monthly mandate. The decommissioning of GAM weapons and withdrawal of 'non-organic' security forces from Aceh proceeds successfully. Between September and December extensive consultations take place in Aceh on a draft law on self-government in Aceh.

October

GAM creates a new National Assembly (*Majelis Nasional*) in Banda Aceh, as its supreme political authority, and the Aceh Transition Committee (KPA) to supervise the demobilization of combatants.

December

On 4 December, supporters of the creation of two new provinces in Aceh demonstrate in Jakarta. A draft *Law on the Governing of Aceh* (LoGA), replacing the 2001 special autonomy law, is submitted to Jakarta on 5 December; many in Aceh perceive the draft law as having been 'diluted'.

2006

January

The Ministry of Home Affairs submits a reworked draft *Law on the Governing of Aceh* to the state secretariat; the draft is widely perceived as weakening the powers envisaged for Aceh vis-à-vis the central government. Another disputed issue is whether independent candidates would be able to run in Aceh elections.

February

On 11 February the Aceh Reintegration Board (BRA) is created, mandated to manage the reintegration of former GAM members and combatants. On 17 February an office of SIRA, the Aceh Referendum Information Centre is attacked by ex-militia members.

March

The first six-month phase of the AMM ends; a three-month extension with a reduced number of monitors is agreed.

May

At a Congress held on 22-23 May GAM decides, amidst bitter and growing factionalism, not to contest local elections as an organization but to allow its members to run as independent candidates. This decision reflects the onset of an internal rift within the GAM leadership.

December

On 11 December simultaneous provincial and district elections take place in Aceh. Former GAM member Irwandi Yusuf wins the governorship with 38 per cent of the vote (his nearest rival wins 17 per cent), a vote representing a GAM victory. The second place ticket was supported by a national party, the United Development Party (PPP) and a rival group in GAM. Simultaneously GAM-affiliated candidates win in six of 19 municipality and district elections (in delayed elections over succeeding months they pick up three more districts).

The AMM completes its mandate of monitoring and supporting the peace process.

2007

January-March

A number of extortion scandals involving the KPA come to light; there are also reports of increased crime. On 28 January state airline pilot Pollycarpus Priyanto is jailed for 20 years for the 2004 murder of Munir Thalib, a human rights activist known for exposing human rights abuses in Aceh and elsewhere in Indonesia.

April

Governor Irwandi appoints former member of GAM's negotiation team in Helsinki, Nur Djuli, as director of the BRA.

June

In a local by-election GAM wins the key east littoral district of Bireuen with 60.2 per cent of the vote.

August

Hundreds of Indonesian flags are torn down in East Aceh; although the identity of the perpetrators remains unclear in Jakarta this is perceived as a re-emergence of separatism. On the second anniversary of the signing of the MoU a group of GAM figures write to President Yudhoyono, the EU and CMI expressing concern over the non-implementation of the MoU's terms.

November

In district elections in South Aceh the winner is another GAM-nominated candidate.

2008

April

In the worst violent incident since the MoU, a KPA office is attacked by a mob in Alu Lintang, Central Aceh. Six people, including members of the KPA, are murdered. The incident was triggered by a dispute over control of a local bus station between GAM and former pro-government militia members.

May

Twelve local political parties, including parties comprising former GAM members, are formally amalgamated and legalized as a single party, enabling Aceh's local parties to compete in the parliamentary election in 2009.

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The Accord series

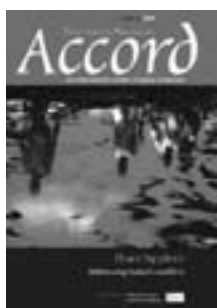
Accord: an international review of peace initiatives is published by Conciliation Resources (CR). It provides detailed narrative and analysis on specific war and peace processes in an accessible format. The series is intended to provide a practical resource for reflection for all those engaged in peacemaking activities.



Powers of persuasion: incentives, sanctions and conditionality in peacemaking

Issue 19 | 2008

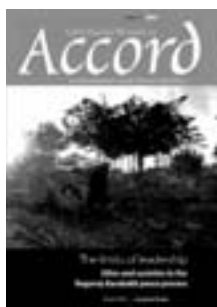
International policymakers frequently use incentives, sanctions and conditionality as tools to influence intra-state conflicts. Using a range of case studies, this issue asks whether and how these tools constructively influence conflict parties' engagement in peacemaking initiatives.



Peace by piece: addressing Sudan's conflicts

Issue 18 | 2006

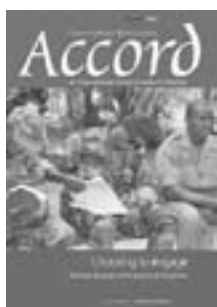
This issue reviews the peace process that led to the 2005 Comprehensive Peace Agreement in Sudan, exploring the issues remaining to be tackled and arguing that future Sudanese initiatives must be more inclusive and better coordinated.



The limits of leadership: elites and societies in the Nagorny Karabakh peace process

Issue 17 | 2005

Since the 1994 ceasefire, the conflict between Azerbaijan and Armenia over Nagorny Karabakh has remained deadlocked. This issue explores the dynamics of polarization, the obstacles to a sustainable agreement and the challenge of overcoming resistance to compromise.



Choosing to engage: armed groups and peace processes

Issue 16 | 2005

Non-state armed groups, key actors in many internal armed conflicts, have participated in peace processes across the world. This issue draws on these experiences to explore the case for engaging with armed groups, and the different options, roles and challenges for such engagement.



From military peace to social justice? The Angola peace process

Issue 15 | 2004

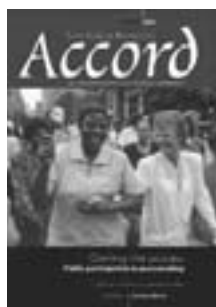
The Luena Memorandum of 2002 brought an end to Angola's 27-year civil war. This issue reviews Angola's history of peacemaking efforts, and analyses the challenges remaining if the absence of violence is to develop into a sustainable and just peace.



Alternatives to war: Colombia's peace processes

Issue 14 | 2004

This issue provides an overview of more than 25 years of peace initiatives with Colombia's guerrilla and paramilitary groups. It includes analysis of civil society efforts at local, regional and national levels and identifies the necessary elements of a new model of conflict resolution.



Owning the process: public participation in peacemaking

Issue 13 | 2002

The first thematic publication documents mechanisms for public participation in peacemaking. It features extended studies looking at how people were enabled to participate in political processes in Guatemala, Mali and South Africa. It also contains shorter pieces from Colombia, Northern Ireland and the Philippines.



Weaving consensus: The Papua New Guinea – Bougainville peace process

Issue 12 | 2002

Accord 12 documents efforts leading to the Bougainville Peace Agreement of 2001. The issue describes an indigenous process that drew on the strengths of Melanesian traditions, as well as innovative roles played by international third parties.



Protracted conflict, elusive peace: initiatives to end the violence in northern Uganda

Issue 11 | 2002

While a meaningful peace process in Northern Uganda remains elusive, this issue documents significant peacemaking initiatives undertaken by internal and external actors and analyses their impact on the dynamics of the conflict and attempts to find peace.



**Politics of compromise:
the Tajikistan peace process**

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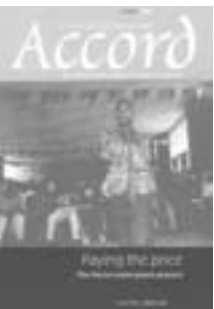
Accord 10 describes the aspirations of the parties to the conflict in Tajikistan and documents the negotiation process leading to the General Agreement of June 1997. It looks at the role of the international community, led by the UN, as well as local civil society, in reaching a negotiated settlement.



**Safeguarding Peace:
Cambodia's Constitutional Challenge**

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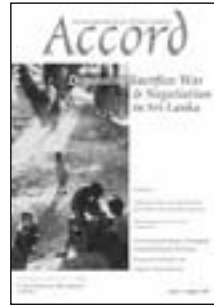
This publication documents issues around the signing of the 1991 Paris agreements which officially "brought to an end" Cambodia's long war and the violent collapse of the country's governing coalition in July 1997.



**Paying the price:
the Sierra Leone peace process**

Issue 9 | 2000

The Lomé Peace Agreement of July 1999 sought to bring an end to one of the most brutal civil wars of recent times. Accord 9 explores earlier attempts to bring the conflict to an end and in doing so seeks to draw valuable lessons for Sierra Leone's transition.



**Demanding Sacrifice:
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The Sri Lanka issue documents the cycles of ethnic/national conflict which have blighted the country since 1983. It analyses negotiations and other peace initiatives that have taken place since 1993 and outlines fundamental issues that need to be confronted in future peacemaking efforts.



**Striking a balance:
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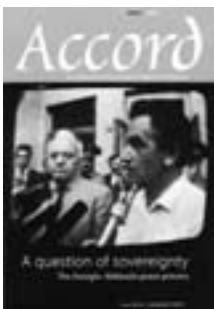
Accord 8 explores the factors that led to the negotiations resulting in the Belfast Agreement, describing the complex underlying forces and the development of an environment for peace.



**The Mozambican Peace Process
in Perspective**

Issue 3 | 1998

The Mozambique issue documents the diverse initiatives which drove the parties to a negotiated settlement of the conflict as well as illustrating the impact of changing regional and international dynamics on Mozambique.



**A question of sovereignty:
the Georgia-Abkhazia peace process**

Issue 7 | 1999

The publication explores the background and issues at the heart of the Georgia-Abkhazia conflict, provides a unique insight into a political stalemate and points towards possible avenues out of deadlock.



**Negotiating Rights:
The Guatemalan Peace Process**

Issue 2 | 1997

The signing of the peace agreement in 1996 brought an end to 36 years of civil war in Guatemala. The publication analyses issues of impunity, indigenous rights, political participation and land reform.



**Compromising on Autonomy:
Mindanao in Transition**

Issue 6 | 1999

The GRP-MNLF 1996 Peace Agreement was a milestone in many ways. The publication analyses features of peacemaking in Mindanao and examines the challenges of implementation.



The Liberian Peace Process 1990-1996

Issue 1 | 1996

The Liberia issue documents the lengthy and fractious Liberian peace process and provides insight into why thirteen individual peace accords collapsed in half as many years.



Source: Conciliation Resources

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- Support people working at local, national and international levels in developing innovative solutions to social, economic and political problems related to violent conflicts
- Provide opportunities for inclusive dialogue and improved relationships within communities and across conflict divides at all social and political levels
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- Improve peacemaking practice and policies by promoting learning from peace processes around the world
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Reconfiguring politics: the Indonesia – Aceh peace process

The Memorandum of Understanding signed by the Government of Indonesia and the Free Aceh Movement (GAM) in Helsinki in August 2005 signalled an end to more than three decades of armed conflict and suffering in Aceh. The peace agreement provided a basis for reconfiguring politics in the province, outlining the principles underpinning new 'self-government' arrangements, as well as provisions for political participation, revenue sharing, reintegration and human rights.



This Accord issue offers an analysis of developments leading to Aceh's peace agreement, with contributions from the parties' negotiators as well as the mediator. It also examines the subsequent process of putting the agreement into practice. The successes, difficulties, and controversies of translating the agreement into law, contesting elections, enabling reconstruction and reintegrating ex-combatants all signal important ongoing challenges for Aceh's future. Finally, the publication discusses key peacebuilding issues that often receive less attention, such as women's roles, the impact of Shar'ia law, and consolidation of political parties.



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Conciliation Resources (CR) is an international non-governmental organization that supports people working to prevent violence, promote justice and transform armed conflict. CR's Accord projects aim to inform and strengthen peace processes, providing a unique resource on conflict and peacemaking.

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Diana Francis, Chair of the Committee for Conflict Transformation Support, UK

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