

Autonomy and Peace Monograph

October 15, 2007

Abhoud Syed M. Lingga¹

The ACEH PEACE PROCESS and LESSONS for MINDANAO

Introduction

On August 15, 2005 the Government of the Republic of Indonesia (RoI) and Gerakan Aceh Merdeka (GAM), with the mediation of Finland former president Martti Ahtisaari, arrived at an agreement that brought an end to nearly thirty years of conflict that had claimed more than 15,000 lives and brought about the displacement of tens of thousands of Acehnese.

So far, in the assessment of the head of mission of Aceh Monitoring Mission (AMM) Pieter Feith (2006) the “Aceh peace process is working remarkably well beyond the expectations of many people”. Major agreements in the Memorandum of Understanding (MoU) had been implemented.

Political prisoners were released.² The Indonesian government, as provided in the MoU, started providing economic assistance to former combatants, amnestied political prisoners and civilians affected by the conflict. RoI amended election laws allowing GAM leaders to stand for elections as independents. During the December 11, 2006 polls, the first direct elections in Aceh, GAM leaders were elected to lead the province. The national parliament (*Dewan Perwakilan Rakyat*, DPR) passed the Law on Governing Aceh (LoGA).

Security situation in Aceh remarkably improved since the signing of the MoU. Clashes between Government and GAM forces declined dramatically. From January to September 2006 only three incidents occurred, which were due to personal grievances and lack of discipline on the part of the military and the police.³

The sense of normalcy in the life of ordinary Acehnese had been restored. There is now ease of travel throughout Aceh. Farmers can go to their farmland without fear of being caught in crossfire between security forces and GAM. Villagers take pleasure in the peace they are now experiencing. A villager in Alue Bu Jalan in Aceh Timur expressed his satisfaction of the peace process: “Go to the coffee shop, and instantly you can feel the peace process is going on. Since the MoU, people like to sit in the coffee shop for 24 hours – from morning to late at night. [And] that’s good for my business.” (World Bank 2006: 20)

¹ The author acknowledges with thanks the support of the Institute for Autonomy and Governance and the Konrad Adenauer Stiftung in the conduct of field works in Aceh on April 14-29, 2007.

² AMM head of mission Pieter Feith (2006) revealed that as of May 2006, “a total of just under 1,800 GAM prisoners have been released” and there were still some 65 unresolved cases that AMM was in the process of resolving with the help of an experienced international judge.

³ www.reliefweb.int/rw/RWB.NSF/db900SID/KHII-6WT889?OpenDocument

Encouraged by the initial success of the Aceh peace process, a field work⁴ was carried out to find out what make the Aceh peace process works. Of interest to the researcher to identify were the factors that lead to the Helsinki Agreement and how the terms and conditions of the MoU were carried out by the RoI and GAM. The implications of lessons learned from the Aceh peace process on the Mindanao peace process were also explored.

Background of the Conflict

“Acehnese often refer to their homeland as “Tanoh Meutuah” (Blessed Land).

It is also known as the “Veranda of Mecca” for reasons that in Southeast Asia Islam was believed to be first introduced in Aceh, and it used to be the main departure point for those who went on pilgrimage to Makkah.”

Aceh had been in a continuous state of conflict for about 130 years since the Dutch invasion in 1873. The resistance to Dutch occupation was followed by the Darul Islam rebellion after independence of Indonesia, and then by the nationalist struggle of GAM.

Aceh is located in the northern tip of Sumatra. It is surrounded by Malacca Strait in the north, North Sumatra Province in the east, Indian Ocean in the south and the west. The territory of Aceh comprises 57,366 square kilometers. Its capital is Banda Aceh, previously known as Kutaradja. The population of Aceh is estimated at 4.2 million (2000), and 98.6% of them are Muslims. The predominant language spoken in Aceh is Acehnese, a language related to Malay, and Bahasa Indonesia is the official language.

Acehnese often refer to their homeland as “Tanoh Meutuah” (Blessed Land). It is also known as the “Veranda of Mecca” for reasons that in Southeast Asia Islam was believed to be first introduced in Aceh, and it used to be the main departure point for those who went on pilgrimage to Makkah. The religious piety of the Acehnese is also cited as reason why Aceh is considered the “Veranda of Mecca”.

After about 100 years that Islam was believed to have been introduced in the region, the first Islamic kingdom of Perlak was established in 804. The Acehnese kingdom assumed prominence under Sultan Iskandar Muda (1581-1636) who established Aceh’s golden age in the 17th century. (Smith) As it expanded its standing in the region, Aceh was also involved in the spice trade, which Smith described “as vital to the global economy then as is oil today.” In the 1820s Aceh was the producer of over half the world’s supply of paper.

Because of its geographic importance, which was the get way to the Malacca Strait, the European powers took interest in controlling Aceh. In 1824, under the Anglo-Dutch treaty the Dutch gained control of all British possessions in Sumatra including Aceh, although the British had no actual control over the sultanate. The Dutch armada attacked the Kingdom of Aceh on March 26, 1873 but the Dutch were repulsed. The New York Times (May 30, 1873) reported that “The Dutch were very badly beaten, General Kohler was killed. With heavy losses, his commands fell back to the shore, where at last advise, they maintained with difficulty a precarious foothold against surrounding foes.” (Quoted in di Tiro, “The Legal Status of Aceh-Sumatra Under International Law.”) On December 25, 1873, the Dutch invaded again Aceh for the second time with 15,000 troops under the command of General Van Swieten. Upon reaching the shore, Van Swieten announced the annexation of Aceh to the Dutch East Indies. Intermittent warfare continued following Dutch annexation, with many victims on both sides. The resistance to Dutch colonial control

⁴ The field works were conducted on April 14-29, 2007 mainly in Bandah Aceh, the capital town of Aceh province. A visit was also done to former GAM controlled areas near Bandah Aceh. The researcher interviewed 15 political, religious, civil society leaders and former GAM commanders.

lasted from 1873 to 1942. It was initially led by the traditional ruling elite but later the leadership of the resistance movement was passed on to the *ulama*. The war against the Dutch had always been the “key historical touchstone for Acehese nationalists.” (Aspinall 2005: 32)

In 1942, Japan defeated the colonial forces in the Dutch East Indies. After Japan surrendered to the Allies in August 1945, Indonesia proclaimed its independence. The Dutch came back and Indonesia fell into Dutch military control again. The only place the Dutch did not attempt to reconquer was Aceh. In March 1947, Great Britain mediated an agreement between the Dutch and Indonesia known as the Linggajati Agreement. Under the agreement, the Dutch recognized Indonesian sovereignty over the islands of Java, Madura and Sumatra. Indonesian nationalists were not happy with the terms of the agreement triggering violent disputes between the Netherlands and Indonesia.

Brokered by the United Nations, the 1949 Round Table Conference Agreements was concluded whereby the Dutch East Indies transferred its sovereignty to a fully independent Indonesia. The Dutch East Indies ceased to exist on December 27, 1949 and became the Federal Republic of Indonesia, which was later renamed Republic of Indonesia. The Kingdom of Aceh was included in the agreement, an act seen by Aceh nationalists as betrayal of their homeland.

The adoption of *Pancasila* as state ideology rather than Islam caused frustrations among the *ulema*, including those in Aceh. Fueled by the incorporation of Aceh to North Sumatra in 1951, instead of organizing it into separate province, when Indonesia became a unitary state after the federal arrangement was changed in August 1950, the *ulama* in Aceh joined the Darul Islam revolt. On September 21, 1953, Daud Beureueh proclaimed Aceh part of Indonesia Islamic state under the leadership of Kartosuwiryo. (Sulaiman 2006: 4-5) It took years for the Indonesian government to crush the revolt. In 1959, Aceh was given the special territory status with autonomous power over religious, educational and cultural matters.

The relative peace experienced after the defeat of the Darul Islam movement did not last long as the Acehese continued to complain on Javanese and foreign control of Aceh’s natural resources. The discovery of natural gas in 1970s and the development of the natural gas industry did not benefit the Acehese for labor force was imported from Java and Sumatra. The development of Acehese economy remained around farming, forestry, fishing and local crafts.

Acehese also complained that although Aceh had the special territory status but powers were not devolved by Jakarta. The Majelis Ulama (Council of Ulama) was set up in 1966 but its functions were merely an extension of Majelis Ulama Indonesia. (Sulaiman 2006: 10) On financial matters Aceh continued to rely from the central government.

Fueled by these resentments, the Aceh Sumatra National Liberation Front (ASNLF) was organized. ASNLF committed itself to work for the “the survival of the people of Aceh Sumatra as a nation; the survival of their political, social, cultural, and religious heritage which are being destroyed by the Javanese colonialists; the continued existence of their national homeland which is being confiscated and divided among Javanese colonialists settlers called ‘transmigrants’; the preservation of their

“The adoption of Pancasila as state ideology rather than Islam caused frustrations among the ulema, including those in Aceh.”

“The relative peace experienced after the defeat of the Darul Islam movement did not last long as the Acehese continued to complain on Javanese and foreign control of Aceh’s natural resources.”

economic and natural resources which are being plundered by the Javanese colonialists and their foreign backers under the guise of ‘developments’”.⁵

Even though Tengku Hasan M. di Tiro was the leading figure in the organization of ASNLF, he wanted at the beginning Daud Beureueh to lead the movement. The latter’s advanced age prevented him from assuming the leadership role, thus Tengku Hasan M. di Tiro became the chairman of ASNLF. (Sulaiman 2006: 13) On December 4, 1976, he issued a declaration on the independence of Aceh from the Republic of Indonesia.

The movement went public only several months after the December 4, 1976 declaration. At the beginning the membership of ASNLF was just 300 with limited arms and ammunition. ASNLF was then renamed Free Aceh Movement (Gerakan Aceh Merdeka – GAM).

The Government of Indonesia tried to suppress the movement militarily. Employing commando units, the government launched its first military operation in October 1977 dubbed *Nanggala* Operation. During the military operations Hasan di Tiro was almost killed. He escaped abroad via Singapore on March 28, 1979. With the departure of Hasan di Tiro GAM nearly collapsed. Many of his aides were killed, arrested by the army or escaped abroad.

While abroad, Hasan di Tiro solicited supports for the movement. Libya provided for the trainings of Acehnese youth on military skills. From 1986 to 1989 around 300 youth affiliated to GAM underwent military trainings in Libya. (Aspinall 2005: 35; Sulaiman 2006: 15) Upon their return the trainees spearheaded the revival of the movement. They staged attacks against security forces and installations, and seized firearms from military troops. In 2003 the membership of GAM increased to 5,326 with 2,000 weapons. (Sulaiman 2006: 18)

Jakarta responded by unleashing its counter-insurgency campaign called the *Jaring Merah* Operation commonly referred to as DOM (Daerah Operasi Militer) which lasted from 1989 to 1998. This was followed by series of military operations: Wibawa Operation I-II (1998-1999); Sadar Rancong Operation I-III (1999-2000); Cinta Meunasah Operation I-II (2000-2001); Law and Order Rehabilitation Operation I-II (2001-2002); Operasi Terpadu (Integrated Operation) I-II (2003-2004); and Civil Emergency (2004).

The military operations failed to suppress GAM but instead generated more resentment among Acehnese towards Jakarta. Torture, disappearances, rape and deliberate display of corpses (Aspinall 2005: 35) were employed by TNI aimed not only to decimate GAM but to discourage Acehnese to support the movement.

The military operations affected also the civilians. From May 2003 to December 2004, between 120,000 to 150,000 Acehnese were reported internally displaced. (Hedman 2005). Thousands fled to Malaysia by crossing the Malacca Strait.⁶

“The Government of Indonesia tried to suppress the movement militarily. Employing commando units, the government launched its first military operation in October 1977 dubbed Nanggala Operation.”

“The military operations failed to suppress GAM but instead generated more resentment among Acehnese towards Jakarta.”

⁵ <http://www.asnlf.net/topint.htm>

Fighting has caused massive displacement especially when the military used heavy artillery to attack GAM bases. In some cases, the military caused the force relocation of civilian for operational reasons. The presence of security force affected the daily lives of civilians as “stepped-up operations include patrols and ‘sweepings’ - a set of tactics to identify separatists or their supporters through vehicle searches and document checks, moving systematically from one village to the next.” There were cases where security forces beat and abusively interrogated local residents. “Other tactics under martial law include forcing villagers into compulsory night guard duty, and establishing a military presence at the village level, primarily through temporary posts manned by troops from outside Aceh. In all of these tactics young men are being singled out for harassment and abuse.”⁷

“Fighting has caused massive displacement especially when the military used heavy artillery to attack GAM bases.”

Failed Attempts

The end of the Suharto’s authoritarian regime and the election of Abdulrahman Wahid to the Indonesian presidency opened a window of opportunity for peaceful resolution of the Aceh conflict.

After Suharto’s resignation B. J. Habibie who was the vice president at that time assume the presidency in May 1998. He made positive steps to address the grievances of the Acehnese. During his visit to Aceh in March 1999, President Habibie apologized “for what has been done by the security forces, by accident or deliberately,” and ordered the release of political prisoners. (Aspinall and Crouch 2003: 6) DPR passed a law on September 22, 1999 granting authority to the provincial government authority to determine its policies on religion, custom and education, and acknowledging formal role of the *ulema* in government policy making. This was followed by a decree adopted by the People’s Consultative Assembly (*Majelis Permusyawarahan Rakyat*; MPR) that recognized “special autonomy” for Aceh.

“The end of the Suharto’s authoritarian regime and the election of Abdulrahman Wahid to the Indonesian presidency opened a window of opportunity for peaceful resolution of the Aceh conflict.”

These measures had little impact because actions taken by government outside the ambit of a peace process are in most cases regarded with suspicion. This was compounded by resentments generated when the President made it clear that the offer to resolve the problem in East Timur through referendum would not apply to Aceh. Nevertheless, this did not stop the Acehnese to demand for referendum as solution to the problem. In February 1999 hundreds of thousands gathered in Bandah Aceh to show unprecedented support to referendum. Students organized the Aceh Referendum Information Center (*Sentral Informasi Referendum Aceh*; SIRA) to carry out the referendum campaign.

After his election, President Abdulrahman Wahid initiated dialogue with GAM. On January 27, 2000 in Geneva, Indonesian Ambassador to the U.N. in Geneva, Hassan Wirajuda, met GAM leader Hasan di Tiro. The acknowledgement of Ambassador Hassan Wirajuda during the meeting “that the government could not crush GAM militarily” and that “GAM had no prospect of defeating the Indonesian military” created a climate to continue the dialogue. (Aspinall and Crouch 2003: 11) President Wahid met officials of HDC (Henry Dunant Center, later renamed the Centre for Humanitarian Dialogue) in Geneva on January 30, 2000 and ask it to facilitate the talks

⁶ In September 2003 there were 8,000-9,000 people from Aceh in Malaysia. *Human Rights Watch*, April 2004, Vol. 16, No. 5 (C)

⁷ *Human Rights Watch*, April 2004, Vol. 16, No. 5 (C)

between RoI and GAM. HDC facilitated meetings in Geneva on March 24 and April 14-17. On May 12 a “Joint Understanding on Humanitarian Pause for Aceh” was signed in Geneva. The agreement came into effect on June 2.

“The agreement aimed to allow the delivery of humanitarian assistance to the people and to promote confidence-building measures towards a peaceful resolution to the conflict. Institutional mechanisms were put up on the ground in Aceh to implement the provisions of the humanitarian pause.”

The agreement aimed to allow the delivery of humanitarian assistance to the people and to promote confidence-building measures towards a peaceful resolution to the conflict.⁸ Institutional mechanisms were put up on the ground in Aceh to implement the provisions of the humanitarian pause. A Joint Committee on Security Modalities (Komite Bersama Modalitas Keamanan; KBMK) was established for reduction of tension and cessation of violence, preparation of the “ground rules” for the pause, and provision of a “guarantee of the absence of offensive military actions.” To coordinate the distribution of funds for humanitarian, rehabilitation and development projects, a Joint Committee on Humanitarian Action (Komite Bersama Aksi Kemanusiaan; KBAK) was set up. A Security Modalities Monitoring Team (Tim Monitoring Modalitas Keamanan; TMMK) was established to evaluate the implementation of the accord and investigate violations.

The Humanitarian Pause did not bring peace on the ground. Clashes continued; accusations and counter accusations of violations of the agreement were hurled by both parties to each other. President Wahid’s resolve for peaceful resolution of the Aceh conflict was undermined by mounting opposition to his presidency. The assumption of Vice President Megawati Sukarnoputri to the presidency did not bring hope for negotiated settlement of the conflict. Government security forces continued their military operations against GAM and consequently hostilities mounted.

“The Humanitarian Pause did not bring peace on the ground. Clashes continued; accusations and counter accusations of violations of the agreement were hurled by both parties to each other.”

The government initiated resumption of talks. It now believed that government forces were in the upper hand. With this initiative, talks were held in Geneva on May 8-9, 2002. The joint statement contained: (Aspinall and Crouch 2003: 28)

“On the basis of the acceptance of the NAD Law as a starting point”, the HDC would facilitate “a democratic all-inclusive dialogue involving all elements of the Aceh society.”

“(B)oth parties agree to work with all speed on an agreement on cessation of hostilities with an adequate mechanism for accountability.”

Hostilities on the ground in Aceh remained unabated. To provide incentive in pushing the peace process forward, the United States, Japan, the European Union and the World Bank cosponsored a Preparatory Meeting on Peace and Reconstruction in Aceh in Tokyo in December 3. The thirty-eight countries that attended the meeting promise to provide support for humanitarian and rehabilitation once an agreement was signed.

The Cessation of Hostilities Framework Agreement (COHA) was signed on December 9, 2002, which was the first stage in a confidence-building process. “Only after hostilities had been reduced would it be possible to move to the next stage in the process – the all inclusive dialogue – at which substantive issues would be addressed.” (Aspinall

⁸ The Government refused to use the term ceasefire for it might be interpreted as giving GAM belligerent status.

and Crouch 2003: 42) The agreement provides that GAM would gradually placed their weapons, arms and ordnance in designated “placement sites” during a five-month period beginning two months after the signing of the agreement. The government agreed to “a simultaneous phased relocation of TNI forces which will reformulate their mandate from a strike force to a defensive force.” The mandate and mission of the police Mobile Brigades (BRIMOB) would “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.” It also provides for the reactivation of the Joint Security Committee, which was established during the Humanitarian Pause. A significant development at this stage was the government agreed to the presence of international monitors.

Despite the COHA there was an upsurge in clashes between the government forces and GAM. The talks were heading to collapse. To save the peace process, HDC was able to convince the government and GAM to resume the negotiations. The venue and dates were changed several times until the parties agreed to meet in Tokyo on May 17, 2003. The government panel insisted that “GAM fully accept special autonomy and explicitly abandon its struggle for independence,” (Aspinall and Crouch 2003: 44) and in effect disbandment of its military arm. These conditions were rejected by GAM. On May 18, President Megawati declared military emergency. Some powers of the civilian governor were transferred to the Aceh army commander. Military operations began immediately after the declaration of military emergency.

The opportunity to resolve the conflict through negotiated settlement was missed. The confluence of renewed military influence in Jakarta politics, which saw the return of military force as policy option in Aceh, lack of strong political support, and the inexperience of the third party facilitator contributed to the failure.

The Habibie government had that opportunity for the military, which always opposed measures that give more concessions to GAM, “was still reeling in the aftermath of the collapse of the Suharto regime and the international opprobrium that followed its handling of the East Timor referendum.” (Aspinall and Crouch 2003: 8) But President Habibie failed to deliver on its promises and unable to lower the level of military violence against civilian. (ICG Asia Report No. 18) The special autonomy was not well received because it was a unilateral act of the government without the participation of GAM. Measures to address sovereignty-base conflicts, like that of Aceh, would be acceptable if decided within the sphere of a peace process. Besides, there were no follow-up measures that would translate special autonomy to substantive devolution of powers to Ace. His offer to resolve the East Timor issue through referendum but denied same solution to the Aceh conflict was perceived as double standard.

No doubt on the sincerity of President Wahid to resolve the conflict through negotiations but he was undermined by the military which slowly regained its political influence in Jakarta. Dialogue was started right by the admission of Ambassador Hassan Wirajuda of a military stalemate which boosted GAM self-image and gave it more confidence to negotiate. Asking HDC to mediate the talks was a total departure from previous government position not to allow foreign mediator to avoid internationalization of the issue.

However, the military was uneasy with President Wahid. The “dismissal of General Wiranto from his cabinet following accusations that he was responsible for violence in East Timor – as well as his support for trials of military officers accused of violence in East Timor” made the military more suspicious of the President. This was primarily the reason

“To save the peace process, HDC was able to convince the government and GAM to resume the negotiations. The venue and dates were changed several times until the parties agreed to meet in Tokyo on May 17, 2003.”

“Measures to address sovereignty-base conflicts, like that of Aceh, would be acceptable if decided within the sphere of a peace process.”

“The ‘dismissal of General Wiranto from his cabinet following accusations that he was responsible for violence in East Timor – as well as his support for trials of military officers accused of violence in East Timor’ made the military more suspicious of the President.”

“The Aceh peace process was the first major international mediation effort of HDC. Its relative lack of experience, made it tough for HDC to deal on a complex problem greatly influenced by events and power play among major players, like GAM in Aceh.”

why what had been talked about in Geneva were not translated on the ground. With opposition to his rule mounting, President Wahid desperately took on all possible allies, including the military. So, the military approach to the Aceh problem ultimately sidetracked the negotiations.

His leadership style made it difficult for him to get the support of those who were ambivalent on the Aceh question. Aspinall and Crouch (2003:9) observed that “As president, Abdulrahman’s penchant for off-the-cuff comments caused much confusion about the government’s position on Aceh question.” This was probably the reason why he failed to get the political support of key institutions in Jakarta, which was indispensable in search for creative approach, for his Aceh initiative.

President Megawati was in no better position. Her dependence upon the military for her political survival made it difficult on her part to depart from the military approach.

The Aceh peace process was the first major international mediation effort of HDC. Its relative lack of experience, made it tough for HDC to deal on a complex problem greatly influenced by events and power play among major players, like GAM in Aceh. GAM in Sweden, the military, the presidency, the parliament, the provincial government of Aceh, and Aceh civil society. The Indonesian government was unhappy in the participation of international mediator. It was suspicious that GAM wanted to internationalize the issue. Although it had the support of the international community, HDC, being relatively new and low-profile NGO, lacked the leverage over the two parties. Despite these weaknesses, HDC was able to keep the talks going for more than three years.

Road to Helsinki

After the election of Susilo Bambang Yudhoyono (SBY) and Jusuf Kalla (JK) as president and vice president, respectively, Jusuf Kalla called his close advisers to work on a secret plan for peace in Aceh. They included Hamid Awaluddin, Minister of Justice and Human Rights; Sofyan Djalil, Minister of Communication and Information; and Major General Syarifuddin Tipe, former commander of Korem 012, the regional military command in Bandah Aceh. (ICG Asia Briefing No. 40) Juha Christiensen, a businessman from Finland and a friend of Farid Husein, JK’s deputy at the Coordinating Ministry for People’s Welfare, facilitated contacts with the GAM leadership in Sweden. During Farid’s travel to Finland, former Finnish president Martti Ahtisaari and his Crisis Management Initiative (CMI) were brought on board. In Aceh, the help of former Aceh governor Abdullah Puteh and contractor Rusli Bintang were enlisted by JK.

The initiative was kept away from government bureaucracy. The team organized by JK was informal and its works were shrouded with secrecy. This was necessary “to avoid any possible attacks from politicians if reports of the meetings surfaced”, but the vice president informed President Yudhoyono throughout. (ICG Asia Briefing No. 40) The TNI was brought on board with the former commander of a regional military command in Bandah Aceh part of the team.

Contacts were made with GAM leaders in Sweden and those in Aceh. GAM

leaders who were in prison were visited by the team.

On December 26, 2004 tsunami brought tremendous destructions to Aceh. More than 150,000 people died and estimated half million became homeless. This unexpected disaster impelled parties to rethink their positions to resolve the conflict. The Joint Statement by the Government of Indonesia and the Free Aceh Movement (GAM) on July 17, 2005 reflected this sentiment. “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 first round of talks, the first face-to-face meeting between the parties since May 2003, took place on 27-29 January 2005 in Helsinki. The second round of talks took place on 21-23 February, the third round on 12-16 April and the fourth on 26-31 May. In between the fourth and fifth rounds, CMI prepared a draft Memorandum of Understanding, which formed the basis of discussion during the fifth round. The fifth round of negotiations was held from 12 to 17 July. The MoU covers governance, political participation, economy, rule of law, human rights, amnesty and reintegration, security arrangements, monitoring and dispute resolution.

“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”.

What Make the Aceh Peace Process Promising?

So far, the implementation of the MoU was going on well. A World Bank (2006: 200) report described the optimism.

“Overall, the peace process is proceeding very well. Decommissioning and troop redeployment has been a success and former combatants and communities are increasingly confident that peace will hold. There is a high degree of acceptance of those returning. At the local level, people are seeing the benefits of peace in the form of freedom of mobility and freedom from fear. Worries about widespread revenge attacks or of a security vacuum have not been realized. The distribution of assistance to political prisoners went well.”

Two years passed and no indication that Aceh is sliding back to violence. At least four factors have some bearing on its success and positive trajectory in the future. The context at which the agreement was negotiated and implemented, the nature of the agreement, the role of third party, and the implementation are factors that are working and can make the peace process promising.

1. The Context

The tsunami had changed the dynamics of the conflict. The Indonesian government used to close Aceh off to the international community. But the coming in of international aid and relief agencies, both government and non-government, and the United Nations agencies in response to the disaster open up Aceh to the outside world. The extent of the destruction was so huge that international aid agencies have to stay for years in Aceh if reconstructions have to proceed to meet the demands of tsunami victims. RoI was aware that with the presence of international INGOs, human rights violations and undue sufferings inflicted to civilians as result of military operations will be brought to attention of the international community and will certainly cause

“The context at which the agreement was negotiated and implemented, the nature of the agreement, the role of third party, and the implementation are factors that are working and can make the peace process promising.”

embarrassment to the government.

The relief and rehabilitation efforts pushed both the TNI and the GAM to the sideline. The Aceh NGOs, INGOs and aid agencies were the main actors in the public domain. Clashes between security forces and GAM that will hamper the reconstruction efforts would certainly put both parties in bad light and their alienation from the public, which GAM can hardly afford.

The delivery of relief assistance to victims of the tsunami and carrying out massive reconstructions requires peaceful environment, without which it would be impossible to achieve the rebuilding of Aceh. The realization of the urgency of peace at the critical period of disaster compelled rethinking on the part of government and GAM on their positions. That rethinking was what made both parties to abandon their rigid positions in the past to a more flexible attitude during the Helsinki negotiations.

The impact of the tsunami was not only in the peace process but also on people's stance on conflict. As long as the memory of the tsunami remains, Acehnese will not allow situation to slide back to violence. This was what people feel when I talk to them.

“The impact of the tsunami was not only in the peace process but also on people's stance on conflict. As long as the memory of the tsunami remains, Acehnese will not allow situation to slide back to violence.”

The strong political commitment of President Susilo Bambang Yudhoyono and Vice President Jusuf Kalla for negotiated political settlement of the Aceh conflict was a valuable factor in reaching the agreement and moving it forward. Before he became president, SBY was one of the few members of Megawati cabinet that favored negotiations. He knew the dynamics of the peace process as he was involved in the 2000 and 2003 peace processes. JK acquired the image of peace-maker for his role in bringing an end to violence in Maluku and Poso.

“The strong political commitment of President Susilo Bambang Yudhoyono and Vice President Jusuf Kalla for negotiated political settlement of the Aceh conflict was a valuable factor in reaching the agreement and moving it forward.”

A former general, the president has relative control over the military, unlike President Wahid and President Megawati who had to woo the TNI for their political survival. JK, who led the peace initiative, is the Chairman of Golkar Party, the party that has great number of members in parliament. He has also good relations with Islamic groups in Indonesia. These helped SBY-JK to pull support for the MoU from the military, parliament and Islamic groups. DPR passed the Law on Governing Aceh without much problem, though the debate was intense.

2. The Agreement

The MoU is comprehensive. Unlike the agreements on Humanitarian Pause and COHA, which had to do only with cessation of hostilities on the ground, the MoU is the first attempt to achieve a comprehensive political solution to the conflict. It addresses wide range of issues.

“The MoU provides the extent of authority that Aceh can exercise...”

The MoU provides the extent of authority that Aceh can exercise, which include “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”. Participation of Acehnese in local and national elections is guaranteed, and to make political participation meaningful the agreement allows the organization of regional political parties.

The provisions on economy can correct the skewed development that does not

favor Aceh. With 70% of revenues from hydrocarbon and other natural resources going to the coffer of Aceh there will be assurance of more funds going to development of the province. The issues on rule of law, human rights and amnesty are dealt with properly in the MoU. The reintegration of combatants to society is addressed with RoI providing them financial support and farmlands. The political, including the right to participate in local and national political process, economic and social rights of those granted amnesty are being restored. Those who lost their Indonesian citizenship are given the right to regain it.

The MoU also provides institutional arrangement for the implementation of the agreement, particularly those pertaining to demobilization and reintegration of GAM combatants and repositioning of security forces. The Aceh Monitoring Mission has the mandate to monitor compliance of the commitments of both parties to the agreements that include: monitor the demobilization of GAM and decommissioning of its armaments; relocation of non-organic military forces and non-organic police troop; reintegration of active GAM members; human rights situation and provide assistance in this field; process of legislation change; rule on disputed amnesty cases; investigate and rule on complaints and alleged violations of the MoU; and establish and maintain liaison and good cooperation with the parties. The agreement also contains rules and mechanism in addressing disputes between the parties.

The MoU addresses difficult issues in creative way. There is no mention that GAM officially abandoned its goal for Aceh's independence. It does not also say that GAM has to disband. These were the non-negotiable demand of the Indonesian government during previous negotiations.

The parties were aware that an explicit mention of GAM dropping independence will undermine the credibility of GAM leaders who negotiated the agreement and might trigger split within GAM. To mollify critics, it is pointed out that since GAM accepts the LoGA as political arrangement then by implication GAM foregoes its ambition for independence of Aceh. It is also argued that since GAM agreed to decommission its arms and may organize a political party to participate in the political process, consequently it will cease as a revolutionary movement.

“The MoU also provides institutional arrangement for the implementation of the agreement, particularly those pertaining to demobilization and reintegration of GAM combatants and repositioning of security forces.”

“The MoU addresses difficult issues in creative way”

3. The implementation

The MoU provides the timetable for each party to comply with its commitment. As provided in the agreement, the decommissioning of GAM weapons and the parallel withdrawal of non-organic military and non-organic police forces would be from September 15 to December 31, 2005. At the end of the timeframe, GAM decommissioned 840 of its weapons. On the part of the RoI, 25,890 non-organic TNI personnel and 5,791 non-organic police forces were redeployed outside Aceh. (World Bank 2006: 21)

The World Bank (2006: 22) report showed that in the first two months following the signing of the MoU, majority of active GAM (80.3%) had returned to their villages. The government has provided them financial assistance. Although there are problems encountered in the allocation and administration of the assistance, but these problems are being addressed by BRA (Badan Reintegrasi Aceh), a body established to administer the reintegration process. At the end of 2005, almost 1,800 prisoners were

released.

On the issue of political participation, the successful conduct of the local election where GAM leaders participated after RoI made good of its commitment to pass laws that would allow independents to run, was seen as great achievement under the agreement. Irwandi Yusuf, the chief spokesman and propagandist of GAM, won as governor of Aceh. His running mate, Muhammad Nazar, who chair SIRA, won as vice governor.

There are complaints that the LoGA passed by parliament on July 11, 2006 does not address all the issues contained in the MoU. The position of Governor Irwandi Yusuf that they will accept the LoGA as is and work for its improvement later was very encouraging.⁹

The speed at which the AMM¹⁰ was deployed prevented incidents of encounters between security forces and GAM. On September 15, one month after the MoU was signed monitors coming from the European Union, together with five contributing countries from ASEAN (Thailand, Malaysia, Brunei, Philippines and Singapore), Norway and Switzerland were already on the ground in Aceh. The deployment of AMM accelerated the implementations of the agreement, particularly the decommissioning of GAM armaments and redeployment of security forces.

The successful implementation of the agreement for the last two years generated confidence of major stakeholders that the agreement will succeed. This confidence is necessary in pulling out support for the peace process.

“The successful implementation of the agreement for the last two years generated confidence of major stakeholders that the agreement will succeed. This confidence is necessary in pulling out support for the peace process.”

4. The Third Party

Two mediators were involved in the Aceh peace process. HDC started its mediation efforts in later part of 1999 and that role was terminated after the collapse of the talks in May 2003. During the mediation of HDC two agreements, the Humanitarian Pause and COHA, were signed but did not hold. CMI was asked to mediate when SBY and JK decided to revive the peace process. What made the difference between the two international NGOs playing mediation roles in Aceh peace process was the active role played by Ahtisaari. Having the status of former president of Finland he has the personality that engendered support to the peace process. The instantaneous decision of EU to send monitors was an indication of the great support Ahtisaari had from EU where he used to sit before representing his government. His personality and the support he generated gave him some form of leverage to get compromises from both parties.

Since the MoU provides that the “Chairman of the Board of Directors of the Crisis Management Initiative will make a ruling which will be binding on the parties” in case disputes are not resolved within the existing mechanism, the parties will with great likelihood adhere to the terms of the agreement mainly if Ahtisaari still around as chair of CMI.

⁹ Interview, April 18, 2007.

¹⁰ Pieter Feith from the EU led the mission.

Challenges

Although the implementation of the peace agreement has been going on smoothly this does not mean that there are no factors that can derail the process. There are issues and concerns if not properly address will disrupt the peace process.

1. The LoGA was passed by DPR but the provincial legislature has to adopt the Qanun that will serve as implementing guidelines of the provisions of the law. Around ninety Qanun are required for the full implementation of the LoGA. This is a great challenge to the provincial government of Aceh how to fast track the passage of the implementing Qanun.

2. The SBY-JK team was instrumental in providing change in the political thinking in Jakarta on how to move toward a solution to the Aceh problem from a military approach to a negotiated settlement framework. They were able to get support for their peace initiative. The concern is what will happen if the duo exits the political scene in Indonesia, especially so if the military will be able to regain back their immense political influence.

3. Disagreements on the implementation of the peace deal were properly and promptly handled by AMM. The mandate of AMM expired and there are no more monitors on the ground, and there is no strong mechanism also in place to handle serious disagreements.

4. The seventy percent share of Aceh from revenues in the exploration of natural gas will pump in more money to the province. The capacity of the local economy to absorb huge cash inflow is raised by some quarters. The capability also of local bureaucrats to manage funds and development programs that can reduce slippage to a minimum is likewise important to consider. If no significant change for the better in the lives of the Acehnese there will be frustrations.

5. Corruption, the lack of accountability and the absence of transparency are challenges being face by the GAM leaders who are now leading Aceh. They may have the idealism for reform but the provincial bureaucracy is still run by same people who used to run the old corrupt bureaucracy.

“Although the implementation of the peace agreement has been going on smoothly this does not mean that there are no factors that can derail the process. There are issues and concerns if not properly address will disrupt the peace process.”

Lessons Learned for Mindanao Peace Process

To adopt one peace process as model in resolving another conflict, though there might be some similarities, may not work well for every conflict has its own distinctive characteristics, and the process of resolving every conflict has its own dynamics. However, there are lessons that can be learned useful in conceptualizing creative approaches, which can be made possible by learning from past experiences. Looking at the Aceh peace process, there are relevant lessons that are worth looking into.

1. When gaps between goals of conflicting parties become huge or their positions become rigid there is need for new political thinking beyond their respective positions. This happened in Aceh when President Abdulrahman Wahid pursued negotiations as means of resolving the conflict a total departure from the rigid military approach during Suharto's authoritarian rule. By bringing HDC on board the negotiations, he departed away from the rigid standpoint that did not allow outsider's participation for fear of internationalizing the

“To adopt one peace process as model in resolving another conflict, though there might be some similarities, may not work well for every conflict has its own distinctive characteristics, and the process of resolving every conflict has its own dynamics.”

conflict. The new political thinking, although it became hostage to the political power struggle in Jakarta during his administration, made it easy for SBY and JK to pursue their peace initiatives.

Secretary Silvestre C. Afable, Jr., Chairman of the Government Peace Negotiating Panel in the talks with the MILF,¹¹ introduced the self-determination framework in the on-going negotiations between the Philippine government and the Moro Islamic Liberation Front (MILF). The problem is the new framework has not received endorsement from the Philippine president. His dismissal as chief negotiator might freeze the new political thinking in approaching the conflict in Mindanao unless the President will show interest in pursuing it. To have an impact in policy formulation, a new political thinking has to be pursued with vigor by the highest leadership.

Since the self-determination framework was already put forward what is needed is not only a presidential endorsement but a strong political will of the President to push it forward.

2. A new political thinking or new initiative can only move forward if it has the support of those who wield power and influence in decision making. President Wahid and President Megawati did not have the political support needed to pursue the Aceh peace process during their time instead they had to reach out to the military for their political survival. SBY has some degree of control over the military and JK has political influence in parliament and with Islamic groups in Indonesia. So it was easy for them to get the support needed to push the Aceh peace process forward.

“A new political thinking or new initiative can only move forward if it has the support of those who wield power and influence in decision making.”

The control of President Fidel V. Ramos (FVR) over the Philippine military and his conciliatory attitude towards his critics that kept them at bay provided him the political environment to push to conclusion the negotiations between the Philippine government and Moro National Liberation Front (MNLF). The governments of President Corazon Aquino, President Joseph Estrada, and even the present government of President Gloria Macapagal Arroyo, are being constrained by threats of military coup.

It is also interesting to note that both the SBY-JK team and FVR made preparations before pursuing the peace process in Aceh and Mindanao, respectively. Immediately after their elections, JK, with the full support of SBY, immediately organized a team to secretly lay the ground works for the resumption of the Aceh peace talks. In the case of FVR, he made a clandestine visit to Tripoli before his election to solicit the backing of Libya once he would go for the resumption of talks with the MNLF in the event he would become president. Both of them brought on board the peace process the military. JK had the former military commander in Bandah Aceh in his team, and FVR chief negotiator was a respected former chief of staff. The process in which decisions were made was simple. The GP chief negotiator can call FVR, and in the Aceh negotiations, the Indonesian government negotiators in Helsinki can call JK, who has the full authority of SBY, and there and then decisions were made.

¹¹The letter of Secretary Silvestre C. Afable, Jr., Chairman of the Government Peace Negotiating Panel in the talks with the MILF, in his letter to Mohagher Iqbal, Chairman of the MILF Peace Negotiating Panel, dated November 9, 2006, states that “the grant of self-determination and self-rule to the Bangsamoro people based on an Organic Charter to be drafted by representatives of the Bangsamoro people.” The same letter states further that the Bangsamoro people shall decide on their political status in a referendum to be held after certain period.

If President Arroyo can personally take interest in handling the on-going GRP-MILF negotiations, probably it will hasten the process because the peace talks will be free from the gridlock of bureaucratic decision making. A reciprocal action on the part of the MILF to simplify its decision making process is also necessary.

3. It is still too early to tell if the Helsinki Agreement will be the answer to the grievances of the Acehnese and put an end to the violent conflict that grip the Indonesian province for decades. However, the gains from the implementations of the MoU are indeed encouraging and the Mindanao peace process can benefit from these experiences.

“The gains from the implementations of the MoU are indeed encouraging and the Mindanao peace process can benefit from these experiences.”

- The Helsinki Agreement has provision on timeline of implementation, which the 1996 GRP-MNLF peace accord did not have. It is not yet too late for the OIC, GRP and MNLF to set down and draw a timeline on what have not been implemented. In the on-going GRP-MILF negotiations, it is helpful to remind both panels to include in their discussions a proposed road map and benchmarks of implementation once both parties can come out with an agreement.
- The MoU provides for a monitoring institutional mechanism. The Aceh Monitoring Mission was immediately deployed on the ground after the signing of the agreement. The 1996 Peace Accord also provides a Joint Monitoring Committee (JMC) composed of representatives of the GRP, OIC and MNLF but remain inactive. In a future OIC-GRP-MNLF tripartite meeting it will be worthwhile to consider activating the JMC with clear mandate and operational guidelines. A GRP-MILF agreement has to have institutional mechanism to monitor implementation of agreements.
- The status of the MNLF is not clear as of the moment. When it signed the 1996 peace accord, it cannot remain a revolutionary movement. In the case of GAM, it is given an option to become a political party that can participate in the political process, or organize a political party that can articulate its political agenda. The leaders of the MNLF have to make up their mind what they want MNLF to be.
- The MoU provides for demobilization of GAM weapons. This was not true for the MNLF. While in Aceh only the security forces and GAM were the armed groups; in Mindanao there are the MILF, warlords, Abu Sayyaf, vigilantes, drug lords and syndicated criminal elements who also posses many weapons. Demobilizing the MNLF would unnecessary expose their members to security risks. Demobilization will only be possible if all armed groups are demobilized at the same time. In a future GRP-MILF agreement, instead of demobilization some sort of participation in security aspects has to be explored.
- GAM is aware that not all of what they think should be included in the LoGA are there, but the thinking is to continue to work, at this time through the political process, for the translation of their desire into legislations. When the MNLF signed the 1996 Peace Accord, it accepted the fact that it has to pursue its goals in a new political environment and through a new political process. There are loopholes in Republic Act 9054 (New Organic Act for the Autonomous Region in Muslim Mindanao) but they can be remedied through amendments. There are improvements that can be done not

necessary through the national congress but through the Regional Legislative Assembly. Being elected, or appointed to positions, does not necessarily translate to reform. Even not being holder of positions, reforms can still be achieved playing the right way in the political process.

“A peace agreement is not the end but the beginning of a continuing process of finding ways to address grievances of people and in discovering meanings to their aspirations. It should not limit the explorations of new ideas and creative ways, but should open the vista of thinking to work further for the people’s security and well-being.”

Afterthought

A peace agreement is not the end but the beginning of a continuing process of finding ways to address grievances of people and in discovering meanings to their aspirations. It should not limit the explorations of new ideas and creative ways, but should open the vista of thinking to work further for the people’s security and well-being.

BIBLIOGRAPHY

“Aceh: A New Chance for Peace”. International Crisis Group Asia Briefing N°40, 15 August 2005

“Aceh: So Far, So Good”. International Crisis Group Asia Briefing N°44, 13 December 2005

Aguswandi. 2005. “Breaking the deadlock: civil society engagement for conflict resolution” In *Aceh Under Martial Law: Conflict, Violence and Displacement*, edited by Eva-Lotta E. Hedman. RSC Working Paper No. 24, Refugee Studies Centre, Queen Elizabeth House, University of Oxford.

Aspinall, Edward. 2005a. “The Historical and Political Background to the Aceh Conflict.” In *Building Peace in Aceh*, edited by Kamarulzaman Askandar and Ang Ming Chee. Bangkok, Thailand: Asian forum for Human Rights and Development and Southeast Asian Conflict Studies Network.

Aspinall, Edward. 2005b. *The Helsinki Agreement: A More Promising Basis for Peace in Aceh?* Policy Studies 20. East-West Center Washington.

Aspinall, Edward and Harold Crouch. 2003. *The Aceh Peace Process: Why it Failed*. Policy Studies 1, East-West Center Washington.

Badan Rehabilitasi & Rekonstruksi NAD – Nias. 2006. *Aceh and NIAS Two Years After the Tsunami*. 2006 Progress Report. Bandah Aceh: BRR and Partners.

Barron, Patrick and Samuel Clark. 2006. *Decentralizing Inequality? Center-Periphery Relations, Local Governance, and Conflict in Aceh*. Paper No. 29. Washington, D.C.: Conflict Prevention and Reconstruction, Social Development Department, World Bank.

Billah, M.M. 2005. “The Peace Framework and Peace Accord: The Case of Aceh.” In *Building Peace in Aceh*, edited by Kamarulzaman Askandar and Ang Ming Chee. Bangkok, Thailand: Asian Forum for Human Rights and Development and Southeast Asian Conflict Studies Network.

Development Paper No. 8. Banda Aceh: Multidonor Redevelopment Office and Decentralization Support Facility.

Di Tiro, Tengku Hasan. 1984. *The Price of Freedom: The Unfinished Diary of Tengku Hasan di Tiro*. National Liberation Front of Aceh Sumatra.

Di Tiro, Tengku Hasan. 1991. “Acheh: Freedom at Issue.” Speech delivered at Hoover Seminar, Herbert Hoover Memorial

Building, November 13.

Di Tiro, Tengku Hasan. "The Legal Status of Aceh-Sumatra Under International Law." <http://www.asnlf.net/topint.htm>

Feith, Pieter. 2006. "The Aceh Monitoring Mission Experience". Paper presented for the Centre for European Studies, University of Indonesia.

Feith, Pieter. 2007. "The Aceh Peace Process: Nothing Less than Success". United States Institute of Peace Special Report No. 184.

Hedman, Eva-Lotta E. 2005. "A state of emergency, a strategy of war: internal displacement, forced relocation, and involuntary return in Aceh". In *Aceh Under Martial Law: Conflict, Violence and Displacement*, edited by Eva-Lotta E. Hedman. RSC Working Paper No. 24, Refugee Studies Centre, Queen Elizabeth House, University of Oxford.

Hurgronje, C. Snouck. 1906. *The Achehnese*. Vol. I. Trans. By A.W.S. O'Sullivan. Leyden: Late E.J. Brill.

Huste, General Jean-Paul. 2007. "Aceh: A Fragile Peace Agreement". European Intelligence Strategic and Security Center Background Analysis.

Kel, Tim. 2005. "The rootedness of rebellion: Aceh in the grip of the past" In *Aceh Under Martial Law: Conflict, Violence and Displacement*, edited by Eva-Lotta E. Hedman. RSC Working Paper No. 24, Refugee Studies Centre, Queen Elizabeth House, University of Oxford.

McCulloch, Lesley. 2005. *Aceh: Then and Now*. Minority Rights Group International Report.

Ramly, Ali Aulia. 2005. "Modes of displacement during martial law" In *Aceh Under Martial Law: Conflict, Violence and Displacement*, edited by Eva-Lotta E. Hedman. RSC Working Paper No. 24, Refugee Studies Centre, Queen Elizabeth House, University of Oxford.

Schulze, Kirsten E. 2004. *The Free Aceh Movement (GAM): Anatomy of a Separatist Organization*. Policy Studies 1, East-West Center Washington.

Schulze, Kirsten E. 2005. "Gerakan Aceh Merdeka: freedom fighters or terrorists?" In *Aceh Under Martial Law: Conflict, Violence and Displacement*, edited by Eva-Lotta E. Hedman. RSC Working Paper No. 24, Refugee Studies Centre, Queen Elizabeth House, University of Oxford.

Smith, Anthony L. "Aceh". *Foreign Policy in Focus*, Self-Determination Conflict Profile, Interhemispheric Resource Center and Institute for Policy Studies.

Solana, Javier. 2006. "Comment: Consolidating the peace process in Aceh". *New Strait Times Online*, December 13.

Sulaiman, Muhammad Isa. 2006. *Mosaik Konflik Di Aceh*. Banda Aceh: ACSTF dan Acehkita.

World Bank. 2006. *GAM Reintegration Needs Assessment: Enhancing Peace Through Community-level Development Programming*. Banda Aceh: Multidonor Redevelopment Office and Decentralization Support Facility.