

*Free Aceh Movement members shake hands as they bid farewell to other prisoners before departing a prison in Lhokseumawe, Aceh on 31 August 2005.*

*Source: Reuters/Stringer Indonesia*

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

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*'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 by 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 Acehnese legacy of Islamic social form and strong leadership, including queens, who withheld 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 Acehnese?

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 Syaaffie, 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 Gol 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.