

Policy Studies 20

The Helsinki Agreement: A More Promising Basis for Peace in Aceh?

Edward Aspinall



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List of Acronyms

AMM	Aceh Monitoring Mission
ASEAN	Association of Southeast Asian Nations
CMI	Crisis Management Initiative
COHA	Cessation of Hostilities Agreement
DPR	Dewan Perwakilan Rakyat (People's Representative Council; Indonesia's national parliament)
GAM	Gerakan Aceh Merdeka (Free Aceh Movement)
Gol	Government of Indonesia
HDC	Centre for Humanitarian Dialogue (previously, the Henry Dunant Centre)
MoU	Memorandum of Understanding
MP-GAM	Majelis Pemerintahan-GAM (GAM Governing Council)
PDI-P	Partai Demokrasi Indonesia-Perjuangan (Indonesian Democracy Party-Struggle)
SIRA	Sentral Informasi Referendum Aceh (Aceh Referendum Information Center)
TNI	Tentara Nasional Indonesia (Indonesian National Military)
UN	United Nations

Executive Summary

On August 15, 2005, in Helsinki, Finland, representatives of the Indonesian government and the Free Aceh Movement (Gerakan Aceh Merdeka; GAM) signed a Memorandum of Understanding (MoU) aiming to end the conflict in Aceh, Indonesia's westernmost province and the site of an armed insurgency that has operated at varying levels of intensity since 1976.

The immediate background to the peace talks when they began in January 2005, did not seem propitious. There had already been two failed peace accords in recent years. In 2000, a "Humanitarian Pause" had generated only a temporary halt to the violence, while a December 2002 "Cessation of Hostilities Agreement" (COHA) ended when the Indonesian government declared a "military emergency" in Aceh in May 2003 and announced that it wanted to destroy GAM once and for all. Aceh seemed destined to endure many more years of armed conflict.

The next two years, however, saw important changes on both sides that paved the way for a return to talks. The government's military offensive took a major toll on GAM and gave rise to battle fatigue among its supporters. Some GAM leaders began to feel that their existing strategy of armed struggle for independence had reached an impasse. Meanwhile, a presidential election in late 2004 handed control of the Indonesian government to two men, President Susilo Bambang Yudhoyono and Vice President Jusuf

Kalla, who were personally committed to negotiations as a means of ending conflict. Early steps toward reopening talks occurred in late 2004 and were accelerated by the impact of the devastating Indian Ocean tsunami of December 26, which caused great loss of life in Aceh and opened the province to a substantial international humanitarian presence.

After five rounds of tough bargaining between January and July, the two sides eventually agreed on the Helsinki MoU. This agreement has a much greater chance of success than the previous peace accords. It is a fundamentally different kind of agreement. The Humanitarian Pause and COHA both called for ceasefires and demilitarization leading to open-ended dialogue on the political status of Aceh. Both sides remained far apart on the core issue of whether Aceh should become independent or remain part of Indonesia. In such circumstances, it proved impossible for the two sides to develop confidence in one another. In particular, military and government officials believed GAM was using the peace to strengthen its separatist struggle.

The new mediator in 2005, the Crisis Management Initiative (CMI) of former president of Finland Martti Ahtisaari, reversed the sequence for peace. Using the formula that “nothing is agreed until everything is agreed,” he required the two parties to agree on the broad outlines of a political formula *before* a ceasefire and related security arrangements would be put into effect. This placed great pressure on them to modify their positions.

An agreement became possible after GAM announced in February that it was willing to set aside its goal of independence and accept a solution based on “self-government” for Aceh within the Indonesian state. This historic decision allowed further progress, prompting the government negotiators to give key concessions (notably, allowing local political parties in Aceh) and enabling an accord to be struck. Unlike the previous accords, the MoU includes the outline of a comprehensive peace settlement. It does not deal only with security matters but also sets out in broad terms a new political relationship between Aceh and the Indonesian state (to be embodied in a new Law on the Governing of Aceh). The MoU also includes provisions concerning political participation, human rights, the rule of law, and economic matters as well as measures for the disarmament of GAM and its members’ reintegration into society. Also distinguishing it from previous accords are much more robust monitoring provisions, with an Aceh Monitoring Mission sponsored by the European Union and participating countries from ASEAN (Association of Southeast Asian Nations).

With the basis of a political solution in place, it should be easier for the two sides to develop trust in each other's intentions than in the previous failed peace attempts.

This does not mean that the peace is secure. On the contrary, there are several major threats to it. First, the political agreement embodied in the MoU may in fact be much narrower than a cursory reading would suggest. Many of the key provisions are ambiguous and vaguely worded and will be interpreted very differently by the two sides. GAM members view provisions on Aceh's government as being wide in scope and as giving Aceh almost unfettered powers to determine its own affairs. On the other side, some in the government view the MoU as providing at best for only minimal extensions of arrangements already provided in a 2001 Special Autonomy Law.

Second, there are potential spoilers on both sides who could set out to undermine or even sabotage the agreement. For example, politicians in Indonesia's national parliament have fiercely criticized the MoU, yet they will be required to pass the new Law on the Governing of Aceh. Major backsliding during this process could undermine GAM's commitment to the deal. Elements in the Indonesian military (TNI) and their allies remain highly suspicious of GAM and retain considerable capacity to undermine the agreement in the field through violent means. For their part, GAM leaders have not yet stated that their acceptance of Aceh's incorporation into Indonesia is unconditional and enduring, and their failure to do so might exacerbate suspicion among their erstwhile foes.

Third, even if the crucial first six to twelve months of the peace accord are navigated successfully, there are still dangers that could render it ineffective over the long term. Future national legislation might gradually erode key features of the accord, while corruption and poor government capacity might prevent the local community from benefiting from the anticipated peace dividend. Such failings could reawaken deeply held beliefs in Aceh that Jakarta cannot be trusted and set the scene for an eventual reemergence of the conflict.

None of these problems appears insurmountable. For instance, although the potential for spoiling is great, there are few potential "total spoilers" who are determined to destroy the peace agreement come what may. Rather, the main actors' attitudes to the peace deal are above all contingent upon how they interpret their opponents' intentions and strategies. Although the dangers of breakdown of the Helsinki agreement are real, the

problems are potentially manageable, provided that the key players cultivate the good will they developed during the negotiations and so long as astute strategies are designed and appropriate incentives offered to potential spoilers. There are reasons for optimism. No matter what the immediate future has in store, the Helsinki MoU provides the sort of solid framework for peace that has long eluded Aceh.

The Helsinki Agreement: A More Promising Basis for Peace in Aceh?

When it was announced in January 2005 that representatives of the Indonesian government and the Free Aceh Movement (GAM) were resuming peace talks, most commentators were pessimistic. The announcement came after a period of intensified conflict in the territory that had begun with the breakdown of an earlier peace accord and the government's declaration of a "military emergency" in May 2003. It also followed the Indian Ocean tsunami of December 26, 2004, which caused massive destruction and loss of life in Aceh. To many outside observers, the tsunami was an external shock that pushed the two sides back to the negotiating table, but it did not appear to alter the fundamental dynamics of the conflict or the deep enmity between the belligerents. The somber predictions seemed close to coming true during the five rounds of tough bargaining between January and July. On several occasions the process seemed close to collapsing.¹

Nevertheless, the talks succeeded. Indeed, this monograph argues that the MoU represents the best chance for a negotiated peace since the insurgency began almost three decades ago. In part, this is because of the comprehensive nature of the agreement. The MoU sets down the outline of a permanent settlement and includes provisions on the government of Aceh, human rights protection, security matters, imaginative methods for

reintegrating former GAM combatants into society, and a robust third-party mechanism for monitoring implementation. Especially important: by agreeing to the accord, GAM accepts that Aceh will remain part of Indonesia.

The analysis presented in the following pages explains this positive outcome not primarily by reference to the impact of the Indian Ocean tsunami but by pointing to deeper dynamics affecting the outlook and composition of the chief parties. The key factors were mounting battle fatigue on the part of GAM, which made the movement's leaders more willing to contemplate solutions falling short of independence, and a change of government on the Indonesian side that strengthened the position of those committed to a peaceful solution. The first steps toward reopening talks were in fact taken *before* the tsunami, which is best viewed as providing a convenient pretext the parties used to return to talks and abandon long-held positions.

The study is divided into several sections. The first discusses factors that caused the failure of previous peace efforts in Aceh. The aim is to allow for an evaluation of whether the Helsinki MoU successfully resolves problems that in the past have led to a return to violence. The next two sections ("Toward a Hurting Stalemate?" and "First Steps toward Reopening Negotiations") describe the background to the resumption of talks. They identify the key factors that prompted the two parties to return to negotiations so soon after the previous failure and enabled them to make bigger concessions. Four sections in the middle of the study ("Opening of Negotiations," "GAM's Breakthrough Offer," "Disunity on the Indonesian Side," and "Toward Deadlock") survey the course of the talks between January and July. These sections mix a chronological account of the negotiations with a more analytical discussion of the negotiating positions, tactics, and internal dynamics of the parties, their supporters and allies, and the mediator. The next section presents an analysis of the strengths and weaknesses of the MoU itself, concluding that it does avoid many of the weaknesses that marred previous agreements in Aceh.

The last four sections, however, stress that peace is still not assured. The foundation for peace embodied in the new agreement may be much narrower than it appears at first sight. Many of the key points are ambiguous and will be interpreted very differently by the two sides. Separate sections discuss the potential spoilers on both sides who might undermine the agreement, who can be found in Indonesia's national parliament (the DPR), the military establishment, and GAM. Finally, even if the key components of the deal can

be successfully enacted into law, there remain the long-term dangers that future legislation and poor state capacity might erode the agreement.

Learning from the Past

As noted above, the August 2005 Helsinki MoU is not the first attempt to negotiate a peaceful resolution to Aceh's separatist conflict. After the collapse of the authoritarian Suharto regime in 1998, anti-Jakarta sentiment and GAM's insurgency grew rapidly in Aceh. Coming on the heels of this intensified conflict was the first attempt to end the fighting permanently. Beginning in early 2000, a series of talks was facilitated by a Swiss-based NGO, the Centre for Humanitarian Dialogue (HDC), which produced two peace agreements, a "Humanitarian Pause" in mid-2000 and a more complex and ambitious "Cessation of Hostilities Agreement" (COHA) in December 2002. Both agreements rapidly broke down when the two sides accused each other of violations. In May 2003 President Megawati Soekarnoputri declared a military emergency in the province and ordered a major military offensive. Indonesian officials and TNI (Indonesian National Military) officers declared that they were determined to eradicate GAM once and for all.

This study builds on a series of earlier analyses of post-Suharto conflict in Aceh published by the East-West Center Washington, especially two analyses of the failure of the peace process in 2000–03 written by Harold Crouch and myself (*The Aceh Peace Process: Why it Failed*) and by Konrad Huber (*The HDC in Aceh: Promises and Pitfalls of NGO Mediation and Implementation*). It also draws on Rodd McGibbon's analysis of the 2001 Special Autonomy Law and its implementation (*Secessionist Challenges in Aceh and Papua: Is Special Autonomy the Solution?*), an important topic in the current context because the political structures envisaged under the new MoU build upon and extend existing special autonomy provisions. Two further studies, by Kirsten Schulze (*The Free Aceh Movement (GAM): Anatomy of a Separatist Organization*) and Rizal Sukma (*Security Operations in Aceh: Goals, Consequences, and Lessons*) analyzed the views and behavior of the two main belligerents, GAM and the Indonesian army.

These analyses identified some key failings of past attempts to find peace in Aceh. Among the most important were:

First, the earlier HDC-mediated process fell apart fundamentally because it was based on what Huber (2004: 30) called a "fragile bargaining

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appears*

zone.” Even after the Humanitarian Pause and COHA went into effect, the two sides remained far apart on the core issue of the future political status of Aceh. The government was adamant that Aceh would remain a province of Indonesia. Its leaders were inclined to believe that the generous provisions of the 2001 Special Autonomy Law did not need to be extended. GAM, however, only agreed to treat special autonomy as a “starting point” and remained determined to bring about Aceh’s eventual independence. The basic sequence for peace laid out by the COHA was first to achieve a ceasefire, to be followed by disarmament and demilitarization. The mediators hoped that peaceful conditions would then foster greater trust and encourage creative attempts to find a permanent solution. An “all-inclusive dialogue” was planned to design a political formula that would accommodate the interests of the two sides. In reality, the gulf that separated them made it impossible to build confidence. In particular, government and military officials thought that GAM was using the ceasefire to recruit, raise money, and strengthen its struggle for independence. GAM leaders believed that the army was still intent on exterminating them.

Second, and a consequence of this basic dynamic, the earlier analyses emphasized the role of spoilers, elements on both sides who undermined the peace process either deliberately or through the unintended consequences of their actions in the field. After the COHA went into effect, a series of violent events caused a rapid and spiraling return to general violence. These events included armed clashes, raids, kidnappings, fundraising by GAM units (or armed men claiming GAM affiliation), military-sponsored demonstrations against peace monitors, and various repressive acts by security forces. On both sides, some elements stood to gain financially from violence. Important parts of Indonesia’s military hierarchy were opposed to any compromise with GAM, which they viewed as a subversive separatist organization, and deliberately set out to undermine the accord. GAM members themselves were inclined to “sucker” (Huber 2004: 36), or engage in activities that were not prohibited under the accord but were certain to erode the other side’s trust.

Third, mechanisms for monitoring and enforcing the agreement were insufficiently robust. There were two chief problems here. First, the HDC itself was a relatively little-known NGO, and it lacked the political clout that UN peacekeeping missions or states can bring to peace process mediation and implementation. When the COHA began to break down, the

HDC lacked the authority to make the parties comply with its provisions or to force the parties back to the negotiating table. Second, the chief body that was designed to monitor implementation of the accord and to enforce it, the Joint Security Commission included equal representation from the HDC, the Indonesian military, and GAM. As Huber (2004: 39) pointed out, this structure was designed to “build confidence and relied on the goodwill of the parties”; in practice, it produced “a veto system.” When it came to investigating breaches of the agreement, there was hard bargaining, obstruction, and horse-trading within the Joint Security Commission itself. This impeded the internal functioning of the very body tasked with investigating and adjudicating on violations of the accord. As a result, it was ineffective, and its findings lacked authority.

Fourth, the government’s attempt to alleviate the long-term causes of discontent in Aceh by granting political concessions had minimal impact on the conflict. The 2001 Special Autonomy Law included provisions on natural resource revenue sharing, political arrangements, and religious and cultural autonomy that in the Indonesian context were radical. Yet it failed to have an appreciable effect on the conflict. This was partly because the law itself was undermined from the start by backsliding by the Jakarta government and by “weak and corrupt local government” (McGibbon 2004: 3). Central government officials intervened in the bill’s drafting process to remove or water down key passages that were designed to assert provincial control over the military and entice GAM to abandon its armed struggle for politics.

Perhaps the most important insight, however, in McGibbon’s analysis concerns the relationship between the government’s special autonomy strategy and the negotiation process. These proceeded on essentially separate tracks (McGibbon 2004: 48). It was not so much, therefore, the *content* of special autonomy but rather the *process* by which it was offered that was flawed (McGibbon 2004: 5). The Special Autonomy Law was presented to the Acehnese population as a “unilateral concession” from the government that was “not linked to a broader bargaining process with separatist leaders and elements of civil society” (McGibbon 2004: 6). Throughout the peace talks, government leaders presented special autonomy to GAM as a *fait accompli*, insisting that any settlement had to be based on the movement’s “acceptance” of the existing law. In such circumstances, GAM leaders came to view special autonomy as a symbol of the government and its intransigence, rather than as a possible meeting point between two extreme positions.

Does the new MoU avoid the problems of these past attempts to find peace? In many respects, the answer is yes. The analysis in the following pages suggests that both sides have learned a great deal from the failures of the past, as has the new mediator. The process they followed in devising the new MoU reversed the sequence tried by the HDC. Instead of a ceasefire leading to an uncertain and open-ended political process, the new mediator insisted on a formula under which “nothing is agreed until everything is agreed.” Under this approach, the broad outlines of a political settlement had to be agreed upon prior to demilitarization and disarmament. Partly as a result, the MoU spells out an agreement that is more detailed and robust than the COHA. It includes broad agreement on how Aceh will be governed, far beyond mandating a mere process of dialogue that might lead to such an agreement. Most remarkably, it incorporates a commitment by GAM to accept Aceh’s continuing incorporation in Indonesia. This historic concession allowed the peace talks finally to be linked to autonomy and potentially removes the chief source of suspicion that crippled the COHA. For their part, Indonesian authorities made several

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crucial concessions, including agreeing to the formation of local political parties in Aceh. Moreover, the implementation and monitoring provisions of the agreement are much stronger than in the COHA. There is a much stronger third party guarantee, in the form of European Union and ASEAN endorsement of the monitoring mechanisms. The monitors themselves have expanded powers, including the right to make decisions that will bind both parties.

Yet the agreement is not without its weaknesses and ambiguities. The “nothing is agreed until everything is agreed” formula raised the stakes for the parties and forced them to make imaginative and bold compromises. But, as we shall see, it also prompted them to use ambiguous language that might paper over, rather than resolve, key differences. On the Indonesian side, many key players view the agreement as requiring little more than minor extensions of existing special autonomy arrangements and an amnesty for GAM members. GAM leaders, however, see the MoU as paving the way for a radical form of self-government that will fundamentally alter the nature of the relationship between Aceh and the central government. Aceh’s past experience with special autonomy is also an important warning of what may come, because it suggests that once the crisis that

prompted the negotiations passes, there is the possibility that government backsliding and poor implementation might re-inflate Acehese discontent.

Toward a Hurting Stalemate?

Before we can analyze the new agreement and the process that led up to it, we must first ask how it was that the two sides agreed to return to talks. In May 2003, when the Cessation of Hostilities Agreement broke down, the gulf between them seemed wider than ever. What events and experiences in the following years prompted the two sides to revise their positions?

In the comparative literature on peace processes, it is often argued that timing is crucial for the success of peace initiatives. Such processes are unlikely to be successful when one or more of the belligerents still believe that they can achieve their goals through violence. Conditions must instead be “ripe” for peace. In particular, the parties are more likely to consider peaceful options when there is a “mutually hurting stalemate.” Such a situation arises when “the parties find themselves locked in a conflict from which they cannot escalate to victory and this deadlock is painful to both of them (although not necessarily in equal degree or for the same reasons)” (Zartman 2001: 8).

The discussion in this section and the next suggests that in Aceh after 2003 there was a situation approximating to a “hurting stalemate” on one side only. Among GAM members, a growing sense of battle fatigue and international isolation prompted a new willingness to examine options that had previously been regarded as anathema. On the government side, there was no equivalent crisis of confidence and no sudden rethinking of previous strategies, although the military offensive was not in fact close to achieving its goal of eliminating GAM. There were, however, important changes. These included renewed optimism that GAM might now accede to Indonesia’s terms as well as a change of government that strengthened the position of officials who had already long been interested in a peaceful solution.

When President Megawati Soekarnoputri declared a military emergency in May 2003, TNI immediately went on the offensive. Over the next few months, the authorities relied on a four-pronged strategy. First and foremost, troops were mobilized to seek out GAM insurgents and

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kill or capture them. Second, the civilian population was closely monitored in order to cut the rebel supply chain. This involved proliferation of military posts in villages, temporary relocation of thousands of people, and intensification of governmental security measures such as checkpoints, street-side inspections, and searches of citizens' homes. Third was an ideological campaign involving the mobilization of the population in parades demonstrating support for the Indonesian state and a constant barrage of army statements urging the population to resist GAM. Fourth was the establishment of civilian militias, whose tasks it was to provide intelligence on GAM movements, guard villages at night, and otherwise support the military's counterinsurgency operations. By early 2005, the leaders of these organizations claimed a total of 350,000 members (*Waspada*, April 18, 2005). Each of these elements had been central to counterinsurgency operations in the past and suggested continued belief in the "primacy of the military solution" (Sukma 2004: 21).

In our analysis of the breakdown of the peace process in 2003, Harold Crouch and I were skeptical that this approach would lay the foundation of a durable solution: "Previous military operations have succeeded in reducing GAM's armed presence, but the government's methods have alienated the population and made many more sympathetic to the rebels" (Aspinall and Crouch 2003: 53). In fact, after the military operations of 2003–04, there were signs of a decline in GAM strength (and perhaps also influence), although this did not necessarily translate into greater popular sympathy for the government.

After about twelve to eighteen months, the offensive was beginning to have a marked effect on GAM. The movement suffered some serious setbacks, especially with the killing or capture of a large numbers of guerrillas and supporters. According to the Indonesian Armed Forces Chief General Endriartono, the security forces succeeded in reducing the size of GAM by 9,593, which figure presumably included surrenders, captures, and deaths (*Kompas*, June 10, 2005). Most observers would dispute the precise figures (it was obvious that the TNI had included civilian deaths in its GAM casualty list) while agreeing that the decline had been substantial. Most of the GAM operatives killed were foot soldiers or peripheral figures, such as villagers who provided the movement with food, supplies, or intelligence. Nevertheless, some low- and medium-ranking commanders were also killed or captured, and there were some high-profile victories for the military, including the capture of the aged

GAM civilian governor of Pidie, Muhammad Arif, in October 2004 and, most significantly, the killing of Ishak Daud, one of the most popular and charismatic GAM leaders and an important commander in East Aceh in September 2004 (for details of the outcome of TNI operations, see Schulze 2005). A recent report by the International Crisis Group suggests that GAM was sufficiently disrupted by military operations—especially by interruptions to its supply lines—that the movement beat a strategic retreat, pulling back the focus of its activities from the *sagoe* level (roughly equivalent to the subdistrict in Indonesia's territorial administrative structure) to the more centralized *wilayah* or regional level (equivalent to the *kabupaten* or district) (ICG 2005: 4).

These battlefield losses caused morale problems in GAM. The movement had experienced losses in the past and had been through long periods when only small numbers remained in the jungle or kept the movement's underground network alive. But in 2003–04 most of GAM's guerrillas were not battle-hardened veterans. To be sure, they had faced military offensives before 2003, but many of them had been recruited in 1998–99, when GAM was growing rapidly after the collapse of the Suharto regime. This was a time when GAM controlled large swathes of Aceh's countryside; hopes were high that Aceh would soon be made independent (in one popular slogan from those days, independence was *sebatang rokok lagi*—only “a cigarette away”). Many of the top GAM commanders had been recruited in Malaysia in the 1980s when the movement was searching for candidates to be sent to military training in Libya. They had lived relatively prosperous lives in Malaysia both before and after their training until their return to Aceh after the fall of Suharto. Now they found themselves pushed into the hills, and they were frequently on the move, facing death or injury in military attacks, and often running short of food, ammunition, and medicine. Although most GAM fighters remained highly committed to the independence cause, their situation was dispiriting. The optimism of the immediate post-Suharto period was replaced by a life of great hardship, with no prospect that Acehnese independence could soon be achieved. Moreover, although this is a difficult issue to assess, there are also suggestions that GAM was experiencing erosion in support even in some of its base areas. Some villagers were apparently disillusioned by criminal acts by some members of the movement as they collected money and supplies. Others felt that GAM's grand promises of independence had resulted only in intensified military brutality and that the movement had been unable to protect ordinary villagers.²

The top political leaders of GAM lived in exile, mostly in Sweden, and were not personally affected by the changing situation in the field. Coinciding with the military emergency, Indonesia lobbied the Swedish government to prosecute them with terrorist and other offenses, resulting in the brief detention of two of them in June 2004. It was widely believed that Indonesia's likelihood of success on this score was poor, however, and Sweden ceased its investigations the following April. The exiled GAM leaders were thus personally secure, but they still maintained close communications with the movement's commanders in the field. There is every reason to believe that they were greatly concerned with their forces' declining military fortunes. Equally of concern for them was the movement's international isolation: During the earlier negotiations in 2000–03, GAM had briefly achieved the sort of access to international organizations and foreign governments that its leaders had always craved. Following the collapse of talks in 2003, GAM seemed destined to return to the international obscurity it had experienced during the Suharto years.

GAM's difficulties did not necessarily translate into popular enthusiasm in Aceh for the government, however. This was not for want of trying. The military and government explicitly stated that they aimed to win the "hearts and minds" of the population. To that end, the government pursued what it called an "integrated approach," combining military operations to destroy GAM with other steps (law enforcement, humanitarian aid, restoring local government, and economic recovery) to alleviate what it viewed as the historical sources of grievance in Acehese society (Schulze 2005). Chief among the measures carried out were implementation of aspects of Islamic law in the territory, an official campaign against corruption (though this targeted only civilian politicians, not police or military officials), and even some well-publicized measures to improve the behavior of troops in the field and to punish some of those responsible for abuses.

Throughout the military offensive, there were also concerted attempts to persuade GAM members to turn themselves in. Military officers repeatedly made speeches to rural audiences, telling villagers to persuade their family members in GAM to "return to the bosom of the motherland," stressing that their contribution was greatly needed to help "develop" Aceh. They emphasized that all who surrendered would be treated well and that only those who had committed criminal acts would be tried and incarcerated. Others would undergo a process of "guidance," which in practice involved detention in special camps where they were given ideological indoctrination

courses and some education and skills training. From late 2003, senior officials in the Megawati government canvassed a general amnesty for GAM members if they surrendered, an approach that received a presidential imprimatur after Megawati was replaced by Susilo Bambang Yudhoyono, who announced in November 2004 that a combination of special autonomy and an amnesty was the “best solution” for Aceh (*Analisa*, November 27, 2004). It was also part of this general approach that GAM members who surrendered would be offered land or other forms of economic compensation. Even before the breakdown of the COHA, Aceh’s governor Abdullah Puteh offered four hectares of farmland for every GAM member who “returned to the motherland” (*Serambi Indonesia*, April 29, 2003). District governments later made allocations of land for former GAM members who had undergone “guidance” (*Serambi Indonesia*, January 26, 2004, February 2, 2004). This general approach is worth emphasizing here, because, as we shall see, the “surrender and amnesty” model carried over into the Indonesian government’s approach to the later negotiations.

In fact, the military and government were also having difficulties in achieving their own objectives through the military operations. A careful analysis of speeches made by TNI commanders during the military emergency demonstrates that they were far from confident in the political loyalties of the population. Military commanders, especially those at the local level, often made statements suggesting that they believed many of the people were only loyal to Indonesia on the “outside” but not in their hearts or that they were loyal to Indonesia in the “day time” but followed GAM at night. From this observation it followed that only when such equivocation was entirely purged from Aceh would the province be truly “secure.”³ Moreover, although the military emergency restricted the ability of international humanitarian organizations and even local civil society groups to carry out investigations, there were still credible reports of serious military abuses against civilians, including arbitrary killings, forced disappearances, and looting (HRW 2003, Amnesty International 2004). It is reasonable to believe that these measures reinforced the anger and alienation that had underpinned the insurgency in the past.

Moreover, while GAM was weaker as a military force, it was not destroyed. With the exception of Ishak Daud, it proved impossible to kill

the military and government were also having difficulties in achieving their own objectives

or capture any of the inner circle of top commanders such as Muzakkir Manaf (commander in chief), Darwis Jeunib (commander of Batee Iliék) and Sofyan Dawood (GAM military spokesperson and commander of Pase). Core GAM units had managed to relocate and hide in Aceh's inaccessible and forested hinterland. GAM guerrillas were still able to cause considerable disruption in some rural areas and even to make attacks on police and military installations or convoys. GAM had experienced significant losses and there were early and faint signs of political disorientation in its ranks, but it was not near extinction.

At the time, TNI commanders never wavered in demonstrating confidence that they could destroy GAM. There was no sense of "stalemate" on their part. Later, however, as the dialogue process reached its conclusion, Armed Forces Chief Endriartono Sutarto gave a frank assessment when addressing the national parliament's Commission I on Defense and Foreign Affairs:

It is true that the number of GAM has declined because of the efforts taken by TNI. But it will not mean that it will become zero. Because of that, I hope that the Commission will understand. It seems we have not been able to do what we hoped, so we apologize. . . . So long as the basic problems are not resolved, it will be like one dies, another takes his place, two die, four take their place [*mati satu tumbuh satu, mati dua tumbuh empat*]. The problem in Aceh has arisen because of disillusionment. And it is not the role of the TNI to resolve that. (*Media Indonesia*, June 9, 2005)

It was because of this inability to eradicate GAM, Endriartono continued, that it was necessary to take "comprehensive measures," by which he meant negotiations were also needed. Endriartono's assessment of the government's dilemma was revealing. Killing members of GAM was much like emptying water from a well: the military regularly released figures for the GAM fighters it had killed or captured, but it could not prevent them from being continually replenished. Indeed, the official figure for GAM losses quickly passed earlier TNI estimates of total GAM strength and continued to grow.⁴

Viewed from the perspective of GAM's history, the resilience of the movement did pose a long-term threat. GAM had demonstrated great tenacity in the past, including an ability to retreat underground when faced with military suppression. During periods of apparent abeyance in

the 1980s and 1990s, GAM had been able to recruit new fighters motivated in part by a desire to wreak revenge for abuses visited upon their elders. The movement, in other words, partly fed off the very tactics that the military was using to destroy it. Thus, despite the TNI's battlefield successes around the end of 2004, an eventual GAM resurgence was likely.

In summary, for GAM, the situation was close to a "hurting stalemate." GAM leader Malik Mahmud, when explaining the movement's readiness to explore new approaches in the Helsinki talks, himself acknowledged that "the existing strategies applied by both parties had caused a costly stalemate" (personal communication, October 18, 2005). The movement was taking serious military hits, prospects for achieving independence had receded dramatically, and there was growing fatigue among its supporters. This was a situation ripe for strategic retreat. The term "hurting stalemate," however, does not quite capture the dynamic on the Indonesian government side. While it is true that the long-term prospects for eliminating GAM through military means were poor, few security officials admitted this. Moreover, in immediate terms, the government's hand had been strengthened by the declining fortunes of GAM. This changed balance of forces proved to the government's advantage in later negotiations, with GAM leaders eventually making concessions they had earlier refused.

In the longer term, however, there *were* some in the Indonesian government who believed that a purely military victory was impossible and that combat gains might prove pyrrhic if not consolidated at the negotiating table. This was not a new view. Nor was it based on a sudden recognition that the military offensive had "failed." Instead, it continued a view that had been widely held for some years. Immediately after the collapse of the Suharto regime, many members of the political elite recognized that military methods had failed to resolve the Aceh conflict. This recognition had underpinned the earlier talks in 2000–03. In subsequent years, however, the military and security establishment reasserted dominance over policymaking on the Aceh problem. The result was that, as Harold Crouch and I observed in our earlier analysis, "those who supported negotiations were always in a minority in the government and faced constant criticism from those who favored military action" (Aspinall and Crouch 2003: 54). By late 2004, on the surface the official hard-line consensus on the Aceh conflict remained

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strong. TNI officers and their allies still seemed confident that counterinsurgency operations would “eliminate” GAM. Behind the scenes, however, key actors still believed that negotiations were important and that faltering steps toward resuming them had begun. A change of government greatly strengthened the hand of those who favored talks.

First Steps toward Reopening Negotiations

In September 2004, the second round of Indonesia’s first ever direct presidential election took place. The winning ticket featured retired general Susilo Bambang Yudhoyono and former coordinating minister for people’s welfare Jusuf Kalla. Previously, both of them had been associated personally with the Aceh peace talks, and they were generally sympathetic to the idea that negotiations were the ideal means to resolve conflicts. In the months to come, it proved crucial to have a leadership team on the Indonesian side that was directly interested in and committed to talks. Under the earlier administrations of Abdurrahman Wahid (1999–2001) and Megawati Soekarnoputri (2001–04), government negotiators had often felt adrift because they lacked high-level backing. Now, the highest state leaders were not only sponsoring a return to negotiations—indeed, Jusuf Kalla, as we shall see below, had been exploring the possibility of reopening talks when he was still a minister in Megawati’s cabinet—they were also taking a direct interest in the negotiation process itself and (especially Kalla) were prepared to explain to the public why negotiations were desirable.

President Susilo Bambang Yudhoyono had earlier been the coordinating minister for political and security affairs under Presidents Megawati and Abdurrahman and in that role had been the government’s chief sponsor of the peace negotiations. Yudhoyono was not an idealistic dove, however. Under Abdurrahman, he had been the chief architect of the government’s “integrated approach,” which included security operations alongside dialogue and policy measures. Under Megawati, he had eventually endorsed the return to a military approach. But, in accordance with the philosophy of the “integrated approach,” he was prepared to explore dialogue in conjunction with other policies. During 2005 his endorsement and, at times, his active participation proved crucial to the success of the negotiations.

It was Vice President Jusuf Kalla, however, who became the most active government advocate of the talks. Jusuf Kalla is a fascinating and energetic figure in Indonesian politics. The scion of a wealthy business family from South Sulawesi, he had built up a substantial business empire

by the late Suharto years. Under Megawati he had been the leading figure in negotiations that transformed communal conflicts in Maluku and Poso in Sulawesi. In the lead-up to the 2004 presidential elections, Kalla was seen as an attractive running mate by leading candidates, not least because it was believed that he would bring considerable economic resources to any campaign. After he became vice president, Kalla consolidated his political authority, first by securing key cabinet posts for his allies and then by being elected chairperson of the Golkar Party at its December 2004 convention. He secured this latter victory not only by using his formidable personal energy but also because he could reconnect the party to government and the economic benefits this would bring. His own personal funds also presumably played a part, with the national press openly reporting on the auctioning of votes at the conference (see, for instance, *Kompas*, December 19, 2004, and *Jakarta Post*, December 20, 2004).

*Jusuf Kalla...became the
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Kalla was once labeled by *Tempo* magazine as the “Super Mario” of Indonesian politics in tribute to the computer game character for his seemingly limitless energy and willingness to involve himself in every possible policy matter. For his admirers, Kalla is the epitome of the nonsense, get-things-done politician needed to pull Indonesia out of its multifaceted crisis. For his critics, he embodies the resurgence of oligarchy and money politics in post-Suharto Indonesia.

Kalla had a strong philosophical commitment to dialogue as a means of resolving disputes. As he told one newspaper as the Aceh negotiations neared their conclusion in June 2005, “In our history, resolving problems must always be achieved through dialogue.” He reminded the public that during the earlier Daud Beureueh revolt in Aceh in the 1950s, President Sukarno had even come to Aceh and gone into the mountains to talk to the rebel leader (*Media Indonesia*, June 29, 2005). But his was more than a sentimental position. He also brought to negotiations the canny eye of a businessman, able to cut through to the core of an issue, calculate the right price, and make a quick deal. As one newspaper later put it: “With his background as a big businessman, the Vice President is of course also very clever at spotting a golden opportunity. For a businessman, as soon as you see a golden opportunity, you think only one thing: don’t waste it. Who knows, it might not come up again” (*Jawa Pos*,

August 16, 2005).

Kalla sponsored the first efforts to restart talks with GAM in early 2004. At this time, he was still a minister in Megawati's cabinet, and military operations were in full swing. He pursued two separate tracks. Using trusted intermediaries, he first endeavored to contact and win over key GAM commanders in the field. Second, he made approaches to the exiled leaders in Sweden. These attempts are interesting not only because they demonstrate that a leading government figure was pursuing negotiations at a time when the military approach appeared ascendant. They also reveal much about the tactics used by Kalla and his men.

The approaches to GAM field commanders were first exposed in a *Tempo* report and later elaborated in a report by the International Crisis Group (ICG).⁵ In this episode, Kalla's team used the services of Rusli Bintang, an Acehnese businessman, as an intermediary to contact several former GAM negotiators who had been imprisoned after the breakdown of the COHA. He was also tasked with approaching individuals with GAM connections in Malaysia. Eventually, indirect contacts were established between the Kalla camp and Muzakkir Manaf, the overall GAM military commander in Aceh. According to *Tempo*, on at least one occasion Muzakkir's brother met with Kalla himself at the vice president's official residence. Two businessmen based in Malaysia with GAM connections, M. Daud Syah and Harun Yusuf, met with members of Kalla's team in Kuala Lumpur in October 2004—according to ICG, they had been appointed by Muzakkir Manaf for this purpose, which some GAM sources dispute. Here the two sides signed off on a document entitled "Points of Agreement between Government and GAM Negotiators." This agreement reportedly endorsed special autonomy but mostly concentrated on economic compensation, including the provision of plantation lands to former GAM fighters, economic assistance for Islamic schools, and even a provision for the transfer of two Boeing 737-300 airplanes to the Aceh government (ICG 2005: 2).

This bizarre episode is difficult to interpret. Clearly, the Kuala Lumpur document did not represent an official GAM position. Daud and Harun are probably best viewed as freelancers or brokers who were themselves motivated by economic interests. The extent and nature of Muzakkir Manaf's connections to the Kalla camp at this time, however, is difficult to gauge. Some GAM supporters contend that Muzakkir's communications with Kalla's men were merely a tactical ploy and that he

hoped to gain money which he could then use to fund the armed resistance. There is a long tradition of *tipu muslihat* (trickery or deceit) in Acehese martial tradition, the most celebrated instance being when Teuku Umar, a nineteenth-century nobleman, declared his loyalty to the Dutch invaders only to defect later with a large amount of money and arms. GAM supporters often refer to this event when praising present-day Acehese who play double games with Indonesian intelligence agents or accept government payments to fund their struggle.⁶

However, it is also possible that Muzakkir found Kalla's approaches tempting (although it is very unlikely that he endorsed the "Points of Agreement" document). In Sweden, GAM issued a statement in the name of the movement's leader Hasan Tiro warning "all groups to guard against the Indonesian government's exploiting or making fools of them" (ICG 2005: 3). Later reports suggested that there were rumors in the GAM camp around this time about attempts by the government to "bribe" GAM commanders to put down their arms.⁷ Confidential sources on the Indonesian side insist that Kalla was receiving strong signals from Muzakkir Manaf that he was prepared to enter into a deal involving acceptance of special autonomy and economic compensation even as he feared the consequences for himself if he were to break from the Swedish leadership. They may have been deceived by Muzakkir's attempt to milk the government for funds, but government leaders clearly interpreted the episode as a sign that battle fatigue was having a serious impact on GAM's military leaders and making them more amenable to peace proposals on the government's terms.

Most important, the episode pointed to key features of the Kalla camp's approach to negotiations, which was basically one of co-optation. Their tactic was to offer GAM leaders economic compensation and other rewards while leaving the existing political structures intact. At one level, this approach was entirely rational. In most peace processes it is necessary to address the economic alienation that drives conflict and provide means of sustenance for former combatants. In a general sense, however, the approach also reflected the dominant culture of "money politics" that has come to pervade Indonesia's ruling elite in the post-Suharto era. One indication of this was that Aceh's disgraced former governor, Abdullah Puteh, became involved in the negotiations. Puteh is widely viewed in Aceh as having been a master at lubricating political deals with cash and in fact was already in jail at the time, serving a sentence for corruption.

Describing these early attempts at negotiations, he reportedly explained that it was necessary to offer “the right bride price” (*mahar yang pas*) to persuade GAM to lay down its arms.⁸

Another point to stress, however, is that there was no radical break between this effort to rebuild contacts with GAM and the government’s overall “integrated approach” to resolving the conflict. This integrated approach involved, as explained above, not only military operations but also attempts to persuade remaining GAM fighters to give themselves up with the promise of lenient treatment and land grants.

It had long been a key objective of the government to split GAM, especially by making separate approaches to the field commanders who, it was widely believed, were more moderate and potentially amenable to persuasion than the exiled leadership in Sweden. With a few minor exceptions, such approaches had always failed. The field commanders were mostly loyal to the Swedish-based leadership and strictly adhered to the policy that the exiled group was responsible for “political” matters. Another factor was doubtlessly the strong culture within GAM of hostility to “traitors” and “informants” (*cuak*) within the ranks, a culture that has repeatedly been reinforced by assassinations and other violent retribution.

The second attempt to explore the possibility of reopening talks targeted the Sweden-based leaders directly. It began with a personal connection between Juha Christensen, a Finnish businessman, and Farid Husain, Jusuf Kalla’s assistant as deputy coordinating minister for people’s welfare under Megawati. The two had come to know each other when Christensen was living in Sulawesi some years earlier. Like Kalla, Farid was also from South Sulawesi and had played a key role in the negotiations that ended the conflict in Poso, Central Sulawesi. In fact, Kalla tasked him with holding informal talks with GAM as early as July 2003, a couple of months after the collapse of COHA. Beginning with a meeting in February 2004—a time when the military offensive in Aceh was less than a year old—Christensen now stepped forward and tried to act as an intermediary between the two sides. An early attempt to arrange a meeting in Stockholm in February 2004 proved unsuccessful when the GAM leaders refused to meet Farid because such a meeting was not formally sponsored by a recognized international organization (Kingsbury 2005b).⁹

At this point, Christensen approached Martti Ahtisaari to act as a mediator. Martti Ahtisaari was a former president of Finland who had played

a prominent role representing the European Union in the negotiations with Serbia's president Slobodan Milosevic that brought an end to the Kosovo conflict in 1999, a role that won him a Nobel Peace Prize nomination. He had a long and distinguished career in the United Nations and as a diplomat, including a role in the peace processes in Bosnia, Northern Ireland, and Namibia. Upon retirement he had established the Crisis Management Initiative, a small NGO to continue his interest in international diplomacy and conflict resolution. Although the CMI was not a government body (so Indonesian negotiators could still say they were not formally internationalizing the conflict), Ahtisaari brought a greater degree of authority to the task of mediation than the HDC in the earlier process. In particular, it was relatively easy for Ahtisaari to have access to high-level authorities such as the UN secretary general, Kofi Annan, and the European Union high representative for foreign and security policy, Javier Solana, which proved invaluable at crucial phases of the talks (personal communication from President Ahtisaari, October 18, 2005).¹⁰

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These initial attempts to restart formal negotiations made little progress, presumably because the Indonesian side believed that its approaches to Muzakkir Manaf were bearing more fruit and because the government was at this time pursuing their attempt to have the Stockholm-based leaders of GAM prosecuted. Martti Ahtisaari eventually received confirmation that the two sides had agreed to meet in late December 2004, a few days *before* the Indian Ocean tsunami struck Aceh.

It was in this context that Aceh was hit by the devastating tsunami of December 26, 2004. Triggered by an earthquake of 9.0 magnitude (the fourth-largest since 1900) off the west coast of Aceh, the tsunami struck much of the western and northern coast of the provinces; in some places the waves it generated were over ten meters high and traveled several kilometers inland. Its impact generated a human catastrophe on a scale rarely witnessed in the modern world. Fishing villages, towns, farming land, and infrastructure all along the coast were destroyed. Half of Banda Aceh, the provincial capital, was leveled. At least 128,000 people were killed in Aceh alone, part of a global death toll of approximately 200,000, with most of the other fatalities occurring in Sri Lanka, India, and Thailand.¹¹

The tsunami triggered an unprecedented global humanitarian

response. With much of the transport infrastructure in the province destroyed, the government announced that it would open the province to foreign relief workers, including foreign military personnel. International relief agencies rushed to the province, as did rescue helicopters and troops from several countries, including the United States, Australia, Singapore, and Malaysia.

Both sides quickly promised to cease hostilities to allow access for humanitarian workers and, in the case of the TNI, to reassign troops to relief work. In the following weeks, each side accused the other of abusing this *de facto* ceasefire, while local TNI commanders admitted that they were continuing counterinsurgency operations (*Jakarta Post*, December 31, 2004). Nevertheless, there did seem to be a reduction in armed conflict, no doubt partly because the sudden presence of thousands of international relief workers reduced the ability of the parties, especially the TNI, to carry out operations.

The tsunami also prompted renewed international interest in promoting a peaceful resolution of the conflict, with various foreign leaders openly calling for a return to talks. U.S. Deputy Secretary of Defense Paul Wolfowitz was especially forceful on this issue when he toured the tsunami-affected areas. In mid-January, GAM made a public call for a resumption of negotiations. Government spokespeople, including Jusuf Kalla, responded positively, and it was announced that talks would be held by the end of the month.

In some media analyses, it was the terrible devastation of the tsunami that prompted the two sides to rethink their positions and to reopen negotiations. Certainly, both GAM and Indonesian government spokespeople portrayed the return to talks as a humanitarian response to the tsunami. While not denying that humanitarian motivations played a part, the preceding analysis makes clear that the first faltering steps to reinitiate negotiations predated the tsunami. The early steps flowed mostly from GAM's declining military position and from changes in the composition of government on the Indonesian side. The post-tsunami environment provided both sides with new opportunities to advance their interests and accelerated the push for peace. For GAM, it had always been a long-term strategic objective to internationalize the conflict (Aspinall 2002; Schulze 2004: 51–54). The tsunami had suddenly renewed international interest in the conflict and greatly expanded the foreign presence in Aceh. The movement's leaders wanted to capitalize on this situation. Hence, a few

days after the tsunami, Malik Mahmud released a statement not only expressing “our most profound gratitude to the governments of the United States of America, Japan, Australia, European Union, China, ASEAN States, New Zealand, the United Nations Organizations and non-governmental organizations for their prompt and massive aid now pouring into our devastated country” but also announcing that GAM would “welcome any initiative taken by the international community to turn our unilateral ceasefire into a formal ceasefire agreement with the Indonesian forces” (GAM statement, January 1, 2005). For Indonesian government leaders who had already quietly been pursuing options for renewed talks, the tsunami provided them with an opportunity to present the peace talks as a response to the humanitarian disaster rather than as a policy reversal. They also knew that a peace deal would help facilitate the flow of international assistance into Aceh. At a meeting with six foreign ambassadors, President Susilo Bambang Yudhoyono asked them to pass on to GAM his call for them to put down their arms and join with the government and other Acehnese in “reconstructing and rehabilitating the areas damaged by the natural disaster” (*Jawa Pos*, January 11, 2005). In this perspective, the tsunami is best viewed as a pretext by which the two sides could return to the negotiating table and offer greater concessions than in the past without losing face. It was not itself the chief cause of the return to talks.

*the tsunami is best
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Opening of Negotiations: A New Approach

The first talks began on January 27 in Helsinki. On the Indonesian side, the key negotiators at this and later rounds included Justice and Human Rights Minister Hamid Awaluddin and Deputy Minister for People’s Welfare Farid Husain, both from South Sulawesi and close to Jusuf Kalla, and State Minister for Communication and Information Sofyan Djalil, an Acehnese. The choice of such senior personnel reflected a new seriousness of purpose; previously, the chief negotiator had been Wiryono Sastrohandoyo, a former ambassador. On the GAM side, the negotiators included senior leaders like “Prime Minister” Malik Mahmud and “Foreign Minister” Zaini Abdullah as well as prominent members of the Acehnese diaspora and foreign advisors. The GAM founder and titular head, Hasan di Tiro, did not attend the negotiations: his health had deteriorated to such an extent that he was no longer

able to play a guiding role in the organization.

In general terms, it was obvious what issues these and future talks would need to cover. Previous HDC-facilitated dialogues had already identified a general agenda and highlighted likely stumbling blocks. Also as a result of the previous talks, each side now had a more realistic assessment of the other's position. GAM especially knew that the government might walk away from the talks if its chief demands were not met.

Broadly speaking, there were four main sets of issues. First and foremost were topics related to security and demilitarization, including both basic principles (e.g., how many Indonesian troops would remain in the province after a successful agreement and what would their role be?) as well as thorny technical problems (e.g. how could GAM disarmament be arranged and guaranteed and how would it be timed in relation to reductions in Indonesian troop numbers?). Second, monitoring and enforcement was important because it was widely recognized that the mechanisms used under the COHA had been inadequate and had contributed to its collapse. Yet the Indonesian government, at least on past experience, was liable to resist calls to "internationalize" the effort. So the composition, size, and powers of any monitoring team were likely to be very contested issues. A third important topic, although less likely to create difficulties in practice, was amnesty and economic compensation for former GAM members, which had figured prominently in the approaches made by the Kalla camp to GAM leaders in the preceding months. Fourth was the future political status of Aceh, by far the most difficult issue. At the start of the talks, there was no public sign that either side had softened its position on this score.

The CMI-facilitated initiative, however, was in one crucial respect fundamentally different from that organized by the HDC. The HDC had designed an open-ended process under which it was hoped that the parties would identify common interests by concentrating first on ceasing hostilities. As already noted, President Ahtisaari and the CMI reversed the order and used the formula

"nothing is agreed until everything is agreed"

"nothing is agreed until everything is agreed." By insisting that a broad political settlement had to be agreed upon before the agreement could be implemented, this approach fundamentally altered the negotiations. It greatly raised the stakes for both parties by insisting that they had to reach a workable compromise on the core political issues. In the past,

they had been able to avoid doing so by focusing instead on immediate security concerns. By forcing the parties to think creatively about the issues that divided them, this approach raised the possibility of dramatic concessions and breakthroughs. Of course, if the two sides refused to budge, it might just as easily have led to deadlock and collapse, as had happened with President Clinton's attempt to use the same strategy to get Israel's Ehud Barak and Palestinian leader Yasser Arafat to agree on a peace deal at Camp David in 2000.

President Ahtisaari thus introduced the strategy as a way to bridge the initially wide gap that separated the two sides and, specifically, in order to avoid an immediate breakdown over first principles. He later acknowledged that he had understood that on the Indonesian government side there was limited room for concessions: "Special Autonomy was the offer they were willing to make and there was nothing else on their side of the table." At the same time, he also knew that "it was important not to ask GAM to make a statement giving up their claim for independence at the beginning of the process and therefore I introduced the concept of 'nothing is agreed until everything is agreed' in order to facilitate the opening of the issues that needed to be discussed" (personal communication from President Ahtisaari, October 18, 2005). Using this approach, the talks could be kept alive, and GAM could be persuaded to examine the autonomy option gradually.

In practice, therefore, the CMI's approach dovetailed with that of the Indonesian negotiators, who insisted from the start that any final settlement would have to be based on the existing Special Autonomy Law. This was not a new position, but the Indonesian team now believed they were negotiating from a position of greater strength than before the military emergency. They also believed that they had sensed some signs of equivocation among GAM commanders during attempts to contact the movement the year before. Hence, at the meetings in mid-January, in addition to basic exploratory discussions, the Indonesian delegation provided the GAM negotiators with copies of the existing Special Autonomy Law passed by the national legislature almost four years earlier and added their offers for amnesty and economic compensation. In effect, the government was formally offering to GAM what the move-

*the Indonesian
team...believed they
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strength*

ment had already rejected in the past. Wanting to keep the talks alive, GAM representatives agreed to “study” the proposals, but they avoided making their views clear.

***GAM’s approach...
aimed at first
arranging a ceasefire***

GAM’s approach, by contrast, aimed at first arranging a ceasefire and only later discussing substantive political matters. As the official GAM statement at the end of the first round put it: “The ASNLF requests that the international community (including the CMI, the United Nations and the governments of concerned nations) urge the GoI [Government of Indonesia] to agree to a sustainable ceasefire to ensure the continued delivery of emergency aid to tsunami victims” (GAM statement, January 30, 2005). In effect, this proposal would have repeated the approach adopted in the previous HDC-facilitated process, and the Indonesian government rejected it. As Indonesia’s chief negotiator Minister Hamid Awaluddin put it: “In substance, they want a temporary solution, while we want a permanent solution. Future negotiations will be to find a meeting point between these two” (*Media Indonesia*, February 2, 2005).

At this point, government leaders back in Jakarta ratcheted up the pressure, becoming even more insistent that special autonomy must be the foundation for a settlement. The coordinating minister for security and political affairs, retired admiral Widodo Adi Sutjipto insisted after the first round that the talks must aim at “a comprehensive and permanent solution . . . not just talk about a cease-fire.” The Indonesian team, he insisted, would not return to talks without a “clear agenda and substance to serve as the basis for discussions” (*Media Indonesia*, February 2, 2005). In a view the president shared, he made it clear that this “clear agenda” must be based on “discussion of accepting special autonomy” (*Media Indonesia*, February 18, 2005). Throughout the negotiations, Indonesian officials consistently rejected GAM’s call for a ceasefire prior to a political deal. This approach was designed not only to increase pressure on GAM to accept a solution based on special autonomy but also to prevent GAM from using a ceasefire to strengthen itself, as officials believed had happened in earlier years.

Government officials further increased pressure on GAM by stressing that they could revert to a military approach if the talks failed to deliver the desired outcome. On the eve of the first round, for instance, President Yudhoyono himself explained that GAM had a choice. After the tsunami

he had ordered the TNI to take a defensive posture and invited GAM to end the conflict and accept an amnesty. If they refused, it would be more of the same: “Nevertheless, soldiers still have the task of ending the armed conflict by exterminating GAM” (*Indo Pos*, January 25, 2005). Again, this was consistent with past tactics, when the government had seen armed pressure and talks as complementary.

In this context, the stance adopted by President Ahtisaari and his CMI must be viewed as another important source of pressure on GAM. With the Indonesian government’s position being so clear, it was obvious that if the “nothing is agreed until everything is agreed” formula was to work, then a political settlement would have to be based upon some form of autonomy for Aceh within Indonesia. As noted above, President Ahtisaari understood this clearly and later explained that the basis of the negotiations was that “we were looking at a narrow opening in the autonomy clause as a basis of the negotiations. That was the general approach. We were not looking at other alternatives” (*Tempo*, August 23–29, 2005). Instead, as he put it, “the whole exercise was to find out whether Special Autonomy, or self-government, as GAM called it during the talks, offered enough for GAM to give up their claim for independence” (personal communication from President Ahtisaari, October 18, 2005).¹² Little wonder, then, that some GAM leaders and sympathizers criticized Ahtisaari and CMI for effectively siding with the Indonesian position, especially when President Ahtisaari on several occasions said that the conflict would be resolved within the special autonomy framework.

Finally, important foreign governments also added their voices to the chorus calling for a compromise solution. For instance, groups of foreign ambassadors met with the GAM negotiators at various times in Finland, stressing that a negotiated solution would have to respect Indonesia’s territorial integrity and be based on special autonomy (Kingsbury 2005b). Such occasions also signaled renewed international interest in the negotiations and, along with the increased international presence in post-tsunami Aceh, encouraged a perception that there was a window for a deal to be struck.

GAM’s Breakthrough Offer

On the eve of the second round of talks on February 21–23, 2005, the gulf between the two sides seemed as wide as ever. Collapse seemed a real possibility. There was intense pressure on GAM, but the movement had

always derided special autonomy in the past and seemed unlikely to approve it now.¹³ GAM leaders still emphasized that their first goal was facilitating humanitarian aid for tsunami victims and that they wanted to discuss a ceasefire. As GAM leader Malik Mahmud explained, “If we can have peace, we then expect to be able to work towards a negotiated political settlement” (GAM statement, February 19, 2005). Indonesian leaders, however, were adamant that the talks should discuss special autonomy. The TNI commander, General Endriartono Sutarto, promised military action if the talks failed.

In fact, it was at this meeting that GAM leaders announced that they would accept a solution based on “self-government” rather than full independence. They explained that they had come up with the term “self-government” as a means to break the deadlock. While they insisted that they still rejected “special autonomy” because of its negative associations with violent military rule, they would be prepared to accept expanded Acehese self-government within an overarching relationship with Indonesia.

This was not merely a semantic shift. As GAM spokesperson Bakhtiar Abdullah put it to a Reuters correspondent, in one of the few public statements at this time: “The conflict cannot be solved like that [i.e., by continuing the demand for independence] and we have to come to terms with that. . . . That [self-government] is the main thing on the table. . . . Of course in the negotiations we go with the tangible things that are on the table” (*Reuters*, February 22, 2005). Australian academic Damien Kingsbury, a GAM advisor who was a key architect of the new policy, confirmed that “the demand for independence is no longer on the table. They are demanding self-government now and the Indonesians [government representatives] understand this very clearly” (*Associated Press*, February 23, 2005).

This was a shift of historic proportions. It was the first time that GAM had ever indicated that it was prepared to accept anything less than independence or a referendum. As such, it was widely viewed as a major breakthrough, and it made all subsequent progress in the talks possible.

The shift was relatively sudden. According to Kingsbury, the movement’s leadership had a preliminary discussion about strategy when he

It was the first time... GAM... indicated that it was prepared to accept anything less than independence or a referendum

visited Stockholm in October 2004, well after the Indonesian government had made its first exploratory moves to reopen negotiations. This discussion did not result in a change of policy by the GAM leaders. Kingsbury's own views, however, were expressed in an article he published in the *Jakarta Post* in January in which he proposed a solution based on "genuine autonomy," by which Aceh would "become a self-governing state in all matters but foreign affairs, aspects of external defense, and elements of taxation" (Kingsbury 2005a). Elsewhere he wrote of the goal being to achieve "functional independence" *within* special autonomy arrangements (Kingsbury 2005b).

However, serious development of a GAM position only began during the negotiations themselves. In the words of GAM's "prime minister," Malik Mahmud, "GAM decided that it was possible to accept a deal with GoI based on the self-government formula precisely during the late afternoon of the second round in the Helsinki talks." The position was adopted to escape the "total deadlock" then being experienced in the talks (personal communication, October 18, 2005). The term "self-government" itself was hit upon as a potential impasse-breaker when, on the evening of February 20, President Ahtisaari used a Finnish-language equivalent of the term while discussing the peace deal on television (author communication with Damien Kingsbury, October 13, 2005).

Overall, the new position was the product of a process of learning on the part of GAM leaders. It might never have been possible had the hard-line founder of GAM, Hasan Tiro, remained in full control of his faculties and the movement. His successors to the GAM leadership realized that their strategy of armed struggle had reached (at best) an impasse. They also knew from the COHA experience that the government could easily abandon talks and revert to the military option and that, in such circumstances, international interest in conflict resolution could quickly evaporate. Damien Kingsbury's own inside account of the talks (Kingsbury 2005b) reveals that although the GAM leaders were several times prepared to walk away from the talks, they were also almost desperate in their determination to avoid another collapse. "Self-government" would allow them to keep the talks alive and perhaps also allow them to achieve some of their greater goals. Moreover, GAM leaders were sensitive to the "unprecedented world-wide sympathy over Aceh along with the call to end the conflict quickly and peacefully," and they also took heart from the "strong indication that the newly elected government in Jakarta was

somewhat more flexible and in favour of settling the conflict peacefully and ‘with dignity for all’” (personal communication from Malik Mahmud, October 18, 2005).

But the new position was not unambiguous. In the first place, GAM leaders were always careful to say that, far from setting aside the independence demand permanently, they were merely choosing not to bring it “to the table.” GAM’s chief spokesperson, Bakhtiar Abdullah, put it like this at the conclusion of the second round:

I would also like to offer a clarification of some media reports. There have been some misquotations about GAM dropping its claim for independence. To be clear, GAM has not given up its claim for independence for Aceh. However, it has recognized that in a spirit of cooperation in the post-tsunami period, it should make concessions. It has therefore not brought to the negotiating table the issue of independence, and this is therefore not being considered during these talks. (GAM statement, February 23, 2005)

Such statements left open the question of whether GAM’s new position was merely a tactical maneuver. One obvious interpretation was that GAM viewed a solution based on “self-government” as only an interim step in a longer-term struggle to win independence. In this interpretation, a future government dominated by GAM or their sympathizers might be able to move Aceh toward independence. Indeed, early formulations of the GAM negotiating position suggested that “the people of Aceh” should be given the opportunity to indicate their approval or disapproval of self-government arrangements or that self-government would be adopted only “pending” its acceptance by the population (confidential communication, February 2005). This looked like an attempt to smuggle a referendum clause into the agreement by stealth, and the Indonesian negotiators were quick to rule this out.

Another interpretation of GAM’s move was that it was a ploy designed to expose the Indonesian government for “intransigence” before the international community and the Acehnese population. In this view, GAM was holding out an offer for peace in Aceh within an Indonesian framework only because it believed that the government would reject GAM’s self-government model and thus refuse the deal. Implausible as such interpretations sound, some GAM sympathizers interviewed around this time were convinced that

“self-government” was merely an example of Acehnese *tipu muslibat* and that the movement was setting a trap for the Indonesian government.

There were also signs, however, that some members, supporters, and fellow travelers of GAM were confused and dismayed by the new position. E-mail discussion lists throughout the Acehnese diaspora came alive with expressions of alarm. In response, Bakhtiar Abdullah released a statement clarifying the position, which is worth quoting at some length. He wrote that “it needs to be stressed first that the Government of the State of Aceh/Free Aceh Movement has never aborted [*menggugurkan*] the demand for independence, the aspiration of the Acehnese nation that has been struggled for with blood, tears, and sweat since 1873, and which has been led by the Free Aceh Movement since 1976.” He said instead that self-government was “a creative and exploratory idea to bring us out of the grip of a deadlock.” On this point, he used tough language:

As all people know, the Indonesians only want to dialogue with GAM if their offer of Special Autonomy is included in the agenda for talks, while for GAM that term represents the status quo (the existing situation), namely conflict with all the cruelty that includes, such as murder, torture, rape, abduction, robbery, and various other serious human rights violations. So if the two sides will not compromise to seek another topic which can be accepted by both, without giving rise to deep revulsion, then the dialogue could not proceed, whereas dialogue is greatly needed in the post-tsunami period in Aceh in order to allow international parties to enter and provide assistance without disruptions and to begin the reconstruction of Aceh.

He also described continuing military abuses in the context of the tsunami as the “reality faced by the Acehnese nation now, which has forced GAM to think of a new strategy in order to maintain the safety and survival of the nation of Aceh as a dignified national entity.” He appealed on Acehnese throughout the world to “remain calm and not to respond to the provocation and propaganda of the enemy and make unnecessary speculation.” (GAM statement, February 25, 2005). In subsequent statements he and other leaders stressed that “we have never retracted our demand for independence” (*Jakarta Post*, February 26, 2005).

In retrospect, statements about the continued adherence to the inde-

pendence goal may be understood partly as a bargaining strategy. Just as the Indonesian government warned that it could easily revert to military operations, so GAM was warning that it, too, could return to its independence struggle if the government refused to give ground. In the “nothing is agreed until everything is agreed” framework, GAM would not be bound by its offer if its adversaries refused to give equivalent concessions. A more cynical interpretation would view such comments as a means to sweeten and disguise the capitulation that had taken place. Of course, it is just as plausible that the GAM leaders did continue to believe in independence and thought that self-government might simply be a way station toward that goal. The truth is probably a mixture of all of three of these motivations. GAM leaders were stepping into a void they had never entered before, motivated by a combination of calculation, anxiety, and hope, and they were hardly going to abandon their long-cherished goal of independence overnight.

There was division on the Indonesian side about how to respond to GAM’s offer. Jusuf Kalla and his closest confidantes on the negotiating team, Hamid Awaluddin and Sofyan Djalil, were inclined to believe that GAM was sincere. They said publicly that GAM had made “progress” but added that they had difficulty understanding what the term “self-government” meant. Among the negotiators, Admiral Widodo and his deputy Usman Basja thought GAM’s position was just a negotiating ploy (confidential communication, September 21, 2005). In the wider elite, some politicians and commentators warned that “self-government” could be a ruse. In the words of Wiryono Sastrohandoyo, the chief negotiator during the Megawati presidency, “Self government means self determination. Self determination means independence. This needs great care. The real agenda of the talks should be a ceasefire and reaffirmation of the Special Autonomy Law” (*Kompas*, February 25, 2005).¹⁴

However, in this and subsequent rounds of talks, the GAM bargaining position became clearer. Although the position was never released publicly—which added to the anxiety among some independence supporters—some of it leaked to the press and other sources. Among the chief points were: (a) greatly expanded authority to a “self-governing” territory of Aceh within Indonesia, with only minimal powers (especially those concerning external defense and foreign affairs) reserved to Indonesia; (b) a number of legal-symbolic measures underlining Acehese autonomy, such as the power to grant passports to residents and to set interests rates separately

from the central bank, as well as recognition of Aceh symbols such as a flag; (c) a political system markedly different from that in other provinces, notably including local political parties; (d) attempts to protect Aceh's special rights from future legislative erosion, if not by a constitutional amendment then by a provision making any policies affecting Aceh subject to approval by the Aceh members of the DPR, Indonesia's national legislature; (e) a judicial system largely independent from that in the rest of Indonesia, with no right of appeal to the Supreme Court in Jakarta over decisions by the top Aceh court; (f) tough human rights provisions, including international investigations of past human rights abuses; and (g) withdrawal of TNI and police forces and their replacement by a locally recruited police force answerable to the governor.¹⁵

In summary, although the new GAM position marked a dramatic step back from the demand for complete Aceh independence, it still amounted to an ambitious claim in which Aceh would have very far-reaching powers, far beyond those allowed in Indonesia's existing constitutional arrangements. As far as autonomy plans go, it was an audacious model, and there was little chance that the Indonesian government would accept it.

*the new GAM position
...still amounted to
an ambitious claim*

Disunity on the Indonesian Side

One major complicating factor in the peace process in the past had been the deep divisions within the Indonesian government over the desirability of negotiations and compromise with GAM. Hard-line views on how to resolve the Aceh conflict had dominated since the later months of Abdurrahman Wahid's presidency. The hard-liners had been a major cause of the collapse of the peace process in 2003.

The election of Susilo Bambang Yudhoyono and Jusuf Kalla and the reopening of negotiations signaled a strengthening of forces interested in a peaceful solution. Beginning with the third round of talks on April 12, 2005, serious bargaining between the two sides on a compromise settlement began. Indonesian government negotiators publicly expressed optimism that an agreement was possible. While they ruled out some of GAM's demands, they also publicly said that others could be accommodated, especially those with symbolic rather than substantive impact, such as recognition of an Aceh flag and anthem. In the negotiations themselves, rather than continuing to press GAM to accept "special autonomy," they instead concen-

trated on teasing out the details of what GAM meant by self-government.

However, as the negotiations proceeded, it was clear that hard-line views about how to resolve the conflict were by no means in complete retreat. Such views were manifested in two main ways.

First, when important government and security officials talked about the negotiations, it was often clear that they still had in mind the old “surrender and amnesty” model rather than bargaining and concessions by both sides. Many officials frequently indicated that they saw the talks as a means for GAM members to put down their weapons, accept the existing Special Autonomy Law, “return to the bosom of the Motherland,” and receive an amnesty. They used language identical to that used during attempts to persuade GAM members to surrender during the integrated operations. Those using this language were mostly military officers, but they also included senior government officials, including President Yudhoyono himself. Some government leaders were especially explicit, saying that GAM had to “unreservedly” accept the Special Autonomy Law and that no amendments to it or other regulations were permissible—an approach that obviously would have precluded compromise altogether.

The second, and potentially more serious, problem was that some elements in the security and political establishment were simply opposed to the talks. Many important figures criticized them, either explicitly or implicitly. There were two main sources of opposition.

The first was military officers, a group whose acquiescence would be crucial to future implementation of an accord and who had played a key role in spoiling previous agreements. Most military officers tended to be careful in making comments. They rarely condemned the talks outright, conscious as they were of their new responsibilities in the era of civilian supremacy. Instead, they stressed the military’s willingness to follow whatever orders the government gave. TNI Commander Endriartono was especially forthright on this score. He said that the military would do to GAM whatever the government told them to do: “That is not my capacity to decide. We could keep wiping them out, shake hands, or even sleep with them” (*Media Indonesia Online*, January 20, 2005). Some officers, however, were less reluctant to express their distaste. On the very day that news of GAM’s self-government offer was breaking, General Ryamizard Ryacudu, the departing Army chief of staff and a notorious tough talker, could barely conceal his contempt: “Although we are continually lied to,

we keep wanting peace. But, if they are negotiating to separate from the Unitary State—no way!” (*Waspada*, February 23, 2005). He offered a characteristically simple solution: “It is GAM who must put down their weapons, not us. Because what we are doing is defending the state. How can they ask us to put down our weapons?” (*Media Indonesia*, February 2, 2005). At the ceremony where he handed his post to his successor, Djoko Santoso, he was still dismissive, stressing that the government had repeatedly entered into talks with GAM, but that the movement had always “lied” (*Media Indonesia*, February 26, 2005).¹⁶

Military officers implied criticism of the talks in other ways, either by stressing that GAM was still a serious security threat—often with the added implication that the movement was trying to use negotiations to reconsolidate and should not be trusted—or by asserting that the existing approach was still effective and producing results. Most importantly, despite the president himself at various times ordering troops to maintain a defensive posture, officers repeatedly said they would continue operations to destroy GAM or force them to surrender.

***[military] officers
repeatedly said they
would continue opera-
tions to destroy GAM***

A second source of criticism was members of Indonesia’s civilian political elite, especially parliamentarians. Again, this followed an earlier pattern set during 2000–03, when an atmosphere of nationalist one-upmanship had developed in the DPR. After the “loss” of East Timor and the subsequent fall of President Habibie, representatives of the different parties had competed to be tough on separatism and “foreign intervention” in internal conflicts. When news broke that talks would be held in Helsinki, many parliamentarians again voiced their disapproval. Typical complaints included that by negotiating in a foreign country and with the mediation of a foreign organization, the government was committing the cardinal sin of “internationalizing” the conflict and recognizing GAM as a legitimate international actor with a status equal to the Indonesian state. These complaints were familiar (Aspinall and Crouch 2003: 16). Members of the DPR’s Commission I on Defense and Foreign Affairs summoned government ministers to explain. Some even seemed to be urging the military to resist obeying the government’s new line. Those making strong statements came from across the entire political spectrum and included representatives of former president Megawati’s PDI-P, Jusuf Kalla’s Golkar,

and major Islamic parties. They were joined by prominent leaders of religious and social organizations like Hasyim Muzadi, head of the large Islamic organization Nahdlatul Ulama.

***[the] DPR speaker
[indicated]...he was
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letter to the president
requesting that the
talks be stopped***

The attacks reached a crescendo in early June, after the fourth round of meetings in late May, when DPR speaker and Golkar member Agung Laksono said that he was going to write a formal letter to the president requesting that the talks be stopped. He was especially scathing on the question of international involvement (it had been announced that EU and ASEAN representatives would likely be involved as monitors). He also stressed that no concessions should be offered to GAM beyond the existing political framework: “We hope that the political road or the peaceful road via negotiations with GAM can be totally concluded in the framework of the Unitary State of the Republic of Indonesia via Special Autonomy. Period. With no extras at all” (*Media Indonesia*, June 2, 2005).

Putting such open criticisms of the talks aside for a moment, it is worth noting that it was often difficult to draw a clear dividing line between mainstream official discourse about the negotiations and comments expressing dissatisfaction with them. This was because so much of the official discussion about the peace talks was conducted in the “surrender and amnesty” mode. Take, for instance, the following comments by TNI Commander General Endriartono Sutarto after the fourth round of negotiations: “I don’t know anything about what the form of a ceasefire or disarmament later would be. Up to the present moment, the policy of the TNI is clear: there is no ceasefire. What there should be is a permanent end to the conflict with GAM giving up its weapons. Period. Finished. All that could happen if GAM really wanted to accept special autonomy” (*Kompas*, June 3, 2005). Such a comment could easily be interpreted as indicating a desire to continue military operations until GAM members surrendered and accepted the status quo. Alternately, it could be read as a simple statement of the government’s position that no ceasefire was allowed before a permanent solution.

In part, this blurring of the lines came about because the government had never been of one mind when it came to negotiations. TNI officers like Endriartono may have been personally inclined to pursue a military

approach while also believing that the TNI was obliged to support government policy. (It was widely rumored that General Endriartono had made a personal commitment to the president that the TNI would not disrupt the negotiations and would honor any agreement. Such an outcome would have been in doubt had the president acceded to the request by outgoing president Megawati and the DPR in late 2004 to replace Endriartono with the notoriously reactionary Ryamizard Ryacudu, who, as already noted, openly criticized the talks.) Some civilian government leaders probably also felt uneasy about talks, while others who were perhaps more personally committed to them found it convenient to adopt a tough public posture in response to critics. President Yudhoyono himself arguably fitted this latter category.

Such ambiguity on the government side, and the disunity that underpinned it, could also be seen as strengthening the government's hand in the negotiations. From the start, the government had always used a carrot and stick approach, promising GAM benefits if it acceded to the government's position, threatening it with military action if it did not. There was thus never a clear line dividing hawks from doves or separating a security approach from one based on negotiation. Instead, it had long been a hallmark of Susilo Bambang Yuhoyono's approach to combine both elements into a single "integrated approach." Throughout the negotiations in 2005, therefore, when government officials and military officers said that GAM had to accept the existing Special Autonomy Law or face renewed military action, this merely continued a longstanding policy. Indeed, it arguably helped Indonesian negotiators in Helsinki because they could rule out certain concessions (e.g., complete withdrawal of TNI forces from the province) by plausibly arguing that hard-liners in the security establishment would certainly veto them. Yet such ambiguity threatened to undermine the long-term viability of any eventual peace deal. As we shall explore below, many in Indonesia's elite who had been used to thinking about negotiations in a surrender and amnesty mode were shocked by the concessions eventually granted to GAM. There was inadequate preparation for a constituency for peace.

Yet this is not the whole story. Unlike in earlier talks, when government negotiators had lacked high-level backing and thus tended to be swept along by the weight of hard-line opinion, this time there was one especially powerful figure who defended the process energetically and publicly. Vice President Kalla frequently spoke to the media to defend the negotiations in his characteristically direct style. For instance, when DPR mem-

***Kalla frequently spoke
to the media to defend
the negotiations***

bers criticized the government for agreeing to talks outside the country, he told *Tempo* magazine: “GAM wanted guarantees from foreign countries, either ASEAN or the European Union. We had no choice. This goes back to the arrest of GAM negotiators by the police in May 2003. That was a fatal mistake. Negotiators cannot be arrested. The element of trust would be lost. It was like the Dutch East Indies company which arrested Indonesian negotiators in Indonesia” (*Tempo*, February 8–14, 2005). It was extraordinary for any Indonesian official, much less the vice president, to compare the actions of the government to that of the former Dutch colonialists, an equation that GAM was more apt to make.

Time and again, Kalla explained in straightforward language that the only alternative to talks was bloodshed: “If there is no peaceful resolution, doesn’t it mean we’ll have endless war? . . . Is that what the people want? If we don’t want war we’ve got to hold negotiations, or meetings. It’s funny isn’t it—people ask why are we talking with GAM, but they also ask why is there a conflict?” (*Serambi Indonesia*, July 7, 2005). Kalla was also not reluctant to respond to detractors directly. At one point, when Ermaya Suradinata, head of the government’s top security policy agency Lemhanas (National Resilience Institute), told the parliament’s Commission I on Defense and Foreign Affairs that it should “review the negotiations” because they were leading to internationalization and the strengthening of GAM, Kalla summoned him to his office and reprimanded him for opposing official policy (*Kompas*, June 25, 2005). At another point, he said members of Megawati’s party, PDI-P, who were among the most vociferous opponents of negotiations, should go to Aceh and “fight the war themselves” (*Tempo Interaktif*, June 11, 2005). Such language may seem unremarkable to outsiders, but it was unusual in a climate where politicians had hitherto been more inclined to extol the virtues of defending the unitary state at all costs. Rarely had someone in high political office put the case for negotiations so simply and clearly.

Although he did not attend the negotiations in Helsinki, Kalla also played a direct role in supervising the Indonesian team. According to some of its members, he was in touch with them at least every two hours, and had a fax machine in his bedroom so that he could read, comment, and sign off on draft documents in the middle of the night

(*Media Indonesia*, August 19, 2005; *Jawa Pos*, August 16, 2005). His interest even extended to minor details. According to the chief Indonesian negotiator, Hamid Awaluddin, the vice president coached him on how to “speak politely” and how to look directly into the eyes of his negotiating partners, a skill that Hamid had to practice on the vice president himself: “[he’d say,] ‘Hamid, if you are negotiating, look into their eyes.’ Then he’d make me practice, by making me look into his eyes. How could I possibly look into the eyes of the Vice President? If I blinked, he’d say ‘Look into my eyes’” (*Media Indonesia*, August 19, 2005).

President Yudhoyono’s personal involvement in the talks was not as deep, but he did take a much greater interest than his predecessors had, meeting the negotiators before and after their trips to Helsinki and explaining to them the broad limits of what could be conceded. He also spoke publicly on the talks, although his comments tended to be more severe than Kalla’s.

Overall, therefore, although the government and political class in Indonesia was as divided as it had ever been on the desirability of negotiations, the balance had shifted markedly in favor of the peace camp. This was not because of any fundamental rethinking of past positions, as had occurred in GAM, but rather because those who had always favored negotiations had been elevated to more powerful positions. Had Megawati Soekarnoputri remained in power, or had her choice of Ryamizard Ryacudu become Armed Forces Commander, it is unlikely that the talks would have succeeded. In the past, those negotiating for peace had lacked strong backing or direction; now they had the support of the two most powerful figures in the government.

*although [still divided]...
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Toward Deadlock: Local Parties and Elections

The shift in favor of the peace camp in the government was certainly crucial to the success of the talks. It did not mean, however, that negotiations would be easy. Despite GAM’s concession on independence, the model of self-government it proposed was still far more radical than the existing Special Autonomy Law.

While negotiations were supposed to be confidential, enough leaked out to develop a general picture of the progress and the major sticking points. Early on, for instance, it was apparent that agreement would be

relatively easy on disarmament procedures, amnesty, and monitoring. Thornier issues included GAM's demand for international investigations of past human rights abuses and provisions concerning the future role of the TNI.

The most controversial issue...was GAM's demand for recognition of local political parties

The most controversial issue, however, was GAM's demand for recognition of local political parties. This had been an unresolved problem since the earlier HDC-mediated negotiations. It had first arisen as a major point of contention in January 2001, when the two sides had agreed to explore "democratic processes," including "conditions under which GAM and supporters of independence may participate fully in the political process" and "conditions under which GAM would transform their means of achieving their political objectives in a democratic way" (Aspinall and Crouch 2003: 20). From that point on, the prospect that GAM would be allowed to form a political party and contest elections was always an issue at least in the background of talks.¹⁷

The issue arose because Indonesia's political party law required that in order to register to run for elections to national and regional legislative bodies, a political party had to show that it has functioning branches in at least 50 percent of provinces and 50 percent of the districts in those provinces. This provision, perhaps the toughest attempt in any democracy to mandate the development of a strictly national party system, had been designed specifically to prevent the emergence of parties with purely local agendas at a time when members of Indonesia's governing elite had been greatly concerned to prevent disintegrative forces from establishing a foothold in the political system. In 2004, amendments were also made to Indonesia's law on regional government to allow for direct popular election of heads of regional governments (governors in the provinces, *bupati* in the districts or *kabupaten*, and mayors in urban municipalities or *kota*). The law required, however, that candidates for office in these elections be nominated by a political party or combination of parties that had won at least 15 percent of the vote in the local legislative election. National political parties thus had an iron grip on selecting candidates for all of the important legislative and executive posts in the country.

Commentators had often suggested that allowing local political parties would likely be crucial to a successful negotiated outcome. This was

because it was necessary to “provide GAM with greater incentives to participate in conventional politics as an alternative to armed struggle” (Aspinall and Crouch 2003: 47). Without allowing GAM to become a political party and run for elections, any peace settlement would be akin to requiring the movement to dissolve itself and abandon any claim to influence the political future of the territory. When government spokespeople ruled out local parties in early 2003, the COHA process thus “seemed to be leading GAM toward a political dead-end” (Aspinall and Crouch 2003: 47). Closing off the movement’s political options contributed to its determination to use the ceasefire that year to strengthen itself militarily and so helped to destroy the entire process.

In the 2005 negotiations, GAM also insisted that local elections be held using the new rules—including local parties—immediately after the accord was put into effect (under Indonesia’s existing electoral cycle, new legislative elections were not to be held until 2009, while direct elections of the governor and district heads, already long delayed, were due by the end of 2005). Realistic or not, GAM leaders were apparently confident that a GAM-based party and GAM-supported candidates would easily win such elections. More than simple political calculation was involved, however. GAM had always been motivated by a strong sense that Acehese identity was separate and distinct from Indonesian identity. Allowing for Aceh-based parties would be a means to allow this distinct identity to express itself through the political system. In contrast, requiring GAM supporters to join Indonesia’s national parties would have violated their fundamental views about Aceh’s distinctive character.

In the 2005 negotiations, the question of local political parties became the main stumbling block and almost derailed the talks. From the start, government negotiators and other senior officials publicly ruled out both recognition of local parties and new elections. Usually, they said only that such an outcome was impossible under existing laws. At the heart of their objections, however, were beliefs and anxieties about Indonesian identity that were as deeply held as GAM’s views about Aceh. For Indonesian nationalists, national unity is a precious inheritance of the anti-colonial struggle, when the idea of Indonesia came into being as a means to unite the diverse population of the Netherlands East Indies in the struggle against the Dutch. It is also a concept that requires constant cultivation and protection from the corrosive forces that threaten it. For that reason, officials often described their refusal to allow local political

parties as necessary to prevent a “domino effect”—sometimes they used this very term—spreading to other parts of the country and undermining national unity. Sofyan Djalil, for example, explained, “If we allow local political parties, all of those negative potentials could emerge like a party based on language, a party based on tribe, a party based on segmented religious beliefs. And then, you can imagine, an extreme religious party could emerge” (*Reuters*, May 18, 2005). At the fifth round of talks, Hamid Awaluddin, as paraphrased by *Kompas*, warned that “this nation is very diverse or heterogeneous, this nation has a high level of sensitivity to that diversity. The phenomena of horizontal conflicts which have occurred in several regions is proof of that” (*Kompas*, July 15, 2005).

A more specific fear presumably also motivated the objections: namely, that a “GAM Party” might actually win local elections, thus strengthening separatism rather than undermining it. Pramono Anung, the secretary general of the PDI-P and a leading critic of the talks, warned that elsewhere local parties tended to have more “ideological” rather than “managerial” content: “Just look at the local parties in Spain and Canada [presumably a reference to secessionist conflicts over the Basque region and Quebec]. In the end, local parties are an entry point for efforts at separation” (*Jawa Pos*, July 31, 2005). The head of Nahdlatul Ulama, Hasyim Muzadi, another critic of the talks, was even more explicit: “If what is meant is an independent government and establishing local parties, I am worried they will cut links with the government of Indonesia” (*Media Indonesia Online*, July 7, 2005).

In the lead-up to the crucial fifth round in July 2005, it seemed that deadlock on this issue would cause a collapse of the talks. Then, the Indonesian side publicly offered what appeared to be a substantial compromise. On the evening of July 6, the president and Jusuf Kalla met with the leaders of nine of the existing major parties at Kalla’s residence; the group included several individuals who had strongly criticized the peace process. They agreed that they would still reject local parties but approved an arrangement whereby former GAM members would be able to run for executive office in the direct elections that would soon be held in Aceh. This would be achieved, the party leaders promised, because their parties would themselves nominate GAM members for such positions, thus obviating the need for a separate GAM party. As Abdillah Thoha, one of the party representatives, put it: “This is compensation for the closure of the opportunity to establish local political parties” (*Kompas*, July 8, 2005).

This offer continued the basic logic of co-optation that underpinned

the approach of the Kalla camp. In the scenario now being offered them, GAM leaders would have been able to aspire to political office in Aceh but only with the sponsorship of existing political parties. This was a proposal, in other words, to absorb GAM leaders into the existing political system individually and in subordinate positions. Indeed, this attempt at political co-optation was leavened by attempted economic co-optation, with rumors spreading among GAM supporters that government negotiators and their allies were offering jobs and economic rewards to GAM leaders if they signed off on a peace deal.

A few days later GAM publicly rejected this compromise, with spokesperson Bakhtiar Abdullah putting the rejection in general democratic terms: “We do not want an outcome just for GAM. We are putting a case for the democratization of Aceh which will allow as many political parties as the Acehnese people want to establish and support” (GAM statement, July 13, 2005). Whatever the general principle at stake, it is also obvious why this offer was not tempting: it would have made GAM’s leaders supplicants to the existing national parties, without any guarantee that they would be able to maintain their organization’s identity or cohesion as a distinct political force.

This issue continued to be a main point of division at the fifth and final round of talks from July 12 to 17. At these talks, the Indonesian side made another offer that tried to bridge the gap between GAM’s position and existing regulations by offering to work with the established parties to help GAM to establish a party that would meet national registration requirements. Under this arrangement, presumably members of existing parties would be “loaned” to GAM to enable the group to establish branches in provinces and districts beyond Aceh. GAM ruled this offer out also, with Bakhtiar Abdullah saying that GAM rejected “a sweetheart deal that excludes the possibility of other political parties. . . . The peace talks are not about an arrangement that ensures that GAM gain power in Aceh, but about introducing genuine democracy to Aceh” (GAM statement, July 15, 2005).

The question of local parties was not the only issue that came close to scuppering the peace deal. For instance, the number of Indonesian troops to remain in Aceh was another last-minute sticking point in the July talks. It had already been announced, however, that this would be the last meeting, and after a final day of negotiations that lasted twelve hours and was described by the chief Indonesian negotiator as “being tough,

spiced with bitter debate, a war of endurance and a war of argumentation” (*Kompas*, July 18, 2005), the two sides finally reached agreement.

The Memorandum of Understanding

both sides made

significant compromises

The Memorandum of Understanding signed by the two parties on August 15 (included in full in the appendix) shows that in the end, both sides made significant compromises in order to reach an agreement. While GAM made the major strategic concession by abandoning its independence demand, the government eventually also gave ground on several key issues, including the question of local political parties.

the MoU contains explicit principles for governing the future political relationship

When compared to the earlier Cessation of Hostilities Agreement, a striking difference is the level of detail in the new agreement. The COHA consisted mostly of expressions of commitment by the two parties and procedures and mechanisms for maintaining a ceasefire. While ambiguous on many points, the MoU contains explicit principles for governing the future political relationship between Aceh and the national government, the powers of the Acehese government, and procedures and mechanisms for GAM demobilization, demilitarization, and monitoring. In these last areas, too, the agreement is far more detailed and robust than the COHA. The key provisions concerning political arrangements have to be approved by the Indonesian parliament (by March 31, 2006, for general political provisions, in the form of a Law on the Governing of Aceh; 12–18 months on the issues concerning local political parties).

On the key matter of “political participation” (section 1.2), the agreement reaches a series of clumsy compromises. The government will first assist in the establishment of “Aceh-based political parties that meet national criteria” and allow candidates nominated by the population (how they will be nominated is not spelled out) to run for executive positions in local elections in April 2006 (items 1.2.1 and 1.2.2). The cumbersome phrase, “Aceh-based political parties that meet national criteria” reflects the government’s offer during the negotiations that it could help GAM members to establish existing political parties with enough branches throughout the whole country to satisfy national electoral laws. The two

provisions in combination are presumably intended to allow GAM to nominate candidates in the envisaged 2006 local executive elections, prior to the formation of local parties.

However, the government will also, in 12 to 18 months, “create . . . the political and legal conditions for the establishment of local political parties in Aceh in consultation with the parliament.” This is a major concession by the government, although an ambiguously worded one: the agreement does not explicitly address the key question of whether the local parties will be able to register to participate in national or local elections, although presumably this is the intent, and the proviso about consultation with parliament could be used as an escape clause. On the timing of legislative elections in which these local parties would (presumably) be able to run, the government did not give ground. The next legislative elections are scheduled for 2009, in accordance with Indonesia’s overall electoral cycle. Presumably as a sop to GAM, who might face the prospect of controlling the provincial executive government after direct elections in 2006 but have to deal with a potentially hostile legislature consisting of members of the national parties elected in 2004, the agreement requires that all provincial legislation must receive the consent of the head of the Aceh administration until 2009 (item 1.2.3).

The MoU also sets out a variety of broad principles for the government of Aceh and its relations with the national government. These principles are to be enshrined in the new law, although the agreement pointedly avoids using the terms “self-government” and “special autonomy.” Key provisions include a broad grant of powers to Aceh—only foreign affairs, external defense and several other key matters are retained by the national government (1.1.2a)—and an attempt to limit the scope of the national legislature to pass laws affecting Aceh (1.1.2c). Other matters include symbolic provisions; Aceh will be able to retain its own symbols (1.1.5) and will have a *Wali Nanggroe* (“State Guardian,” the title by which GAM refers to its leader, Hasan Tiro) with “all its ceremonial attributes and entitlements” (1.1.7).

At first glance, these provisions appear to confer wide powers on Aceh. However, as government officials repeatedly pointed out after the MoU was published, most of them in fact repeat or reinforce provisions

***the agreement pointedly
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“self-government” and
“special autonomy”***

already in the Special Autonomy Law or other laws. As government negotiator Sofyan Djalil put it, the new Law on the Governing of Aceh will simply be “the Special Autonomy law with a few new clauses” (*Kompas*, September 6, 2005). For example, a *Wali Nanggroe* was already provided by article 10 of the Special Autonomy Law, and government spokespersons stressed that the earlier law already explicitly stated that this was “not a political or governmental institution” (*Kompas*, August 23, 2005). Likewise, the earlier law already had a provision for the recognition of local symbols, though it stressed that an Acehnese flag could not be “treated as a flag of sovereignty.” Even the apparently far-reaching grant of governmental authority to Aceh in article 1.1.2a of the MoU is taken almost word-for-word from article 10 of Law No. 32 of 2004 on Regional Government, which grants the same powers to all district governments.

Overall, only a few of the political provisions set down in the MoU are innovative or suggest a substantial extension of authority beyond what is already conferred on Aceh’s provincial government. Among such provisions, which subsequently became targets of the most bitter criticism by nationalist politicians, are those giving Aceh the right to set interest rates differing from those of the Central Bank (1.3.1) and, especially, one that attempts to preserve Aceh’s powers from future legislative erosion by requiring that national laws affecting Aceh be approved by the province’s legislature; this provision (1.1.2c) would be of doubtful constitutional validity, even if it were to be incorporated into law, as discussed below. A few other provisions suggest changes to existing arrangements; for instance, item 1.3.4 permanently grants 70 percent of revenues from hydrocarbon deposits to Aceh, while a similar provision in the Special Autonomy Law dramatically reduced the share after eight years (oddly, this provision of the MoU seems to *reduce* Aceh’s share of revenues from some non-oil and gas natural resource industries from the 80 percent currently set by the Special Autonomy Law to 70 percent). Overall, setting aside the question of local political parties, the MoU does not seem to suggest a radical extension of the existing Special Autonomy Law.

The MoU also contains detailed provisions for an amnesty for former GAM combatants and their reintegration into society. GAM is required to demobilize 3,000 troops and decommission all its arms (with a figure of 840 given in the agreement) by December 31, 2005. In line with the amnesty provisions, on August 30 President Susilo Bambang Yudhoyono signed an amnesty decree resulting in the release of almost 1,300 GAM

detainees from prisons around the country.¹⁸ After the amnesty, the agreement provides for full restoration of citizenship rights and provision of suitable farming land, employment, or social security for former GAM members. (This process began in early October 2005, when the government made payments of one million rupiah for every demobilized GAM member, the equivalent of about \$100.) No such provisions were included in the earlier COHA, again illustrating that both sides are envisaging a far more permanent solution this time.

By December 31, 2005, the government is also required to reduce its military and police numbers in the territory down to a total of 23,800 (14,700 organic military forces and 9,100 organic police, with the term organic being used in Indonesian military lexicon to refer to troops in a particular locality as part of its standard territorial structure as opposed to those that are posted temporarily from elsewhere for special purposes, such as a counterinsurgency operation). GAM negotiators publicly complained that the number of military troops was too high and that the Indonesian negotiators had insisted on the figure at the last minute. They argued that it was about double the number of soldiers found in most military commands around the country.¹⁹ However, after the agreement comes into force, the “organic police forces will be responsible for upholding internal law and order” (4.10), whereas military forces will be responsible for “upholding external defense” (4.11)—this final point also generated some loud criticism in Jakarta.

In combination with other sections of the agreement (especially section 1.4, on the rule of law, and section 2, on human rights), the sections on the future role of the military can be read as seeking to establish a strict human rights regime in Aceh. Several provisions (e.g., 1.4.1, 1.4.2, 4.12) suggest that democratic and human rights principles shall become the foundation of governance and law enforcement, and there is a provision for human rights courts (2.2), although not the international tribunal initially wanted by GAM, and a Truth and Reconciliation Commission (2.3). Military personnel will be tried in civil courts when they commit “civilian crimes” (1.4.5). Finally there is the (probably impossible to fulfill) promise that all citizens who experienced “demonstrable loss” during the conflict will receive compensation in the form of land, employment,

these provisions contain an implied promise to reduce the military presence and to stop human rights abuses

or social security (3.2.5d). Taken together, these provisions contain an implied promise to reduce the military presence and to stop human rights abuses. They are thus arguably central to the agreement, given that one key source of discontent in the territory has been the brutality employed and the impunity enjoyed by the military as it has gone about its attempts to destroy the insurgency (Robinson 1998, Sukma 2004, Aspinall 2005b). Preventing further human rights abuses and providing some recompense for past victims would be an effective way to deal with a deep cause of the conflict.

Finally, the agreement also provides a much stronger monitoring and enforcement mechanism than the COHA. An Aceh Monitoring Mission (AMM) “will be established by the European Union and ASEAN contributing countries” (item 5). The AMM is assigned a broad range of monitoring and implementation tasks. The presence of the AMM is reinforced by a Status of Mission Agreement between the Indonesian government and the European Union. Monitors are supposed to have “unrestricted freedom of movement in Aceh” and parties “do not have a veto over the actions or control of the AMM operations” (item 5.7). In a move likely to irritate local security forces, “the Head of the Monitoring Mission may . . . decide on an exceptional basis that a patrol will not be escorted by GoI [Government of Indonesia] security forces” (item 5.8). Most remarkably, the head of the AMM (and in the most difficult cases, the chairman of the board of directors of the CMI) will have the authority to resolve disputes between the parties and make rulings “which will be binding on the parties” (item 6).

These monitoring mechanisms are far stronger

These monitoring mechanisms are far stronger than those established under the failed COHA. Under the COHA, a relatively small and little-known international NGO, the HDC, tried to act as third-party guarantor. It lacked sufficient political authority to make the agreement stick. In the MoU, there is a direct buy-in by important states. The AMM itself has an unfettered right to adjudicate and rule on breaches and disputes, while under the COHA the Joint Security Committee “relied excessively on the good-faith participation of the belligerents themselves” (Huber 2004: 31–32), with GAM and TNI representatives investigating breaches by their own forces, leading to vetoes and a rapid loss of credibility. CMI staffers learned from these failings and viewed designing a much stronger monitoring mechanism as their main challenge (personal

communication, October 8, 2005). President Ahtisaari himself believed that “monitoring is not an area that NGOs should be responsible for”; when the Indonesian government negotiators were prepared to accept ASEAN, he suggested the EU as another regional organization, knowing that the “UN would not be accepted because GoI saw Aceh as an internal affair” (personal communication from President Ahtisaari, October 18, 2005).

Of course, a more robust monitoring system would not itself be sufficient to guarantee peaceful implementation—a heavy UN presence in East Timor, for instance, did not prevent great violence after the independence referendum in 1999. Moreover, in some respects this arrangement could be stronger; for instance, although no figure is given in the MoU, by early October 2005 the AMM consisted of approximately 230 monitors, a rather low number given the geography and the magnitude of the task.²⁰ In the long run, too, the AMM relies on the moral authority of the EU, those ASEAN states that participate, and the CMI and its leader Martti Ahtisaari. It will have no formal-legal authority to punish violations. That responsibility will fall to Indonesian law enforcement bodies, who are representatives of the sovereign power in the territory (and have also been a party to the conflict). Despite these qualifications, the monitoring and implementation arrangements are suggestive of much greater will to resolve the conflict than during the COHA. At that time, the government resisted a strong international role as a diminution of Indonesian sovereignty and a symbol of internationalization.

A Broader Foundation for Peace?

When the two sides agreed to the Memorandum of Understanding, many commentators cautioned that earlier peace agreements in Aceh had failed, and that this agreement might suffer the same fate. While there are reasons to be wary, it must be stressed that this agreement is fundamentally different from the earlier Humanitarian Pause of 2000 and the Cessation of Hostilities Agreement of 2002. It is not only the monitoring mechanisms that make the MoU more robust but its more comprehensive nature as well. Unlike those earlier agreements, the MoU provides not only for a ceasefire, demilitarization, and a framework for future negotiations but also for the broad outlines of a political settlement. As a result, the current agreement has a much greater chance of success.

The continuing “huge gap” between the end goals of the belligerents was crucial to the breakdown of earlier peace processes (Aspinall and

Crouch 2003: 45). The Indonesian government insisted that Aceh must remain part of Indonesia; it would not tolerate separatism. GAM refused to give up its independence goal. When government officials believed that GAM was using the ceasefire to recruit new members, raise money, and propagandize for its separatist struggle, they terminated the peace process and returned to the military option.

This time around, the two sides have agreed on a political compromise, at least in principle. The basic shape of a permanent solution is visible. For this reason, it should be easier for the two sides to develop confidence in one another.

However, it is important not to understate the potential dangers and obstacles. Indeed, it follows from the above that the main challenge will be to maintain the fragile political consensus embodied in the MoU. Both sides will need to abide by the compromises they reached and not revert to earlier positions. This may prove to be difficult because so many of the provisions in the MoU are vaguely worded and ambiguous. Indeed, it is an open question as to how far and on what topics the two sides actually *have* agreed to compromise. During the negotiations, negotiators on both sides frequently said they were aiming for a “mutually acceptable form of words,” suggesting that the agreements they ultimately reached may in some cases be semantic rather than substantive. The foundation for peace embodied in the MoU may be much narrower than it appears at first sight.

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Public commentary after the signing of the MoU suggests that many on the Indonesian government side still hold a view akin to the “surrender and amnesty” approach and see the proposed model for Aceh’s government as involving at most a few minor modifications to existing special autonomy arrangements. For GAM, “self-government” is not far removed from independence.

Major differences of interpretation are thus to be expected on virtually every item in the MoU. Some signs of disagreement surfaced rapidly. For instance, in the field, there were disagreements about whether GAM members were allowed to continue using the GAM crescent moon and star flag. Article 1.1.5 of the MoU promises that “Aceh has the right to use regional symbols including a flag, a crest and a hymn,” while article

4.2 prohibits GAM members from displaying “military insignia or symbols” after the signing of the accord. While police and military officers threatened to arrest anyone using the flag, GAM members insisted that this did not constitute a violation. GAM commander Sofyan Dawood, for instance, said that the agreement allowed Aceh to have its own flag and anthem and that “the flag of Aceh is the moon and star flag as used by GAM at the present time . . . it’s the flag of Aceh, not the GAM flag” (*Jawa Pos*, August 16, 2005). Government negotiator Sofyan Djalil, however, insisted that under the agreement the flag would be determined by the Aceh legislature, “but it would not be like the GAM flag that exists now” (*Serambi Indonesia*, August 22, 2005). Such an issue may seem trivial, but disagreement over whether people could fly the GAM flag led to many violent incidents during the Humanitarian Pause in 2000 and contributed to its breakdown (Aspinall and Crouch 2003: 16). Another disagreement that emerged shortly after the MoU signing ceremony concerned item 2.2 on the human rights court, with GAM negotiator Nur Djuli saying this would have retroactive application and apply to past human rights abuses, while Hamid Awaluddin and other government officials insisted that human rights trials would only be for crimes committed after the MoU (*Tempo Interactive*, August 16, 2005).

Potential Spoilers 1: The DPR

Bridging such differences of interpretation will require both sides to maintain the good will that developed among negotiators during the talks themselves. Implementing an agreement, however, poses different challenges than simply negotiating one. A larger number of actors are involved, some of whom may have been excluded from the negotiation process and may be hostile to peace. The parties who negotiated the agreement may try to back away from their commitments or interpret them self-servingly. There is much discussion in the comparative literature on peace agreements on the role of such potential “spoilers.” There is a key distinction between “limited spoilers,” who have partial goals such as “recognition and redress of a grievance, a share of power or the exercise of power constrained by a constitution and opposition and basic security of followers,” and “total spoilers,” who “pursue total power and exclusive recognition of authority and hold immutable preferences” (Stedman 1997: 10).

The greatest immediate source of potential spoiling behavior is on the

The greatest immediate source of potential spoiling behavior is on the Indonesian government side

Indonesian government side. Most of the key provisions of the MoU will need to be incorporated into legislation and passed by the DPR, the national parliament, before they can take effect. Yet, as the preceding discussion makes clear, many of the staunchest critics of the peace process were located in that body. After the MoU was concluded, there was a barrage of criticism from politicians. Tjahjo Kumolo, the head of the PDI-P in the national parliament, for example, said the MoU gave excessive concessions: “We have surrendered to GAM. GAM are given the right to form a Human Rights Court, to determine interest rates, to determine the design of the flag” (*Serambi Indonesia*, August 18, 2005). The party’s chief, former president Megawati Soekarnoputri, boycotted a celebration of the Indonesian independence day at the presidential palace in protest, saying the agreement “in substance” granted independence to Aceh by transferring political, economic, and cultural sovereignty to it (*Kompas*, August 18, 2005). Other DPR members reiterated their opposition to the formation of local political parties, while others identified various points in the agreement that in their view deviated from existing laws or violated the principle of the unitary state.

That many of the harshest critics of the MoU were members of the DPR raises the prospect that there will be attempts either to reject or dilute key provisions of the MoU when the new Law on the Governing of Aceh is debated. Such an outcome could undermine faith among GAM and its supporters and test their commitment to the agreement.

At this point it is worth recalling one of the chief lessons of the earlier Special Autonomy Law. This law, first proposed during the Habibie presidency and drafted under Abdurrahman Wahid, was initially conceived as an ambitious attempt to grant far-reaching autonomy to Aceh, thus alleviating local grievances and undercutting support for the insurgency. However, an initially radical draft bill prepared by the Acehese provincial government in partnership with local academics was greatly watered down after intervention by Ministry of Internal Affairs officials as the bill passed through the DPR (McGibbon 2004: 17).²¹ This was not the only reason for the failure of this law to ameliorate the conflict, but it did undermine its credibility in the eyes of a good part of the population of Aceh. At present, a repeat of this outcome seems possible, because

although the provincial government is drafting a version of the bill (including a request for informal input from GAM), it was later announced that the Ministry of Internal Affairs was drafting a “rival” version (*Media Indonesia*, October 11, 2005), with early reports suggesting this includes some restrictive provisions, including one that would disqualify individuals who had become foreign citizens for running in elections to executive posts, a provision that would rule out many GAM leaders (*Media Indonesia*, October 13, 2005). Local politicians in Aceh are aware of the possibility of a repeat performance and have warned the DPR that the new law, in the words of one member of the provincial legislature, should “not be like Law No. 18/2001 which was stripped down so much it ended up like a toothless tiger” (*Kompas*, August 19, 2005).

Government leaders committed to the peace process will have to use considerable persuasion to shepherd the bill through the parliament. So far, one of the responses by government negotiators to the critics has been to argue that the accord in fact makes minimal concessions to GAM. In particular, they said that the provisions of the accord were mostly in line with existing laws. The danger with this argument is obvious: the government might go so far in conceding to critics that it seriously erodes the foundation of the agreement with GAM. It will be tempting for the government and its supporters, once GAM members have decommissioned their arms and left their jungle bases, to back away from implementing the measures that they had most strenuously resisted conceding during negotiations. The ambiguous agreement on local political parties may be especially vulnerable to backsliding.²²

It is possible that at least some members of Indonesia’s DPR aspire to be total spoilers, at least insofar as they are resolutely hostile to any notion of peace with separatists and may wish to wreck the deal. However, most Indonesian parliamentarians are not rigid or fanatical. On the contrary, the Indonesian parliament is a site of much compromise and deal-making, where the players are skilled at divining which direction the political wind is blowing. Moreover, the government is in a strong position, especially given Jusuf Kalla’s control of the Golkar Party and hence the largest bloc in parliament, as well as the continued high legitimacy enjoyed by the president. After the publication of the MoU, Kalla and his allies led a

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kind of propaganda offensive, energetically explaining why such a peace deal was necessary. Many other key elites (especially those from Aceh) who had been reluctant to appear soft on GAM during the years of the military offensive also criticized recalcitrant DPR members and vocally supported the deal. The pressure on DPR members to pass the deal's key features into law will be considerable.²³ It is likely that even many of the strongest critics of the deal in parliament could be won over by a combination of reassurances that peace will not lead to Aceh's separation from Indonesia and other incentives. Such an outcome may, however, depend on how such critics come to view GAM's intentions, a point examined further below.

Potential Spoilers 2: The Military and Its Allies

What about the TNI and its allies? While the military is not a unitary actor, in recent years senior officers have been almost uniformly hard-line on the Aceh conflict. Analyses of the earlier HDC-mediated process identified spoiling behavior by the TNI as a chief proximate cause of its collapse.

This time, TNI officers have expressed fewer public reservations about the MoU. This is partly because the agreement is not merely a ceasefire but entails GAM's tentative acceptance of Indonesia's continued incorporation into Indonesia. The shibboleth of "separatism" has thus (at least temporarily) been removed from the political vocabulary of the conflict. While TNI officers are unquestionably still very suspicious of GAM's long-term aims, they have without exception publicly endorsed the agreement and stated their readiness to follow the government's orders. Some officers on the ground have fulsomely praised GAM for accepting Indonesian sovereignty, with the Aceh military commander, Major General Supiadin A.S., for example, saying the time had come for GAM and TNI to put aside their differences and "walk and drink coffee together" (*Serambi Indonesia*, September 1, 2005). On another occasion he said that peace was valuable because "it is very ironic if bullets that are purchased with the sweat of the people must then be used to kill the people" (*Serambi Indonesia*, September 5, 2005).

However, appearances can be deceptive. As noted above, while the Helsinki rounds were still underway, many senior officers publicly implied unhappiness with the negotiations and warned that GAM was "lying." Once both sides agreed to the MoU, they reminded the public that the military option was still waiting in reserve. TNI Commander

General Endriartono Sutarto said that the military would return to Aceh if GAM refused to hand over its weapons (*Antara*, July 18, 2005) and that it would prepare “contingencies” in case the peace agreement failed (*Kompas*, July 29, 2005). Later, he told DPR members that “If GAM causes trouble (*macam-macam*) they will be clobbered again” (*Kompas*, September 1, 2005). He did not explain precisely what he meant by “cause trouble,” raising the possibility that relatively minor violations could prompt a resort to military measures. As Acehnese academic Otto Syamsuddin Ishak pointed out, such warnings played a major role in undermining the COHA in 2003 (*Kompas*, September 3, 2005).

The best measure of the TNI’s true feelings might in fact be the relatively large number of troops that the Indonesian delegation insisted would remain in Aceh under the terms of the MoU. While this figure will involve a reduction in the overall troop number (about thirty battalions consisting of 27,000 troops will be withdrawn, according to military statements), General Endriartono has stated it actually involves an *increase* in the current number of organic troops in the province of about a thousand (*Analisa*, August 18, 2005). The high figure clearly suggests that the TNI does not trust GAM. Officers can also be expected to interpret the agreement in a narrow “surrender and amnesty” mode.

The high figure clearly suggests that the TNI does not trust GAM

In addition to the security forces themselves, there is also now a well-established network of several dozen civilian militias in Aceh, each with links to local military district commands, collectively claiming tens of thousands of members. Such groups were used during the COHA in 2003 to attack international monitors (Aspinall and Crouch 2003: 40–41). During the negotiations in the first half of 2005, their leaders openly condemned the negotiations and called for them to be halted (*Waspada*, April 18, 2005). Their leaders are often individuals who have a history of bad blood with GAM—some had family members abducted or killed by the movement, some were targets themselves. Since the accord, some GAM members returning to their home villages have complained of violent intimidation by militia members, especially in areas of militia strength, such as Central Aceh (*Analisa*, September 29, 2005).

The presence of the militias points to another complicating factor for the peace process, namely the highly informal and irregular nature of much of the violence in Aceh. It has been a consistent feature of the conflict

that whenever violence occurs, such as a highway attack on a passing vehicle or the burning of a school, the two sides accuse each other of responsibility. The true identity of the perpetrators is often never revealed. The anonymous nature of the violence provides a convenient cover for organized forces on both sides. But it also often makes it impossible to determine where official and sanctioned violence fades into criminal, vengeful, or predatory activities by individuals or irregular groups. This dynamic will affect the peace process, especially when former belligerents harboring personal enmities are reintegrated into village society. There have already been accusations of personally motivated vengeful attacks.²⁴ The climate of anonymous violence could easily be used by TNI officers, either as an excuse for taking punitive action against GAM or as cover for covert operations, if they become inclined to undermine the agreement deliberately. For instance, former GAM leaders, especially those in remote areas, may be vulnerable to harassment or even assassination if they eventually decide to establish a political party.

But what motive would the military have to undermine the peace? Analysts have sometimes depicted the military as being fundamentally self-interested and power-seeking, in a way that suggests it might be a total spoiler. The military's economic interests is one factor that is often highlighted to justify such an assessment. Economically, the military benefits from Aceh operations, not only from the substantial special funds released by the government but also from the opportunities Aceh provides for extra-budgetary fundraising, especially in natural resource industries—it is estimated that the TNI attains only about 30 percent of its funds from budgetary sources, with the remainder raised from various legal, semi-legal, and illegal business activities. Some commentators have argued that these economic interests provide TNI with a motive for prolonging the conflict (McCulloch 2003). While such factors might incline individual officers and cliques to cause disruptions, it is much less likely that they would produce a uniform policy (even a covert one) on their own to sabotage the peace.²⁵

Military officers also have certain specific or partial interests they are likely to defend, suggesting that they may in fact be better characterized as potential limited spoilers. For instance, after the MoU was published, several senior officers loudly announced their opposition to trials for past human rights abuses in Aceh. Retired generals were even more outspoken. The former Army chief of staff, Kiki Syahnakri, told one newspaper

that “as a soldier,” the MoU caused him pain: “GAM, who have opposed the republic get a pension. The TNI soldiers who fell in battle, or whose legs had to be amputated, what do they get? They get threatened with a Human Rights Court” (*Kompas*, August 20, 2005). Public agitation in Aceh for human rights trials, as happened in 1998–99, might provoke concerted spoiling behavior.

Overall, ideological opposition to separatism in the army and the broader political elite has been by far the most important factor sustaining the TNI’s dominant position in Aceh and in providing it with high-level political backing. Military officers could easily sabotage the COHA in 2003 because they could plausibly argue that the peaceful conditions were assisting a group determined to break away from Indonesia. As a result, no major figure in the government had the courage to resist. Organized military spoiling of the MoU is thus likely to be determined by the degree to which military officers—and the broader political elite—are convinced that GAM has abandoned its separatist goals, as will be discussed in the next section.

The military does not operate in a vacuum, and the broader political context is now arguably less favorable for military spoiling than it was when the COHA collapsed. Despite some commentary in the international media, the TNI is not the all-powerful actor it once was. In the turbulent years following the collapse of the Suharto regime, political instability and extreme competition among civilian political forces allowed the TNI to reconsolidate its political position. It was able to do so because it could emphasize its role as guardian of the state from disintegrative forces, but also because it could play on the fears of civilian politicians who did not want to alienate an important player in the maelstrom that was post-Suharto politics. As a result, the TNI was able to reassert its hegemony in determining security policy. While the military is still powerful, the stabilization of the political scene has arguably reduced its bargaining power. An important change here is the establishment of a more authoritative government led by Susilo Bambang Yudhoyono. Equally important is the decline in the overall level of political violence and instability. Both factors are producing a “normalization” of politics (Aspinall 2005a).

Members of Indonesia’s emerging civilian elite themselves have no direct interest in maintaining military dominance and prerogatives in

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Aceh. On the contrary, some believe that the country's interests would be best served by a peaceful solution there, and the president and vice president have invested considerable personal authority in producing such an outcome. In such circumstances, it would be no easy task even for the TNI to sabotage the peace agreement, *if* the agreement retained the active backing of the most important political figures in the land. So far, these leaders have made a point of ensuring TNI acquiescence. For instance, when President Yudhoyono explained the contents of the MoU to a meeting of the military's top brass, he pointedly asked "every soldier to remain loyal to the nation and state" (*Kompas*, September 8, 2005).

***Opposition to separatism
and national disintegration
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in Indonesian politics***

Although the military will undoubtedly remain a major source of potential spoiling for many years into the future, it could be managed effectively, as long as the will and authority of government backers of the deal remain strong and if judiciously chosen incentives are offered to allay TNI fears, most notably immunity for past human rights crimes. However, peace processes are fundamentally relational, and such an outcome is also partly dependent on what GAM does. The ideological factor could easily tip the balance back in favor of the recalcitrant military officers and their allies. Opposition to separatism and national disintegration remains a constant and powerful motivating force in Indonesian politics. If TNI officers or nationalist politicians are able to argue plausibly once again that GAM intends to use peace as a pathway to independence, then government leaders might not be able to resist a downward spiral of violence. Again we return to the question of whether GAM will convince its adversaries that it has abandoned its goal of independence.

Potential Spoilers 3: GAM and Its Long-Term Goals

What, then, of GAM? What possibility is there that either elements of this organization or the organization as a whole might act as spoilers and undermine the agreement? During the previous COHA, GAM leaders and members did not set out to destroy the deal. On the contrary, they viewed it as highly advantageous to them. Yet they undermined the agreement all the same by "suckering" their opponents, continuing to campaign for independence, and consolidating their

military capacity.

This time, GAM's position is much more complex. GAM spokespeople have said that by agreeing to the MoU they have made "a leap of faith." This seems an accurate description, not merely because GAM is agreeing to a political settlement that keeps Aceh within Indonesia, but also because the movement has agreed to disarm and reintegrate its members into village society *before* the political structures mandated by the agreement are put in place. Under the MoU, GAM is supposed to decommission all its claimed 840 modern weapons by December 31, 2005, yet the proposed Law for the Governing of Aceh will not be passed until some months later. The direct election of local leaders is supposed to take place in April 2006 (even though election officials in Aceh have since insisted that this timetable is unrealistic), and legislative elections in which local parties (presumably) will be able to run will not occur until 2009. This timetable contrasts strongly with many other peace processes where decommissioning of arms coincides with or even follows political changes.

How can we explain GAM's willingness to accede to what appear to be such disadvantageous terms? As argued throughout this paper, a chief factor behind GAM's readiness to return to negotiations and set aside the independence goal was the battle fatigue the movement had begun to experience combined with its strong desire to re-engage the international community. But it would be unrealistic to believe that GAM's abandonment of the independence goal has been complete and unequivocal. On the contrary, it is almost certain that GAM members view their commitment to the peace process as being conditional on the Indonesian government's own willingness and ability to implement key elements of the agreement.²⁶

After GAM members and some other political prisoners were released under the amnesty at the end of August, some of them made public comments that hinted at the state of mind in the movement's ranks. For instance, take the views of a first-generation GAM veteran, "Finance Minister" Tgk Usman Lampoh Awe, who, when asked whether GAM was no longer demanding independence, replied that "independence was a bridge to achieve the prosperity and happiness of the community." If happiness

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could be achieved without it, he said, then independence was perhaps not needed (*Analisa and Serambi Indonesia*, September 1, 2005). Muhammad Nazar, not a GAM member but the leader of the pro-referendum group SIRA, had a similar view: the agreement expressed the view that “the people of Aceh have a right to justice and freedom in their own land.” He warned that there should not be “attempts to cause the failure of the peace,” as had occurred under the COHA and the Humanitarian Pause (*Analisa*, September 1, 2005). In each of these cases the individual concerned emphasized not the abandonment of the independence goal per se, but rather the greater aims that independence had supposedly been aimed at achieving (prosperity, happiness, freedom, justice) which could now be satisfied under self-government. A clear implication was that if these goals were not realized, then a reversion to the independence struggle was possible. Indeed, a few less sophisticated members of the movement said this explicitly. For instance, one young man named Lukman, who came out of the mountains of Central Aceh to give his rifle to the TNI, was especially straightforward: “But if this agreement fails, I personally will go up the mountains again to fight like I have been doing all this time” (*Analisa*, September 3, 2005).

It is highly likely that the movement as a whole, or at least core sections of the leadership, hold similar views. Indeed, it has been an article of faith among GAM followers and many other Acehnese that the Jakarta government always “breaks its promises.” This belief dates back to very early years of Indonesia’s independence when, despite undertakings by the country’s first president, Sukarno, Aceh was incorporated into the province of North Sumatra and prevented from implementing Islamic law. It has been reinforced in recent years by various extravagant promises made by Indonesia’s leaders that were never realized—for instance, President Abdurrahman Wahid offered Aceh a referendum, while Megawati Soekarnoputri once suggested that not “one more drop of blood” would be spilled in Aceh if she became president. Throughout the bargaining process, GAM leaders frequently alluded to this sense of betrayal. At one point, for instance, a release issued in the name of Muzakkir Manaf, GAM’s military commander, in response to alleged government backtracking on the local party issue put it like this: “Among Acehnese, it is a well-known rule that whatever Jakarta offers us with one hand—provincial status, autonomy, apologies, human rights trials, a referendum, special autonomy, cease-fires, self-government and a just

peace—it will surely take away, undermine, or make meaningless with the other” (Press Release, June 9, 2005). After the MoU was signed, some GAM members said that GAM was first formed in response to “betrayals” and “dishonesty” by the central government, implicitly warning that they can always resume their struggle if the government fails to act on its new promises (*Serambi Indonesia*, August 15, 2005).

One particular concern for some members of the DPR and other critics of the MoU was that the agreement did not require GAM to dissolve itself or make an unequivocal statement that it had permanently abandoned the independence struggle. The movement’s leaders have not yet done so, and despite the MoU’s recognition of Aceh’s incorporation into Indonesia, most of them are extremely grudging in their recognition of Indonesian claims. As GAM negotiator Nur Djuli explained, “It is quite fair that we (Acehese) talk about governing our own territory, albeit still within the Republic of Indonesia” (*Jakarta Post*, September 5, 2005).

Such attitudes raise the possibility that GAM leaders’ agreement to the MoU and Aceh’s continued incorporation in Indonesia is not such a radical break with past policies as it at first sight appears. Instead, their stance may in part be informed by strategic and tactical thinking, including the longstanding desire to “internationalize” the conflict. In the past, the movement believed that an international presence would limit TNI’s freedom of action and that international actors could eventually be drawn into a process that would end with an act of self-determination. This strategy failed with the collapse of talks in 2003, and GAM leaders were keen to take advantage of the tsunami to reinitiate international involvement. Not only does the MoU involve international actors again, it may also be part of GAM thinking that government reluctance at the implementation stage could expose it before the international community and the local population, hence enhancing GAM’s legitimacy for a renewed independence struggle. It is also to be expected that at least some GAM members and leaders believe that shifting from armed struggle to a peaceful and civilian one promises better long-term prospects for achieving complete independence. Some are sure to believe that if they win local elections they may be able to create a government that pays minimal obeisance to Jakarta and, should Jakarta object, that they would be in a stronger position to revert to an independence campaign. In fact, as already noted, a mixture of such calculations, alongside fatigue, probably motivates most GAM members.

In the short to medium term, the prospects for the peace holding

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depend largely on the government's willingness to implement the political aspects of the accord in full, even if suspicions about GAM's long-term aims are likely to make nationalist politicians reluctant to take such a step. Comparative studies of peace processes suggest that one way to tame potential spoilers is through a "departing train" strategy, which "implies that the peace process is a train leaving the station at a preordained time: once set in motion, anyone not on board will be left behind" (Stedman 1997:

14). In the case of Aceh, the scheduled local elections could represent such an opportunity. GAM supporters believe they, or at least sympathetic candidates, will fare well in such elections and would probably be prepared to make stronger pledges in favor of Indonesian unity or take additional confidence-building measures (e.g., surrender of hidden weapons) in exchange for what they see as fair terms for participating. Assurances by GAM leaders that they have permanently abandoned the independence goal might in turn allay fears among their local adversaries and make it easier to deal with provocations and sporadic violence in the field.

Major backsliding by Jakarta on the political process, by contrast, could prompt GAM commanders to threaten to revert to the independence struggle. If such threats are accompanied by GAM attempts to restock arms (or revelations that GAM continued to hold weapon stockpiles), they could provoke a nationalist backlash in Jakarta and prompt military commanders and their militia allies in the field to view the peace as merely another attempt by GAM to strengthen its independence struggle, resulting in renewed violence.

Even in this most pessimistic scenario, however, it is unlikely that there would be a full resumption of hostilities at the level experienced in recent years. GAM has already crossed a Rubicon by agreeing to set aside its independence goal. Many of its members, already exhausted by years of unrelenting guerrilla warfare, may find it unappealing to revert to armed struggle once they have been successfully reintegrated into village life and provided with land and monetary compensation. More senior leaders will likely be subject to constant efforts at co-optation by members of the Indonesian elite, including offers of attractive jobs and opportuni-

ties for rent-seeking in the bureaucracy. It is hard to imagine that all of them will resist the temptations of the dominant political culture of “money politics,” especially as many of them are already well-versed in irregular means of fund-raising. Even if GAM’s main leaders (for instance, those located outside of the country) eventually decide that the peace deal is not worth preserving, it is likely that they would not be able to bring all of their former followers with them.

In some places where separatist movements have agreed to accept solutions falling short of independence, radical factions have split away to continue the struggle. In the short term, and in the absence of major problems in the implementation of the

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political aspects of the accord, major splits in GAM are unlikely. There have been some indications of unhappiness with the MoU among followers of a dissident faction of GAM known as MP-GAM. This group, however, only has a significant following among Acehnese exiles and has never had strong armed support inside Aceh. Throughout the 2005 negotiations, GAM commanders and their spokespersons in the field repeatedly stated that they were obedient to their leaders in Sweden and would, in the words of Teungku Kafrawi, a spokesman for GAM from East Aceh, “follow any decision made by our political and field leaders. If they ask us to lay down our arms, then we will do so.”²⁷ In fact, most reports suggested that GAM field commanders, including Muzakkir Manaf himself, favored compromise.

In Aceh, the lines have sometimes been blurred between GAM members in the field and brigands who use the GAM moniker to engage in predatory behavior such as robbery, extortion, and kidnapping for ransom. In her analysis of GAM, Kirsten Schulze points to the apparent “criminalization” of the movement, at least in some regions (Schulze 2004: 17, 28–29). While some GAM units with a history of such behavior will doubtlessly obey orders from their commanders to desist, there are also free-wheeling groups whose links to the “official” GAM are more tenuous or even nonexistent. In the weeks following the signing of the MoU, security officials in the province repeatedly warned that “armed groups” or “former” GAM members were still roaming through the countryside and using their weapons to extort *pajak nanggroe* (the term GAM used to describe the “state taxes” it raised from the population) and commit other crimes. Major General Supiadin A.S. warned that if there were still criminal actions taking

place after the scheduled GAM surrender of weapons was complete, then the police would carry out “sweeping operations” (*Analisa*, September 7, 2005). The regional police chief warned that his forces would hunt down former GAM members engaged in criminal acts (*Analisa*, August 25, 2005).

Such warnings are ominous because similar accusations were central to the sequence leading to the collapse of the Humanitarian Pause and COHA. This time around, however, GAM leaders have responded by disowning extortion and similar acts. For instance, GAM’s chief delegate to the AMM, Irwandi Yusuf, said that GAM members were no longer raising *pajak nanggroe* and that people asked by armed men to pay it should report the incidents (*Analisa*, September 10, 2005). This attitude contrasts with the behavior of GAM leaders during the COHA who publicly justified *pajak nanggroe* as a legitimate form of taxation.

Military and police officers have so far refrained from openly accusing GAM as being behind these acts and have instead invited GAM members to join them in hunting down “GAM splinter groups.” Even so, were security officials to become convinced that GAM was not sincere in its abandonment of the independence goal or for some other reason became determined to spoil the agreement, such incidents might become a convenient excuse for taking punitive action.

The Dangers of Erosion

There are two sources of danger

Even if the agreement is successfully negotiated through the DPR and enacted into law, there is still a danger that it will become ineffective over the long term. There are two sources of danger here: first, that future legislation might slowly erode the agreement and, second, that the government might simply lack the capacity to implement key aspects of it properly.

On the first score, recent experiences with special autonomy again provide an indication. In analyzing the failure of special autonomy to resolve the conflicts in Aceh and Papua, Rodd McGibbon noted that “special autonomy was granted to Aceh and Papua under remarkable, even abnormal, conditions that saw the state facing multiple crises.” As the government began to strengthen itself again and the crises receded, there was a “wavering commitment to the conciliatory approach” (McGibbon 2004: 3). In a similar fashion, once government officials become confident that they have tamed the immediate security threat posed by GAM, it may be

tempting for them to back away from implementing elements of the MoU. After the Special Autonomy Law for Papua was passed, for instance, the government went ahead and divided the province into three separate provinces, despite a requirement in the law that this could only happen with the approval of the provincial legislature and a new body to be called the Papuan People's Council. The government also dragged its feet in forming this council. Disillusionment with special autonomy recently became so intense in Papua that in mid-August 2005 a large demonstration in Jayapura ceremonially "returned" the law to the central government. There have been equivalent instances of central government intervention or foot-dragging with respect to Aceh's existing Special Autonomy Law. For instance, the minister for internal affairs in July 2005 ruled that a regulation issued by the provincial parliament to allow for independent candidates to run in elections for executive positions in the province was illegal because it was inconsistent with nationwide laws. He recommended that the rules be brought into line with the law on regional government that requires candidates to be nominated by parties or coalitions of parties that won at least 15 percent of the legislative vote in the region concerned. Local legislators retorted that special autonomy was meaningless if they could not decide for themselves how Aceh's electoral system should be organized.

In other words, although the grant of power to Aceh in the MoU looks to be very far-reaching, even if it is passed into law it could be undermined piecemeal by future legislation or regulations with national application. As already noted, the nationwide regional autonomy law passed in 1999 gave to district governments throughout the country a similarly broad grant of authority in all fields except foreign policy, defense and security, monetary policy, the legal system, and religious affairs. Yet this did not stop the national parliament, ministers, and presidents from subsequently issuing laws and decrees with nationwide application on matters supposedly reserved to the districts. It is a moot point whether a future Acehese provincial government would be able to resist future legislative or executive encroachment by using the principle of *lex specialis*, whereby laws with specific application overrule those with general application, and taking its case before Indonesia's newly established Constitutional Court (the provincial legislature has announced it will take such a step if the minister for internal affairs actually overrules its provisions allowing for independent candidates). Past experience, however, suggests that the national government and legis-

lature will not wish to restrain themselves from regulating Acehese affairs as part of the broader unitary state.²⁸

No doubt aware of such a possibility, GAM negotiators early on in the talks argued that Aceh's powers should be entrenched in the constitution, but government negotiators ruled this out, saying that the constitution already provided for regional government and autonomy (*Jakarta Post*, May 25, 2005; *Kompas*, May 29, 2005). Eventually, the two sides reached the following compromise: "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" (item 1.1.2c). This provision elicited especially vehement condemnation from DPR members, many of whom have pointed out it is likely unconstitutional because it suggests that a superior legislative body can be bound by an inferior one.

The second danger of long-term erosion concerns not the deal's formal-legal status but rather the capacity of the state to implement its provisions. It is widely noted that government institutions have been very ineffective in Aceh. During the years of worst conflict (1999–2004), the state had great difficulties in providing basic services to the population. After the enactment of the Special Autonomy Law in 2001, it was widely hoped that the resulting injection of oil and gas revenues into the provincial

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budget would enable local administrators to increase welfare and development expenditure and so address some deep and long-standing sources of grievance. In fact, the most notable effect of greater funding was an increase in corruption among local officials, with local watchdog bodies and auditors

finding evidence of malfeasance in virtually every government agency (McGibbon 2004: 30). Although ending the conflict would remove some contributors to maladministration—for instance, it was often difficult for auditors or other outsiders to monitor the spending of development funds in areas where it was too dangerous to visit—corruption and poor government capacity is likely to be a major challenge in the foreseeable future. Supporters of GAM express the hope that the MoU will bring greater "justice" and "prosperity" to Aceh. Yet the simple fact of the matter may be that the capacity of the Indonesian state to transform the lives of its citizens substantially is limited by the ramshackle and ineffective bureaucratic apparatus it has at its disposal. In the short term, interna-

tional organizations have been able to step in. For instance, the International Organization for Migration helped smooth the amnesty by quickly surveying where the amnestied prisoners wanted to return. A previously existing World Bank development project forms the basis for the reintegration program. This form of “internationalization”—of the peace effort, not the conflict—was possible largely because of the heavy presence of international organizations in Aceh after the tsunami.²⁹ International support for the peace process will probably last for several years, but long-term hopes for a “peace dividend” will ultimately depend on improved local governance.

If provisions of the MoU designed to address longstanding grievances in Acehese society are not properly implemented or form part of the initial post-agreement settlement but are subsequently eroded over time, there is a danger that in the long term, armed conflict will resume. At this point it is worth recalling not merely the most recent failed peace agreements in Aceh but also the first attempt to find a negotiated solution to armed conflict in the province. After the *Darul Islam* revolt in the 1950s, government representatives and rebel leaders engaged in a series of negotiations that in their broad outlines anticipated some aspects of today’s settlement—indeed, some of the government negotiators in 2005 referred to them as a source of inspiration for solving the Aceh conflict in an Indonesian framework. Aceh was given provincial status and named a “special territory,” with the right to administer its own affairs in the areas of religion, education, and custom. Rebels were rehabilitated and given land and other forms of economic compensation. Many former guerrillas were absorbed into the Indonesian army, while some of their leaders became important figures in mainstream politics.

However, under President Suharto’s authoritarian “New Order” regime (1966–98), Aceh was administered much like any other province. Restrictions on political life, perceived exploitation of natural resources by the center, and a host of other grievances caused some former *Darul Islam* rebels, as well a group of children of veterans, to become deeply disillusioned with the settlement. It was this group who formed GAM in 1976, a full decade and a half after the conclusion of the earlier revolt.

This story of the genesis of GAM, and thus of the contemporary conflict, should be a warning for the future. The danger now confronted in Aceh is not simply that the current agreement will break down suddenly

or spectacularly. That is certainly a possibility, though the balance of probabilities is probably against it. Of equal importance is the longer-term threat that the settlement will be eroded over time and that deep structural problems and sources of grievance in Aceh will not be addressed.

Conclusion

The analysis presented here suggests that the Helsinki agreement represents a much greater opportunity for peace than previous attempts to

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reach a negotiated settlement in Aceh. In large part, this is because the parties involved in the negotiations learned from past failures. The conditions that persuaded the belligerents to reopen negotiations and agree to the MoU did not quite equate to a “mutually hurting stalemate,” but there was an element of recognition that previous violent strategies were failing, especially on the GAM side. GAM’s serious battlefield losses after the government launched a major military offensive in May 2003 prompted the movement to rethink its position and at least set aside its goal of Acehnese independence. On the government side, there was no equivalent sudden loss of faith in armed force. Rather, elections in 2004 elevated to power two men, President Susilo Bambang Yudhoyono and Vice President Jusuf Kalla, who had long believed that a return to negotiations ultimately would be needed if the conflict was to be ended permanently. Their assessment of their adversary had also changed: they sensed that GAM losses were prompting reevaluation in GAM ranks and making the movement more “ripe” for agreeing to peace on the government’s terms. In order to clinch a deal, they too eventually approved concessions the government had previously rejected; most notably, by allowing local political parties.

For their part, the new mediators, former Finnish president Ahtisaari and his organization, CMI, also learned from the breakdown of the previous HDC-mediated peace deals. They reversed the earlier sequence for peace by which a ceasefire would be followed by open-ended political negotiations. Instead, using the “nothing is agreed until everything is agreed” approach, they forced the parties to agree on a workable political settlement first. They were also careful to avoid some of the problems that had dogged security arrangements the previous time, achieving a more robust international monitoring mechanism.

As a result of these factors, a more comprehensive peace deal was achieved than in the past. With the basis of a political solution already in place, it should be much easier for the two sides to develop the mutual confidence needed for peace. GAM's readiness to accept a solution that keeps Aceh within Indonesia will potentially relieve much of the pressure that undermined past ceasefires. Many of the violent actions that destroyed the COHA occurred because players on both sides viewed the ceasefire as only a temporary respite in GAM's independence struggle.

However, the analysis presented here has also suggested that the foundation for peace embodied in the MoU may be narrower than it appears. Both sides have very different interpretations of key elements of the accord. GAM views the political provisions of the MoU as providing for wide-ranging autonomy that does not fall far short of independence. Some government officials believe that the MoU requires only minor political reforms and hope that GAM members, once they receive their amnesty and are reintegrated into Acehnese society, will soon cease to be an important political force. There are also potential spoilers on both sides, and the principal parties still gaze at each other over a deep chasm of distrust and suspicion.

A central conclusion of the preceding analysis is that the success of the MoU will largely depend on how each party assesses its adversaries' intentions and compliance with the deal. For instance, GAM leaders' faith in the accord could collapse if nationalist hard-liners in Indonesia's parliament insist on vetoing or watering down key political provisions of the MoU when they pass the new Law on the Governing of Aceh. On the other hand, if GAM leaders make statements suggesting that their commitment to Indonesia is merely tactical or, even worse, that they view the MoU and Aceh's self-government as a path to complete independence, this could prompt nationalist politicians, TNI officers, and their allies to see the MoU as a rerun of earlier peace deals, which they saw as strengthening separatism.

This is a finely balanced equation. It is certainly easy to imagine scenarios in which equivocation or backsliding by one side could set in motion a hardening of positions on the other side, rapidly leading to a cycle of escalating tension and violence. By the same token, it is also possible to imagine the reverse case of a "virtuous circle," in which evidence of good faith on one

*[the MoU] is a finely
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side—speedy and faithful passage into law of provisions allowing local political parties, say, or strong and unequivocal statements by GAM leaders that they have abandoned the independence goal for good—prompts a deepening of confidence and smoothes implementation in the field.

This last point is important, because it reinforces the notion that there are few potential total spoilers who are determined to destroy the peace agreement come what may. Rather, the main parties' attitudes to the peace deal are above all contingent upon how they interpret their opponents' intentions and strategies. There may be elements in the DPR and the military who are unalterably opposed to the deal, but they are probably a minority in both institutions and could be managed by the government so long as high-level commitment remains strong. GAM's long-term intentions remain unclear, however, and it is possible that at least some of the movement's leaders have a primarily tactical view of the peace deal and believe that it may still lead to Aceh's eventual independence. Even so, such views could be modified over time if GAM leaders see the accord is working and are gradually drawn into formal political and governing structures, and so develop greater trust in the Indonesian state.

It is unlikely that the Aceh conflict will ever be fully "resolved," at least not in the foreseeable future. The conflict's historical roots are too

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deep, as is its penetration into the very fabric of Acehnese culture and identity, for any quick fix.

The key question is instead whether the conflict can be managed effectively so that there is no resumption of full-scale violent hostilities.

Although the dangers of breakdown of the Helsinki agreement are real, this study also

suggests that the potential problems *are* manageable, provided that the key players cultivate the good will developed during the negotiations and that astute strategies are designed and appropriate incentives offered to potential spoilers. In the longer term, the potential for gradual erosion of the accord by future legislation and poor state capacity means that the future of the peace will also partly depend on Indonesia-wide processes of political and governance reform. All of this suggests that the terms of the accord will probably need to be revisited and renewed in the future, probably more than once. But there are reasons for optimism. No matter what the immediate future has in store, the Helsinki MoU provides the kind of solid framework for peace that has long eluded Aceh.

Endnotes

1. The author would like to thank the two anonymous reviewers, as well as Sidney Jones, Kirsten Schulze, William Nessen, Kumiko Mizuno, and Meeri-Maria Jaarva, who all contributed valuable comments on an earlier draft. Of course, none of them should be held responsible for any of the views expressed in the paper, and any remaining errors are the author's sole responsibility.
2. Throughout 2003 and 2004 there were numerous reports in the Indonesian media of village heads, businessmen, and others being kidnapped by GAM fighters demanding ransom. While these reports obviously formed part of the authorities' propaganda campaign against the movement, such acts clearly did occur and caused alienation among those targeted by them. During a visit to Aceh in the aftermath of the December 26, 2004, tsunami, the author met many acquaintances who reported that active support for GAM had declined significantly in their home villages. Some reported that individuals who had previously been willing to provide foodstuffs, money, and other materials to the insurgents were now reluctant to do so. Of course, such anecdotal reports are hard to verify. Conflict conditions in the province make it very difficult to ascertain the true loyalties of the population. While GAM doubtless retained much support, especially in its east coast heartland, it is reasonable to assume that support levels had fallen off since 1999–2000.
3. See Aspinnall (2003) for a more detailed analysis of this discourse.
4. On the eve of the collapse of the COHA, Army Chief of Staff General Ryamizard Ryacudu claimed that GAM membership had increased from 3,000 to 5,000 during the ceasefire (*Media Indonesia*, May 6, 2003). Two years later, despite General Endriartono's claim cited above that integrated operations had reduced GAM strength by over 9,500 men, Ryamizard's successor as Army chief of staff, General Djoko Santoso, said that there were 2,500 GAM members (*Media Indonesia*, June 28, 2005). Of course, the figures in themselves were not reliable and were presumably manipulated to serve the TNI's own political purposes, but they did reveal that even by its own account, TNI was making very slow progress in eliminating GAM.

5. The *Tempo* article, “Berbagai Jalan Menuju Helsinki” (*Tempo*, January 31–February 6, 2005) was an excellent feat of investigative journalism by its authors, Nezar Patria, Yuswardi A. Suud, and Nurlis E. Meuko.
6. See Siapno (2002: 10–19) for a discussion of *muslihat* in Acehese tradition and culture.
7. GAM spokesperson Pidie Anwar Husein told the *AcehKita* website that GAM had been offered “billions” of rupiah and public positions, but that “Commander Muzakkir Manaf rejected that offer.” “Abdullah Puteh: Apakah Militer Bisa Baca Visi SBY?” *Acehkita.com*, February 8, 2005.
8. “Abdullah Puteh: Apakah Militer Bisa Baca Visi SBY?” *Acehkita.com*, February 8, 2005. See also Meidyatama Suryodiningrat and Tiarma Siboro, “The Price of Peace Talks for Troubled Aceh,” *Jakarta Post*, January 27, 2005, which also includes frank speculation about the importance of co-opting GAM leaders by offering them “millions of dollars.”
9. The information in this paragraph is taken from “Cerita di Balik Pertemuan Helsinki I, Sumber: Suomen Kuvalehti,” *Acehkita.com*, February 17, 2005, Agung Rulianto, “Flowers and Ice Skating,” *Tempo*, August 23–29, 2005, and an interview with Farid Husain in *Media Indonesia*, August 25, 2005. The February 2004 date for the unsuccessful meeting in the Stockholm Hotel is from the Farid Husain interview; in some accounts this unsuccessful meeting was some months later than that.
10. Interestingly, Ahtisaari had in fact first been approached to act as mediator in the Aceh conflict in late 1999, even before HDC became involved, although that early approach came to nothing. Huber (2004: 23).
11. In May 2005, provincial government figures for the tsunami toll in Aceh were 128,803 deaths, with a further 37,066 missing. My thanks to Rodd McGibbon for providing these figures.
12. In this respect, Martti Ahtisaari and his CMI played a role that was similar to that of the earlier HDC, which in Huber’s (2004: 47) estimation had “aligned itself with the government’s view of the issues under negotiation” and had seen its goal as helping to “wean GAM from armed insurrection by developing its interest in, and capacity for, political representation.” The irony, of course, was that Indonesian critics of the talks opposed foreign mediation because they believed that internationalization might lead to independence. In reality, foreign mediators were trying to persuade GAM to give up its independence goal.
13. Although the GAM leadership remained tight-lipped in public, there were some signs that members of the movement were beginning to revise their views. For example, Teungku Adam, a commander in the field, told one journalist that “we will give them a face-saving deal—both sides will have to agree on a referendum within five or 10 years, and that will give the Indonesians an opportunity to win hearts and minds if they can do.” *Associated Press*, January 31, 2005. This proposal had been informally discussed in GAM circles for several years, but this was one of the first times it had been publicly aired. Insofar as it signaled a willingness to accede to Indonesian rule for even a temporary period, it represented a retreat. Indonesian officials, however, immediately ruled out any future referendum. See *Straits Times*, February 2, 2005.
14. When GAM spokespeople mentioned overseas models, they sometimes reinforced such fears. For example, GAM spokesperson Bakhtiar Abdullah said that they could learn from the autonomy arrangements in Bougainville in Papua New Guinea; yet seeing as how that peace deal incorporated a promise for an eventual independence referendum, it was hardly an example to allay Indonesian fears. *Kyodo*, April 15, 2005.

15. A full discussion of GAM's negotiating positions is found in Kingsbury 2005b.
16. The commander in Aceh, Major General Endang Suwarya had a similar view, warning that GAM was "not serious" about joining Indonesia: "Those GAM are just lying to us. We should just wait and see whether they don't demand independence again in the future." *Kompas*, March 5, 2005.
17. In fact, during this earlier time, GAM itself expressed minimal interest in the local party option. Its main concern had always been how it could achieve Aceh's independence from Indonesia rather than on how to change Indonesia's constitutional order so that it could adapt to operating within it. My thanks to Kirsten Schulze for this point.
18. The decree granting the amnesty stipulated that individuals who had taken out foreign citizenship would be amnestied only if they gave up their foreign citizenship and made an oath of loyalty to Indonesia, the state philosophy of Pancasila, and the 1945 Constitution in the presence of the minister of justice and human rights (*Kompas*, August 31, 2005). This would likely be a humiliating experience for most of GAM's exiled leaders, against whom it is obviously directed.
19. Damien Kingsbury made this accusation in an interview with the Australian Broadcasting Commission, which can be accessed at www.abc.net.au/reslib/200507/r52946_142625.ram.
20. AMM members are about two-thirds from the EU and one-third ASEAN contributing countries (Philippines, Thailand, Singapore, Malaysia, Brunei). Norway and Switzerland also contribute. Information on the AMM can be accessed at: http://ue.eu.int/cms3_fo/showPage.asp?id=957&lang=en.
21. This early bill was in some respects more radical than the MoU. For instance, in one version Aceh was defined as a sovereign "country" (*negeri*) which would govern itself in "association" (*perikatan*) with Indonesia. In McGibbon's view (2004: 15), this version "fell only marginally short" of the independence demand of GAM.
22. For example, Minister of the State Secretariat Yusril Izha Mahendra said after the MoU was agreed that the passage on local parties was "a compromise formulation whereby the government did not firmly state that it agreed to the establishment of local political parties, but made it dependent upon the condition that that aspiration be discussed with the DPR." *Kompas*, July 20, 2005.
23. DPR members themselves know that the stakes are high. As one PDI-P legislator, Amris Hasan, said: "What happens if the House doesn't pass the bills that the government has promised to GAM? Will the MoU break down and the GAM people return to the mountains and resume their fight for independence?" *Jakarta Post*, September 1, 2005.
24. For instance, On August 25, 2005, *Kompas* reported a violent incident in West Aceh that occurred when a group of GAM combatants who were intending to surrender their weapons happened upon a former GAM member who had given himself up to the military in 2003. They shot him dead. According to local police officers, the violence was a product of "personal enmity" between the men dating back to when they were in GAM together, though presumably it is possible that they viewed the man as a traitor or informant—former GAM members have frequently been killed for this reason.
25. After the "Malino II" peace deal in Maluku, some soldiers from Kopassus (the army's special forces) who were apparently linked to local criminal activity tried to foment violence in the province, but their activities encountered resistance from other sections of the security forces and they did not succeed in generating a return to large-scale violence. See *Media Indonesia*, January 8, 2003.

26. For this reason, it is hard to believe that the true total of GAM's modern weapons is the 840 which are to be decommissioned under the MoU. It is unlikely that the movement would agree to completely disarm itself, thus losing its only real bargaining power, long before the chief provisions of the MoU are implemented. Indeed, as the first round of GAM disarmament came to an end, it was reported that a buried cache of 12 rifles had been located in Ulee Lheue near Banda Aceh, with local police commanders saying they believed this was evidence of GAM weapons stockpiling. *Kompas*, September 24, 2005. It is also noteworthy that GAM has refused to hand over to the government or to the AMM the list of the names of the 3,000 former combatants who are to be reintegrated into society, presumably fearing for their safety and wishing to control the allocation of financial assistance rather than having it disbursed individually to combatants. *Analisa*, October 26, 2005.
27. *Jakarta Post*, February 25, 2005. When GAM commanders spoke in this way, they echoed almost precisely the language used by TNI officers when describing their own readiness to abide by the decisions of the civilian government.
28. One early test will be how the government and DPR respond to pressures to divide Aceh into two separate provinces. Since early 2001 there has been a strong local campaign in the Southwest of Aceh to transform eleven districts into a separate province called Aceh Leuser Antara, or ALA. The MoU includes an explicit provision (1.1.4) that insists that Aceh will keep its existing boundaries, a provision that has enraged local politicians in the eleven districts. There have been large demonstrations denouncing the MoU, and local politicians have threatened to secede from Aceh. See *Analisa*, September 8, 2005 and *Waspada*, October 11, 2005.
29. I am grateful to Sidney Jones for this point.

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Appendix

Memorandum of Understanding

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,

On behalf of the Free Aceh Movement,

Hamid Awaludin Malik Mahmud

Minister of Law and Human Rights 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

Background Information

Background of the Aceh Conflict

Aceh is the site of one of Asia's longest-running internal conflicts. Since 1976, Indonesian sovereignty over the territory has been contested by an armed insurgency led by the Free Aceh Movement (GAM). A range of local grievances—especially those concerning allocation of natural resource revenues and human rights abuses—have contributed to the conflict.

Aceh, with an estimated population of about 4.2 million, is Indonesia's westernmost province. Almost all Acehnese are Muslims, and they have a reputation for Islamic piety. Most of the population is employed in agriculture, though Aceh is also rich in natural resources, especially natural gas and oil. ExxonMobil Indonesia, which operates in the Arun gas fields, is a major contributor to national revenues.

Unlike East Timor, which had been a Portuguese colony, but like other parts of Indonesia, Aceh was part of the Dutch East Indies prior to World War II. It came into the Dutch colonial empire relatively late, however. For centuries, the Acehnese sultanate had been a powerful Islamic, state, reaching its apogee during the seventeenth century. The Dutch launched an assault in 1873, but only managed to subdue the territory (arguably never completely) after three decades of bitter warfare.

Aceh's leaders, many of who were *ulama* (religious scholars), mostly supported the struggle for Indonesian independence in 1945–49. Many, however, soon became disillusioned with the central government. In 1953, they launched a revolt as part of the Darul Islam (Abode of Islam) movement, which joined several regional Islamic rebellions in a struggle to form an Indonesian Islamic state. The rebellion in Aceh was eventually resolved by negotiations leading to the province's nominal recognition as a "special territory."

The current separatist conflict began in 1976 when Hasan di Tiro, a supporter of Darul Islam living in the United States, returned to Aceh to form GAM and make a "redeclaration" of Acehnese independence. Initially the movement was small and Indonesian security forces soon defeated it. In 1989, a more serious outbreak of rebellion by GAM resulted in a brutal counterinsurgency operation claiming several thousand civilian lives.

In late 1998, following the resignation of President Suharto and the collapse of his authoritarian regime, conflict erupted on an even greater scale. A large student-led protest movement called for a referendum on independence similar to that granted in 1999 for East Timor. The GAM insurgency reemerged—greatly expanding the range of its operations and

attacking security forces and other targets. By mid-1999, large parts of the territory were under the movement's control.

The Indonesian government responded with a mix of concessions and military action. Negotiations between the government and GAM produced two cease-fires, in June 2000 and December 2002, although neither held. In 2001, the national parliament passed a Special Autonomy Law giving Aceh considerable authority to manage its own affairs and greater share of its natural resource revenues. Security operations continued, however, and the death toll in fighting and among civilians was considerable. Eventually, in May 2003, the peace process broke down, a "military emergency" was declared, and security forces launched a large-scale offensive.



- Provincial Capital
- Other Towns
- ~ District Boundaries

Note: Simeulue, Sabang, Lhokseumawe, and Langsa all have district status.

Note: Map boundaries and locations are approximate. Geographic features and their names do not imply official endorsement or recognition by the UN.

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Project Information

The Dynamics and Management of Internal Conflicts in Asia

Project Rationale, Purpose and Outline

Project Director: Muthiah Alagappa
 Principal Researchers: Edward Aspinall (Aceh)
 Danilyn Rutherford (Papua)
 Christopher Collier (southern Philippines)
 Gardner Bovington (Xinjiang)
 Elliot Sperling (Tibet)

Rationale

Internal conflicts have been a prominent feature of the Asian political landscape since 1945. Asia has witnessed numerous civil wars, armed insurgencies, coups d'état, regional rebellions, and revolutions. Many have been protracted; several have far reaching domestic and international consequences. The civil war in Pakistan led to the break up of that country in 1971; separatist struggles challenge the political and territorial integrity of China, India, Indonesia, Burma, the Philippines, Thailand, and Sri Lanka; political uprisings in Thailand (1973 and 1991), the Philippines (1986), South Korea (1986), Taiwan, Bangladesh (1991), and Indonesia (1998) resulted in dramatic political change in those countries; although the political uprisings in Burma (1988) and China (1989) were suppressed, the political systems in these countries as well as in Vietnam continue to confront problems of political legitimacy that could become acute; and radical Islam poses serious challenges to stability in Pakistan, Indonesia, Malaysia, and India. In all, millions of people have been killed in the internal conflicts, and tens of millions have been displaced. And the involvement of external powers in a competitive manner (especially during the Cold War) in several of these conflicts had negative consequences for domestic and regional security.

Internal conflicts in Asia (as elsewhere) can be traced to three issues—national identity, political legitimacy (the title to rule), and distributive justice—that are often interconnected. With the bankruptcy of the socialist model and the transitions to democracy in several countries, the number of internal conflicts over the legitimacy of political system

has declined in Asia. However, political legitimacy of certain governments continues to be contested from time to time and the legitimacy of the remaining communist and authoritarian systems is likely to confront challenges in due course. The project deals with internal conflicts arising from the process of constructing national identity with specific focus on conflicts rooted in the relationship of minority communities to the nation-state. Here too many Asian states have made considerable progress in constructing national communities but several states including some major ones still confront serious problems that have degenerated into violent conflict. By affecting the political and territorial integrity of the state as well as the physical, cultural, economic, and political security of individuals and groups, these conflicts have great potential to affect domestic and international stability.

Purpose

The project investigates the dynamics and management of five key internal conflicts in Asia—Aceh and Papua in Indonesia, the Moro conflict in the southern Philippines, and the conflicts pertaining to Tibet and Xinjiang in China. Specifically it investigates the following:

1. Why (on what basis), how (in what form), and when does group differentiation and political consciousness emerge?
2. What are the specific issues of contention in such conflicts? Are these of the instrumental or cognitive type? If both, what is the relationship between them? Have the issues of contention altered over time? Are the conflicts likely to undergo further redefinition?
3. When, why, and under what circumstances can such contentions lead to violent conflict? Under what circumstances have they not led to violent conflict?
4. How can the conflicts be managed, settled, and eventually resolved? What are policy choices? Do options such as national self-determination, autonomy, federalism, electoral design, and consociationalism exhaust the list of choices available to meet the aspirations of minority communities? Are there innovative ways of thinking about iden-

tity and sovereignty that can meet the aspirations of the minority communities without creating new sovereign nation-states?

5. What is the role of the regional and international communities in the protection of minority communities?
6. How and when does a policy choice become relevant?

Design

A study group has been organized for each of the five conflicts investigated in the study. With a principal researcher each, the study groups comprise practitioners and scholars from the respective Asian countries including the region or province that is the focus of the conflict, the United States, and Australia. For composition of study groups please see the participants list.

All five study-groups met jointly for the first time in Washington, D.C. from September 29 through October 3, 2002. Over a period of four days, participants engaged in intensive discussion of a wide range of issues pertaining to the five conflicts investigated in the project. In addition to identifying key issues for research and publication, the meeting facilitated the development of cross country perspectives and interaction among scholars who had not previously worked together. Based on discussion at the meeting five research monograph length studies (one per conflict) and twenty policy papers (four per conflict) were commissioned.

Study groups met separately for the second meeting. The Aceh and Papua study group meetings were held in Bali on June 16–17, the southern Philippines study group met in Manila on June 23, and the Tibet and Xinjiang study groups were held in Honolulu on August 20–22, 2003. The third meeting of all study groups was held in Washington, D.C. from February 28 to March 2, 2004. These meetings reviewed recent developments relating to the conflicts, critically reviewed the first drafts of the policy papers prepared for the project, reviewed the book proposals by the principal researchers, and identified new topics for research.

Publications

The project will result in five research monographs (book length studies) and about twenty policy papers.

Research Monographs. To be authored by the principal researchers, these monographs present a book-length study of the key issues pertaining to each of the five conflicts. Subject to satisfactory peer review, the monographs will appear in the East-West Center Washington series Asian Security, and the East-West Center series Contemporary Issues in the Asia Pacific, both published by the Stanford University Press.

Policy Papers. The policy papers provide a detailed study of particular aspects of each conflict. Subject to satisfactory peer review, these 18,000- to 25,000-word essays will be published in the East-West Center Washington Policy Studies series, and be circulated widely to key personnel and institutions in the policy and intellectual communities and the media in the respective Asian countries, United States, and other relevant countries.

Public Forums

To engage the informed public and to disseminate the findings of the project to a wide audience, public forums have been organized in conjunction with study group meetings.

Two public forums were organized in Washington, D.C. in conjunction with the first study group meeting. The first forum, cosponsored by the United States-Indonesia Society, discussed the Aceh and Papua conflicts. The second forum, cosponsored by the United States Institute of Peace, the Asia Program of the Woodrow Wilson International Center, and the Sigur Center of The George Washington University, discussed the Tibet and Xinjiang conflicts.

Public forums were also organized in Jakarta and Manila in conjunction with the second study group meetings. The Jakarta public forum on Aceh and Papua, cosponsored by the Center for Strategic and International Studies in Jakarta, and the southern Philippines public forum cosponsored by the Policy Center of the Asian Institute of

Management attracted key persons from government, media, think tanks, activist groups, diplomatic community, and the public.

In conjunction with the third study group meetings, also held in Washington, D.C., three public forums were offered. The first forum, cosponsored by the United States-Indonesia Society, addressed the conflicts in Aceh and Papua. The second forum, cosponsored by the Sigur Center of The George Washington University, discussed the conflicts in Tibet and Xinjiang. A third forum was held to discuss the conflict in the southern Philippines. This forum was cosponsored by the United States Institute of Peace.

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Policy Studies

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About this Issue

This study examines the latest attempt to bring an end to one of Asia's longest-running separatist conflicts. In August 2005 in Finland, representatives of the Indonesian government and the Free Aceh Movement signed an agreement which sets down the outline of a comprehensive settlement to the Aceh conflict. Until recently, this conflict had appeared close to intractable. Earlier attempts to reach a negotiated settlement between 2000 and 2003 broke down in acrimony and the Indonesian government launched a military offensive, vowing to wipe out the rebels once and for all. Why did the two parties agree to resume talks so soon after the earlier failures? And what are the chances that the peace agreement will hold this time? Written by a leading expert on the Aceh conflict, this study examines the factors that prompted the belligerents to return to the negotiating table, surveys the course of the negotiations, analyzes the accord itself, and identifies potential spoilers. It concludes that the Helsinki agreement represents Aceh's best chance for peace since the separatist insurgency began almost thirty years ago. The deal is more comprehensive than earlier agreements and its monitoring provisions are more robust. There is also more goodwill on both sides, based partly on greater awareness that previous violent strategies had failed. Even so, there are powerful forces opposed to the deal, and backsliding or equivocation on either side could easily prompt a return to violence if implementation is not managed skillfully.

About the Author

Edward Aspinall is a Fellow in the Department of Political and Social Change, Research School of Pacific and Asian Studies, Australian National University. He can be contacted at edward.aspinall@anu.edu.au.

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