

Deakin Research Online

This is the published version:

Kingsbury, Damien 2010, The Aceh peace process, *in Aceh : history, politics and culture*, Institute of Southeast Asian Studies, Singapore, pp.135-154

Available from Deakin Research Online:

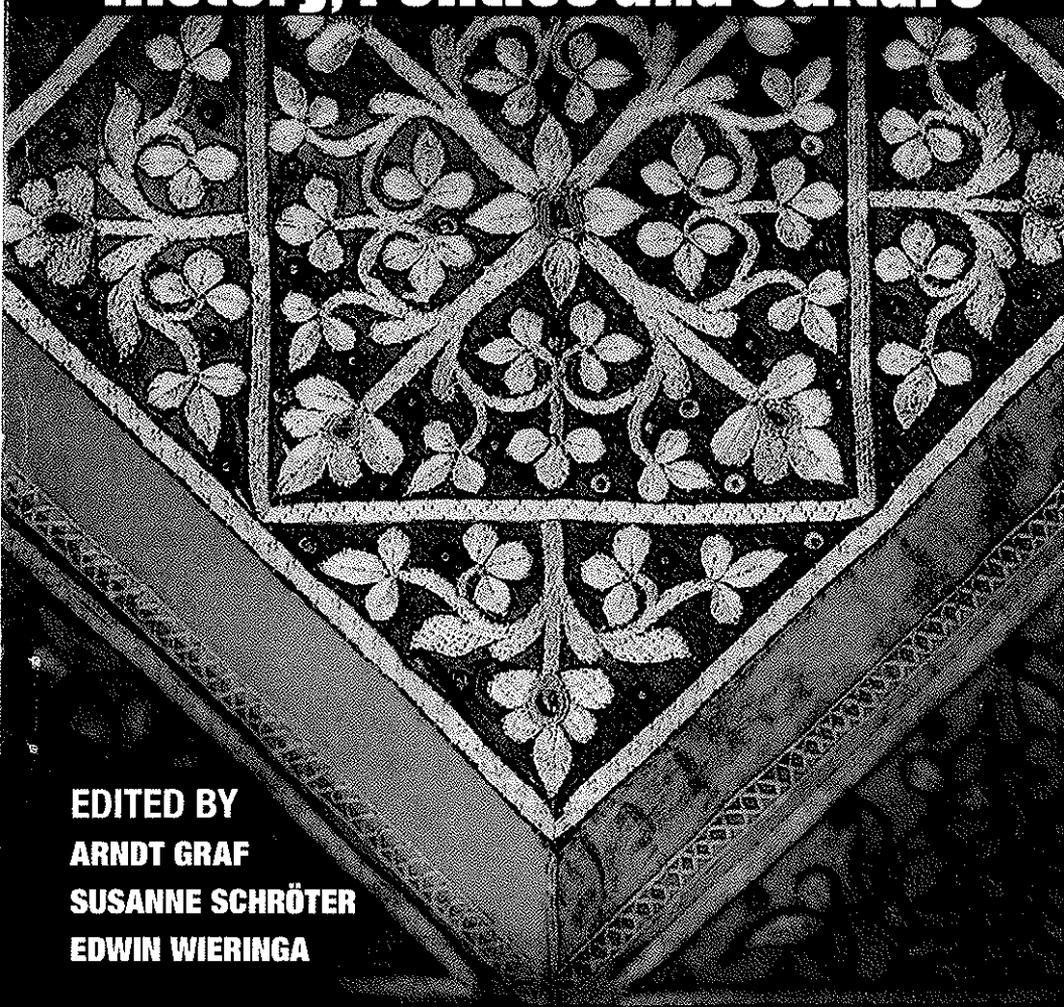
<http://hdl.handle.net/10536/DRO/DU:30033030>

Every reasonable effort has been made to ensure that permission has been obtained for items included in Deakin Research Online. If you believe that your rights have been infringed by this repository, please contact drosupport@deakin.edu.au

Copyright : 2010, Institute of Southeast Asian Studies

ACEH

History, Politics and Culture



**EDITED BY
ARNDT GRAF
SUSANNE SCHRÖTER
EDWIN WIERINGA**

THE ACEH PEACE PROCESS

Damien Kingsbury

INTRODUCTION

On 27 January 2005, representatives of the government of Indonesia (GoI) and the Free Aceh Movement (GAM) met for the first time since May 2003 to discuss the possibility of resolving the almost three-decade-long conflict in Aceh. The conflict resulted from a claim to Acehnese independence, which was proclaimed in 1976 (ASNLFF 1976), being met with a military response from Jakarta. The talks, held at Koenigstedt Manor in Riiipila, Vantaa, about twenty-four kilometres northwest of Helsinki under the auspices of the Crisis Management Initiative (CMI), followed the massive 2004 Boxing Day tsunami that killed around 180,000 people in Aceh, made homeless hundreds of thousands more, and destroyed much of low-lying Aceh.

This document outlines the Aceh peace process from its inception to the signing of the eventual peace agreement on 15 August 2005. The intention of this paper is to show how the agreement was reached, and why it reflected its particular details. Whether or not the Aceh conflict has in fact permanently ended as a consequence of the peace agreement is too early to say at the time of writing. However, the fact that a peace agreement, and not just a ceasefire, has been reached, for the first time ever, itself appears to be of some moment.

HOW THE PEACE TALKS CAME ABOUT

While the tsunami was clearly the catalyst for the peace talks, there had been earlier communication about returning to the negotiating table. During that

time, however, the GAM leadership in Stockholm had treated all discussion on returning to talks with polite disdain, remaining committed only to the possibility of reinvigorating an earlier process under the auspices of the Henri Dunant Center for Humanitarian Dialogue. The election of Susilo Bambang Yudhoyono as president of Indonesia in September of that year, and his commitment to finding a resolution to the Aceh conflict, however, was a primary contributor to this return to talks. Another contributing factor was that the military budget allocated to the Aceh conflict had been vastly overspent without achieving its goals. Finally, Indonesia lacked foreign investment, especially in the critical oil and liquefied natural gas industries, which meant it had become an oil importer at a time of world record high prices. This had damaged the economy, and forced the government to look towards creating a more conducive investment climate, especially in energy-rich areas such as Aceh. Yudhoyono thus appointed Vice-President Jusuf Kalla with the responsibility of overseeing a negotiated settlement to the Aceh conflict.

The Crisis Management Initiative had been approached by Finnish businessman Juha Christensen to act as a mediator between GAM and the GoI, if talks could be arranged. Christensen had been trying, since 2003, to broker talks between the two parties after approaching Deputy Social Welfare Minister (for Health) Farid Husein. Similarly, other government attempts to restart talks through intermediaries in Malaysia had fallen on deaf ears. Following the election of Yudhoyono as president in 2004, further approaches were again made to GAM, in October and November of that year, which were also treated with caution. However, a formal invitation from the CMI for GAM and the GoI to meet was issued on 24 December 2004, two days before the tsunami struck Aceh. Following the tsunami, this invitation was accepted.

ROUND ONE

Indicating how seriously it viewed the talks, the Indonesian delegation was the highest ranking it had sent to such talks. It included the Coordinating Politics and Security Minister Admiral (retired) Widodo Adi Sucipto, with the Minister for Justice and Human Rights, Hamid Awaluddin, as chief negotiator. Other members included the Minister for Communication and Information, Sofyan Djalil (an ethnic Acehnese), the Deputy Minister for Social Welfare (Health), Farid Husein, the Director for Human Rights and Security for the Ministry of Foreign Affairs, I Gusti Agung Wesaka Pudja, and the Director for Law and Human Rights, Usman Basyah. The TNI (Tentara

Nasional Indonesia) sent, as its formal representative, the commander of Korem 012 for Aceh since the late 1990s, Major General Syarifuddin Tippe. There were also three unnamed GoI advisors. The GAM delegation was headed by the Prime Minister of the Government of the State of Aceh and the Aceh-Sumatra National Liberation Front, Malik Mahmud (ASNLF is the formal name — GAM is the common but informal name of the same organization), the Foreign Minister, Dr Zaini Abdullah, spokesman Bakhtiar Abdullah, and political officers Mohammad Nur Djuli and Nurdin Abdul Rahman. U.S. citizen William Nessen and the author joined the GAM team as unofficial advisers for the first round. The Finnish government funded the first “unofficial” round of talks, with subsequent rounds becoming more official and being funded by the European Union.

The talks began on 27 January 2005 with former Finnish President Martti Ahtisaari stating to GAM that the condition for the talks was GAM’s acceptance of the GoI’s 2001 imposition of “special autonomy” in Aceh. Ahtisaari also told both parties that there would be no settlement that was not complete and final (Ahtisaari 2005). This precluded any chance of a ceasefire while the talks were underway, or as a precondition of the talks progressing. The first formal discussion ended with a statement of both sides’ positions on the conditions for the talks, with GAM refusing to accept any preconditions. Thus, the first day of the talks ended in crisis, with an apparent impasse having developed, which appeared would preclude any further progress.

On 28 January 2005, GAM opened by focusing on what it regarded as common ground between the two sides, including supporting the international aid effort in Aceh and the necessity of achieving a ceasefire. Farid Husein ended the day’s talks by confirming that the GoI wanted a ceasefire.

The following morning, on 29 January, the GoI delegation returned to the talks insisting that a ceasefire should be predicated upon acceptance of “special autonomy”. By midday, it again appeared that the talks would collapse, and there was a brief break. GAM reiterated their “common ground” approach, and held out the possibility of a politically negotiated settlement after achieving a ceasefire. The GoI team responded by again demanding their acceptance of “special autonomy”, for the province — the terms of which could be negotiated after their acceptance. It also offered GAM members full amnesty, jobs or land for GAM fighters, and oil palm plantations and money for the leadership.

This first round of the talks ended with Ahtisaari saying to the media that progress had been made and future talks would be held within the context of acceptance of “special autonomy”. GAM had decided that it also needed to consult and work with significant elements of Acehnese civil

society, to ensure support for its position in the peace process. The GAM leadership felt it could work with those elements of civil society that shared a basic common position around the ultimate desirability of some form of self-determination, although there was reticence about working with elements of Acehnese civil society that had openly attacked GAM in the past. The third and probably most significant initiative was that GAM had moved to consider, as a possibility, an alternative political approach to its existing position of complete independence.

One view within GAM was that it could accept the broad outline of “special autonomy” and then construct functional independence within that while still preserving Indonesia’s territorial integrity. This corresponded to earlier observations by the author put to GAM as a possible solution to the conflict, with discussion within GAM moving towards the idea that there could be some form of self-determination that was neither full independence nor “special autonomy”. The GAM leadership was prepared to consider what should be its first principles: was the goal independence as such, or was independence a means of achieving something else, and if so, was this achievable by other means? After having been earlier criticized for its inflexibility, GAM had thus started to become more creative in its approach to finding a resolution to Aceh’s conflict. The biggest impediment to a politically negotiated outcome remained with the TNI, which continued to kill and harass Acehnese apace during the talks.

Following the criticism of Ahtisaari’s statement for the context for talks, he rephrased the CMI’s invitation to the second round of talks, which was accepted for 21 to 23 February 2005. Following an intercession from the Finnish Foreign Minister, Ahtisaari modified his position on “special autonomy”, stating that he wanted to find out if the

special autonomy concept could offer an opportunity to reach an end to the conflict ... That does not mean that your advance acceptance of the “special autonomy”, but it does mean that you are prepared to enter into serious discussions on its possible contents and other issues related to a comprehensive settlement to the conflict in the framework of special autonomy. (Ahtisaari 2005)

This showed a more nuanced approach to the process by Ahtisaari.

ROUND TWO

The key moment in round two of the talks was when, on 21 February 2005, GAM responded to the Indonesian position by proposing “self-

government”, which Ahtisaari promptly overruled. The meeting broke up with the GAM team saying that the talks were deadlocked over their refusal to accept Indonesia’s offer of “special autonomy”. That the TNI had also launched two significant attacks against GAM positions in Aceh at that point in time, even though they had limited success, further added to the bleakness of the occasion.

The previous evening, Ahtisaari had, in Finnish, changed his choice of word for the translation of “special autonomy” (*erityisautonomia*) to *erityisitsehallinto* (self-government) and this had been printed in the morning’s newspapers. In Finnish, these terms are actually interchangeable as both indicate self-determination (*itseisoiikeus*). However, translated into English, or Indonesian, these terms take on a somewhat different meaning, with “special autonomy” referring to the maintenance of the status quo, and “self-government” to something along the lines of self-determination or genuine autonomy.

When first approached about this, Ahtisaari said he was not prepared to consider changes to language. However, when confronted with the difference between the Finnish words for “special autonomy”, “self-government” and “self-determination”, and asked to confirm that he had in fact used the term for “self-government”, Ahtisaari acknowledged that this was the word he had used and, on further questioning, said that he thought it was acceptable. He then agreed with the GAM delegation’s request to accept the use of this term, and said he would propose its use to the Indonesian delegation. However, he stressed that this would not alter his intended meaning of “special autonomy” and not “self-government”. The GAM delegation then pointed out that if the term was to retain his original meaning of “special autonomy” then there would in fact be no negotiation, but simply the imposition of the pre-existing government position. Ahtisaari also accepted this, and said he was prepared to consider variations on this theme, to be addressed within the context of the existing agenda.

When the two parties met again at Koenigstedt the following morning, Ahtisaari outlined what he saw as a practical outcome for both parties, including provincial elections with local political parties (in contrast to the existing law on political parties having a national presence with representative offices in half of the districts in half of the provinces at least), the introduction of unarmed external monitors from the militaries of sympathetic countries (most probably the EU and ASEAN), and a consideration towards limiting the TNI’s powers in Aceh. The Indonesian delegation accepted, in principle, Ahtisaari’s outline, which marked a distinct shift in the talks, and agreed to take the term “self-government” back to Jakarta for consideration. This was

the first turning point in the process. Ahtisaari also called on both parties to exercise the utmost restraint in the field — a comment which was primarily directed at the TNI. This appeal was comprehensively ignored by the TNI, and eventually by the AGAM (Angkatan GAM) as well.

The issue of “self-government” was to become a major point of discussion in Jakarta over the coming months. The main question was what was meant by a concept that was still being negotiated. While most of the commentary was critical and negative, it helped place the talks firmly on the agenda in Jakarta, as well as put on the agenda the possibility of an outcome other than the simple acceptance of “special autonomy”. During this time, the GAM also began to work towards meeting with a number of Acehnese civil society representatives to both ensure the acceptance and socialization of its “self-government” proposal and to seek further input into what it could ultimately mean for the province.

Following round two, GAM had to come back to the negotiations with a plan for what it wanted to achieve. Keeping in mind that there could be a realistic but still optimal claim, and a much less optimal but probably more realistic claim, it constructed a Plan A and a Plan B as a fall-back position. These plans were based in part on Ahtisaari’s agenda (CMIa 2005), the existing legislation on Aceh, and the sorts of claims that could reasonably be made under the self-government model. The plans covered issues such as politics, the economy, human rights, the law, and so on. Plan B was much the same as Plan A, except that it retained, as a major concession, the continuing presence of some TNI in Aceh at the end of any agreed process. Plan A subsequently became the basis, with little change, of the proposal that GAM tabled during round four of the negotiations, and thus formed the basis over which the negotiations were conducted. In the give and take of negotiation, taking into account some unmovable realities and the nature of compromise, the large number of points that were agreed to in round four and which subsequently ended up in the resultant MOU between the two parties much more closely reflected Plan B than Plan A.

On 22 March 2005, the author met with Christensen, Awaluddin and Husein in Jakarta and discussed the issue of political parties for Aceh. Awaluddin rejected the option of creating local political parties. The other key point was that of the presence of the TNI and Polri in Aceh. It was agreed that this would probably create the biggest obstacle to an agreement, given that the TNI would certainly object to its removal, and that there might not be sufficient political will in Jakarta to tackle this problem head on. The following day, the author met with Vice-President Jusuf Kalla, the two ministers, Awaluddin and Husein, and Christensen (see *Kyodo*,

28 March 2005, for a sensationalist account of this meeting). The primary outcome of this meeting was a plan to reach an agreement on the less controversial issues in the negotiations first, and then to move on to more difficult subjects towards the end of the process. The intention was to build goodwill, and to have the process fall over, if at all, at the end, and not at the very beginning.

ROUND THREE

For round three of the talks, General Tippe did not return. Christensen said it was because Kalla had him removed from the team as he had been an unhelpful influence, but another version was that TNI headquarters had ordered him not to attend as a means of expressing its lack of desire to recognize this process. More importantly, however, Widodo was also notable by his absence, which he said reflected his unwillingness to support this “unofficial” process (AFP, 14 July 2005), while Commission I on Foreign Affairs and Defence in the Indonesian legislature, the Dewan Perwakilan Rakyat (DPR), became a site of outspoken criticism of this process. The vice-chairman of Commission I, Effendy Choirie, said that the sole purpose of the talks was to allow the TNI more time to organize further attacks against GAM. He also called on the talks to be halted, and for any further discussion to be held only within Indonesia (*Kompas*, 18 April 2005).

Shadia Marhaban was invited by GAM to attend round three as an expert in field monitoring, having worked in the Cessation of Hostilities Framework Agreement process. That Shadia was a woman in a male-dominated process also made GAM appear more progressive in its thinking, since her appearance led to objections by the GoI delegation, on the grounds of her sex.

On the GAM side, the Dean of Political Science at UKM, Professor Palanisamy Ramasamy, joined the GAM team for two rounds, replacing Dr Vacy Valzna, who had in turn replaced William Nessen after the first round. More notably, however, the GAM team was joined by Irwandi Yusuf who had been jailed for seven years for treason. Irwandi had been in prison in Banda Aceh when the tsunami struck on 26 December 2004. He managed to break a hole in the prison roof as his cell was filling with water and then clambered onto the roof. In the following chaos, he simply walked away to find his family, then left Aceh via a circuitous route that led him to Stockholm and then to Helsinki. As an escaped political prisoner, his presence was a major affront to the GoI delegation, and they said that if he was present at the talks, they would lodge a formal protest with the Finnish government and might even walk out. To save embarrassment to their hosts and to ensure

the continuation of the talks, it was decided that Irwandi would stay at the GAM hotel with telephone and computer access.

The GoI delegation came to this round of the talks saying they wanted GAM to accept that foreign affairs, currency, formal recognition and defence would remain with the republic. This was viewed by GAM as acceptable, if it allowed negotiation over all other matters, and appeared to open up again the possibility that the talks could move forward. Nurdin then put forward GAM's comprehensive rejection of the NAD law, which was debated but ultimately accepted. This was a further major step towards constructing an alternative political outcome. In the following session, Malik put forward the idea of genuine democracy and political participation with local parties. The GoI delegation responded by saying that local political parties were not possible, but Malik said this was GoI's problem, not GAM's, and that it would have to change the law. Out of this discussion came an agreement in principle to accept a democratic framework for an outcome, which indicated to GAM that self-government, or whatever it was to be called, had moved one small but important step closer to becoming a reality.

On 13 April 2005, the GoI delegation confirmed its agreement to audit revenues from natural resources, the allocation of future resources, and the letting of contracts for the exploitation of resources. GAM proposed that Aceh retain control over the letting of contracts, which drew a more muted response. Ahtisaari then suggested that Aceh undergo a transitional economic process and, following from the GAM proposal, put forward the suggestion that there be a GAM-managed police force. He also raised the issue of compensation for GAM fighters, and suggested that the decommissioning of GAM weapons, which would have to be part of the process if it were to succeed, could be handled by GoI officials.

Nur Djuli responded on behalf of GAM, saying that any issue of compensation for GAM fighters could be undertaken by a future Aceh government and that this responsibility should not remain with Jakarta. He also noted that talk of the decommissioning of weapons was premature and would be the last part of process to be discussed. On human rights issues, Nur Djuli further noted that there could be no acceptance of any possible GoI amnesty for GAM members without also implementing a proper system of justice for criminal acts committed by the military in Aceh. At the second morning session of 13 April 2005, the GoI and GAM teams received separate military briefings on a possible external monitoring mission by Brigadier General Jaako Oksanen.

During the afternoon session that day, the use of the Indonesian currency, the rupiah, was discussed and accepted, and the issue of the capacity to raise

loans, for local taxation and for the allocation of resources, was accepted only in principle by Hamid Awaluddin, while Sofyan Djalil was clearly not happy with the direction of the discussion and walked out. Based on a request from Ahtisaari to have documents concerning the key issues in the talks ready to be tabled, GAM segmented its Plan A proposal and, with some minor changes, handed them over for tabling for the session starting on 14 April. In them, the term *wilayah* was used as a more neutral reference to Aceh, being a territory rather than a province.

Given the GoI delegation's reluctance to engage with GAM's political claims, this session ended in a stalemate, and discussion of political issues was deferred until after other matters had been resolved. The issue of economic policy also arose, with Christensen attempting to persuade the GAM delegation to accept the GoI's position. The GAM delegation then tabled that section of the lightly redrafted Plan A as its economic paper.

Although the peace talks were supposed to be held in confidence, on 18 May 2005, Djalil was quoted as saying that GAM would not be allowed to contest elections as a local party. "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," said Djalil, himself an Acehnese. However, Djalil did also say that GAM could set up a political party with a different name under existing party laws, which was "a tough prospect given the negative view many Indonesians have toward separatists and likely opposition to the establishment of branches outside Aceh" (Reuters, 18 May 2005).

Just ahead of round four of the peace talks, on 23 and 24 May 2005, GAM met with representatives of Acehnese civil society groups just outside Stockholm, under the auspices of the Olof Palme International Center. GAM outlined the key developments in the peace talks process to show them, what it hoped to achieve and what problems it had faced and was expecting to face. In particular, GAM outlined its position on the questions of independence, self-government (everything but independence) and democratization in Aceh. It then took questions and offered clarifications on questions about how the peace process had developed and GAM's pre-tsunami and post-tsunami positions. Questions from these civil society representatives addressed the key issues of GAM's position on "special autonomy" and the NAD law, the meaning of "self-government" within the Republic of Indonesia, local law and the judiciary, political parties, human rights issues, the allocation of resources, the future of the TNI and police in Aceh, the separation of forces, peacekeeping, administration and the rule of law, who would oversee

local elections, the creation of a transitional authority, and what are the final outcomes.

GAM identified the following as major problems it had encountered: the lack of basic knowledge and general intransigence of the CMI, the attitudes of Widodo and Tippe, dealing with the assertion of “special autonomy”, the refusal to agree to a ceasefire, the continued incarceration of GAM negotiators, and continuing attacks by the TNI. Problems that GAM expected included the rise of nationalism in Jakarta, the formation of political parties and legislative issues, the reallocation of resources and possible consequent constitutional changes, human rights trials, and security issues regarding the TNI, militias and peacekeepers.

Civil society representatives questioned GAM and offered their own views as to what should be achieved. There was overwhelming support for the idea of a referendum within Aceh that would allow the people of Aceh to determine their own future. To this end, the civil society group drafted a statement in support of the peace process (CS 2005).

That night, the GAM delegation left Saltsjöbaden for Stockholm, where it received the Indonesian response to their two initial working papers. The response reflected the rhetoric that had been coming out of Jakarta prior to this round, primarily revolving around the talks producing a result under the NAD law on special autonomy, and that political parties should comply with existing laws.

ROUND FOUR

Round four of the talks began on 26 May 2005, with the first day being inconclusive. On 27 May, the author ran through GAM’s papers on politics, economy and law, in a smaller session with only Awaluddin, Ahtisaari, Malik and Zaini. A second session also included Nur Djuli, Usman and Sofyan Djilil. These two sessions produced a high level of agreement around key points, with only minor matters remaining outstanding. It was agreed that local parties for Aceh should exist in principle, and Awaluddin proposed that a constitutional court mechanism might be one means of achieving this outcome.

The GoI delegation formally responded to GAM’s politics position paper with one of its own on 15 April, to which GAM responded on 23 May. The GoI delegation’s response also included the claim that as “the spirit of autonomous regions” had been granted and secured under the constitution, there was “no reason to be sceptical that the provision of autonomy will be arbitrarily changed in the future” (GoI 2005, point 6).

Similarly, the GoI claimed that “The people of Aceh have wisely chosen the name of Nanggroe Aceh Darussalam as the official name of the Aceh Province to pay tribute to the richness of its historical backgrounds and bears a noble meaning, namely the home of peace. The name of the province of Nanggroe Aceh Darussalam has been fully accepted and carried out by the Acehnese people” (GoI 2005, point 8). Finally, the GoI rejected the call for local political parties, saying such a development “will trigger other provinces to also establish their own parties based on ethnicity and at worst on religious extremisms”.

Awaluddin had accepted that there could be local political parties in principle, saying they could possibly be achieved through an appeal to the constitutional court. However, as Awaluddin’s proposal was unlikely to succeed, there was no agreement on the mechanism by which local political parties could be achieved. On 28 May 2005, the negotiating teams again met, while GAM fine-tuned its political, economic, human rights and security papers for re-presentation or, in the case of the security paper, for first presentation. Importantly, it was at this point that GAM accepted that the nomenclature to be used in Aceh, for its chief executive and various elected offices and districts be left open for the new government itself to decide. It was also at this point, that the term “self-government” was formally dropped, and for this issue to be decided by that form of government. This was acceptable as the term had only ever been a vessel for other ideas: the main one being some form of genuine autonomy or self-determination within the over arching state. It had also been a vessel for carrying the process away from the language and hence, legislation of “special autonomy”, and in this, it had fully served its purpose.

The last day of round four of the talks was conducted at the Palace Hotel near the waterfront. A meeting was arranged between Awaluddin, Malik, Zaini and the author, with Christensen present. At this meeting, Awaluddin retreated from the idea of political parties for Aceh. With this clear indication that the GoI was returning to a more hard-line position on this most critical point, it again looked as if the talks had run their course.

The next day, the author wrote the following assessment, which was circulated among the GAM team, Ahtisaari and a small number of supporters outside:

In particular, the issue of the establishment of local political parties, the timing of the elections of a local legislature and the repealing of the Special Autonomy legislation are each critical points over which the process would fail without inclusion.

On 30 May 2005, Sofyan Djalil made the observation that if there were fresh elections in Aceh, current legislators would be unhappy if they lost their seats. However, if these legislators genuinely represented the wishes and interests of their constituents, they should not fear being unseated from office. In reality, with such a high level of external intervention in the selection of candidates and such notoriously overwhelming corruption in Aceh's political process, with 374 cases of corruption reported but not prosecuted in 2001 and 766 in 2002 (Miller 2004, p. 346), there is a good chance that many and perhaps most would be unseated. This reflection of their lack of popularity, and arguably legitimacy, is a strong argument for fresh and openly contested elections. Should existing legislators be returned in such elections, their political legitimacy would have been confirmed. However, assuming there are no restrictions on local political parties, a refusal to allow fresh elections would disenfranchise both those political aspirants who were excluded from the 2004 election process, and voters who would have voted for alternative candidates had they been able to stand.

Unless the GoI is prepared to genuinely move on this matter, and offer a compromise equating to that of GAM not bringing independence to the negotiations, it would appear that this peace process has failed to reach its objective of finding a position between the two parties upon which there can be an agreement (Kingsbury 2005).

The idea of more meetings between GAM and various Aceh civil society groups had taken hold within GAM, among civil society groups and with the facilitator, the Olof Palme International Center. The Palme Center had regarded the first civil society meeting as a considerable success and saw it as an important means of widening and deepening support for the peace process. GAM was keen to continue to promote the idea. The second civil society meeting at Lidingo, just outside Stockholm, on 8 and 9 July 2005 was an expanded version of the first GAM-Aceh civil society meeting, in that it included a number of participants who had been quite critical of GAM. This meeting followed the format of the first, with a major concern being expressed by civil society participants being the lack of a referendum among the proposals being considered in the talks. There was also concern about the inclusion of wider social issues, including education, health and women's rights.

On 1 July 2005, the CMI issued the first draft of the proposed memorandum of understanding. Ahtisaari also asked Malik to provide details of GAM troop numbers and weapons, and his thoughts on a dispute settlement mechanism and the establishment of a truth and reconciliation commission.

SECURITY ISSUES

It was clear from the outset that while it would be difficult to reach a political solution to the conflict, the real test would involve security arrangements. There were two components to this: the first being the decommissioning of GAM and its weapons, and the second the non-combatant status of the TNI and Polri (Indonesian National Police, or Polisi Republik Indonesia).

At a meeting on 29 May 2005, the whole GAM team worked through a complex discussion about what level of the TNI's presence it would regard as acceptable in Aceh. This was a fundamental recognition that it would be virtually impossible to get all of the TNI out of Aceh. The question was how many it would be acceptable to let remain, and what their function would be. The decision about whether or not to accept any TNI forces was taken by consensus. None of them wanted any TNI presence at all, but all but one recognized that there was probably little choice in accepting some level of presence, and the question would be how much to accept and how to achieve that number. In the end, the GAM team agreed on accepting TNI forces in Aceh solely for the purpose of external defence. The key elements of this were that the TNI in Aceh would be funded by the official military budget, there was to be no Kodam (Komando Daerah Militer, or Regional Military Command) presence below the battalion level, internal security would be the sole preserve of the police, and the Aceh Kodam would have a maximum of 6,000 personnel.

Furthermore, GAM would accept just four strategic locations for the TNI forces to be stationed at and military personnel would not be allowed to carry weapons beyond their barracks, except on deployments sanctioned under Point 11 of the agreement. This is in keeping with the conventional practice of militaries in non-conflict zones. GAM also accepted a limited naval and air force presence. Most importantly, however, GAM stipulated that any incident that occurred between soldiers and civilians was to be investigated by civilian police and any matter requiring legal proceedings would occur under the jurisdiction of the civilian courts.

While some of these conditions found their way into the final agreement, the issue of the number of TNI to remain was not pursued by the leading GAM negotiators. As a result, there was no commitment from either GoI or Ahtisaari on the number of TNI to remain. However, at the beginning of round five of the talks, the European Union's Pieter Feith outlined his assessment of how many TNI would remain after the withdrawal, which was in broad accordance with the GAM proposal. From the time the EU delegation met both the GoI and GAM during round four, it was clear that it was committed to the monitoring process.

The main tasks of the Aceh Monitoring Mission (AMM), as it became known, were to:

- Monitor and report the pullout of national military and police troops
- Monitor the decommissioning of GAM armaments and confiscation of illegal weapons
- Monitor the human rights situation
- Monitor the process of legislation change
- Monitor and report the general security, economical (*sic*) and political situation
- Conduct inspections and investigations, car and foot patrols
- Inquire into complaints and alleged violations of the MOU
- Establish and maintain liaison and good cooperation with the parties
- Promote peaceful settlement of disputes
- Provide good services to the parties
(CMI*b*, Terms of Reference, unpublished document).

The “minimum strength of the AMM is approximately 270 persons, including 200 foreign monitors and 70 locally employed persons” (CMI*b*, 13 May 2005, Deployment). However, due to poor budgetary planning, as the AMM was being implemented after 15 August, it became clear that the proposed number of EU staff would be substantially cut, and that the total number of 200 would be comprised of both EU staff and ASEAN personnel. EU staff, who had already been offered jobs were told, after 15 August, that they had to formally apply for the positions that they had been requested to fill, and informed that there would be fewer positions than personnel invited to apply.

As earlier agreed between the parties, the government of Indonesia would be responsible for the security of all AMM personnel in Aceh. “The mission personnel do not carry arms.” (CMI*b*, 13 May 2005, Security). This was the primary condition placed on the AMM by the GoI, and in this respect replicated the security arrangements that had applied to the UN in East Timor prior to and just after the ballot in 1999. It was clearly a problematic model, but it was again the only one available.

One important point that Feith made was that it would be up to the GoI to provide weapons collection points. He noted that members of the mission had spoken with the TNI officers about the number of GAM weapons, which they had estimated at about 1,300, with around 4,000 active GAM members. The decommissioning of these weapons was intended to be completed by the end of the year, and it was agreed that decommissioned weapons would be

immediately destroyed (EU, 12 July 2005) The process of decommissioning of the GAM's weapons would be in parallel with the withdrawal of GoI forces, on the basis of 25 per cent per month for four months, to occur on a district by district basis (EU 12 July 2005).

ROUND FIVE

The fifth and final round of the Aceh peace talks commenced on 12 July 2005. The key element of the talks on this day was the further outlining of the security arrangements by Pieter Feith, who said that the TNI and Polri should reduce the size of their forces by 31,000 members by the conclusion of the monitoring of the withdrawal period. It was noted this would still leave about 20,000 or more TNI and Polri. Feith replied that the TNI and Polri would be reduced to a figure of about 4,800.

On the following day, 13 July, the move back to the issue of local political parties came as debate on this issue was stepped up in Jakarta. Awaluddin again rejected the idea of local political parties because, he claimed, their establishment would not comply with the constitution. However, it was quickly shown that Law 31/2002 was in fact a piece of legislation and not a part of the constitution, and could thus be changed if there was sufficient political will. Awaluddin then progressed from proposing that GAM join existing political parties to that of establishing GAM as a political party in itself. To achieve this, he said that the major political parties in Jakarta had agreed to support GAM by donating members to help it establish branches in half of the provinces and in half of the districts of those provinces, as stipulated under Law 31/2002. It was at this point that Christensen interjected, saying that GAM must dissolve as an organization. This interjection from a person whose role was solely as a facilitator shocked and angered the GAM team. There had never been any discussion about GAM dissolving, not even from the GoI team.

Speaking on behalf of the GAM delegation, Nur Djuli rejected the GoI proposal on GAM being set up as a political party with assistance from Jakarta-based parties, as a "sweetheart deal" between the Jakarta-based parties and GAM, which would disadvantage other political parties that might oppose GAM. The right for anyone to contest elections was, he said, a basic democratic principle. Nur Djuli also noted that even if this basic principle was ignored and a back door deal arranged, it had no prospect of lasting and could not secure the political future of Aceh. GAM had committed itself to basic democratic principles and demonstrated a genuine desire to improve the lives of the people of Aceh.

The following session in the afternoon addressed some practical security issues that would come out of any proposed agreement. GAM was told that the number of organic forces to remain in Aceh would be given after GAM provided its own numbers. Both sides agreed that organic police forces would remain responsible for law and order in Aceh, while organic military forces would be responsible for upholding external defence in Aceh. The timeline for the withdrawal of those Indonesian forces that had agreed to leave was laid out on the basis that the TNI would not be able to effect changes immediately following the decommission/withdrawal process, and that troops and police would be removed from Aceh according to logistical readiness.

The GAM was now pressing hard on the local political parties issue. Having committed itself to the formation of local parties, GAM had the opportunity to take the high political ground by emphasizing how its own stand was based on fundamental democratic principles. The GoI was left in the position that it either rejected the GAM's stand and hence compromised on its own claims to democracy, or it asserted its own claims of accepting full democratic principles and hence acceded to GAM's demands. Attempts at back door deals and obscurantism by the GoI could be, and were, portrayed as such. The debate on this issue went back and forth, with the GoI delegation offering variations on its original offer to help establish GAM as a national political party. The GoI also accepted that the next head of the Aceh administration and more junior positions could reflect GAM's interests.

The following day, 15 July, GAM formally replied to the GoI's proposal on local political parties with its own interpretation of the acceptable wording for the MOU. Discussion on local political parties was clearly bogged down, and it appeared that there was an unbridgeable divide between the two teams (Siboro 2005). GAM began to move towards the position of accepting the failure of these talks, while taking a draft of the MOU as a blueprint for future negotiations, rather than backing down on the issue of local political parties. Meanwhile, Awaluddin continued to press for his offer on the creation of an Acehnese national party to be accepted.

The negotiations had developed into a contest of ideas, with each side taking turns in asserting its own agenda. It was, in this sense, a conventional debate, largely conducted in public. However, the problem would always be that winning the contest of ideas would not necessarily translate into "winning" the negotiations. Indeed, "winning" in the negotiations could have inspired a more negative reaction in Jakarta. The rhetoric was therefore about establishing the parameters of the debate and finding a middle ground within that. However, the further the parameters moved in GAM's direction, the further the centre would be towards GAM's basic position.

The debate on the wording of the draft MOU went back and forth. The changes were relatively minor at one level, but at another, were important markers of the limitations of the GoI and the authority of the new self-government. The formal debate, now in writing, continued with GAM proposing:

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

Aceh will exercise authority within all sectors of public affairs except in the field of foreign affairs, external defence, basic monetary and fiscal matters and the national application of justice, the policy on which belong to the Government of the Republic of Indonesia. These sectors will be administered within Aceh in conjunction with the civil and judicial administration of Aceh.

1.1.5. Aceh has the right to use regional symbols including a flag, a hymn and a crest, the latter of which shall also be displayed within Republic of Indonesia passports carried by residents of Aceh issued by immigration offices located in Aceh.

1.1.7. Administrative structures in Aceh will reflect traditional administrative structures, including the appointment of a Wali Nanggroe, including all ceremonial attributes and entitlements.

1.4.4. The appointment of the Chief of the organic police forces and prosecutors shall be approved by the Chief Executive of Aceh. The recruitment and training of organic police forces and prosecutors shall be under the direction of the Chief executive of Aceh in compliance with applicable national standards. (Draft MOU, 6 p.m., 15 July 2005)

With this accepted by the GoI delegation, the last hurdles were being overcome with most of the outstanding issues now being agreed upon, it appeared that the two parties were moving closer to a final agreement.

On the final day of the fifth and final round of the talks, all parts of the MOU had been agreed upon, except the thorny issue of the creation of political parties. The GAM had submitted its proposal in response to the Indonesian one that had been incorporated into the draft MOU the previous evening. The morning session produced no results and the afternoon session was cancelled while the GoI delegation discussed the draft MOU with Jakarta, and, just before 6 p.m., they came back with yet another version of their existing proposal. The view within the GAM delegation was, given that day was formally over, having ended at 6 p.m. that Indonesia had not come back with a meaningful offer, and that the process had ended. The GAM delegation

began to pack in preparation for returning to the hotel, thus ending the talks. The author then drafted a media statement entitled "Acheh Peace Talks End Without Agreement For Peace".

In reading and re-reading the Indonesian proposal, however, while it was 99.9 per cent clear it was not agreeable to GAM, the prospect of walking away from the talks without even the faintest possibility that it could have been salvaged was overwhelming. Nur Djuli went to the Indonesian meeting room and asked if Sofyan Djalil would be prepared to come back and talk about the GoI's proposal. The GAM delegation and Djalil sat in a circle in the GAM meeting room and discussed the GoI's proposal. It was noted that, for GAM, there were two main problems with the proposal: one was clarity and hence, its intentions and commitments, and the other was the timelines for action, which did not exist. Djalil said that he accepted this.

Djalil agreed to change the Indonesian proposal from "be willing to" create local political parties to "will" but said that he needed to consult with Hamid Awaluddin regarding the timeline for action. Awaluddin came in and went back through the proposal. Awaluddin agreed to the inclusion of the word "will". The timeline was discussed in relation to the legislative process, producing an outcome that was regarded as both practical and agreeable to both parties. The redrafting began, and it became clear that both parties were now working towards a mutually acceptable text that would make clear the creation of local political parties.

Three drafts later, each of which was only very slightly different from the previous, at about 9.30 p.m., or more than three hours after the talks had formally ended, there was an agreement in principle on the issue of local political parties. The key element in place was that the GoI would facilitate the creation of local political parties for Aceh within twelve months and no later than eighteen months. Some of the language was awkward and the rest was less than perfect, but it was enough. Awaluddin faxed the proposal to Jakarta for approval. The CMI then produced a draft MOU which incorporated the agreed text on local political parties. The agreement was confirmed the following morning when President Yudhoyono approved the negotiated text.

At midday on 17 July 2005, the agreement was to be initialed. Before the initialing, Malik was to hand over the GAM troop figures, and their number and types of weapons. These details would then be included in the MOU along with the number of TNI and Polri to remain in Aceh. At ten minutes to noon, the GAM team was shown that the number of TNI personnel to remain in Aceh, penned into the MOU, was 13,000. Discussion over this saw the initialing delayed by over an hour and very nearly cancelled. Moreover,

the GAM team had made an error in being slow in handing over its own numbers, and hence had not had access to the TNI's numbers. GAM noted that while the 13,000 was supposed to consist of organic troops, the TNI had been artificially inflating that number and that it was a much larger number of "organic" troops than would ordinarily be stationed in a province (TNI 2005*a*; TNI 2005*b*). Ahtisaari responded by saying that what was important was that the TNI be focused solely on external defence and be under civilian authority. He added that the police would be under local command. Finally, Nur Djuli, Malik and Zaini agreed that they had not followed through adequately on this aspect of the process and that they had been trapped. That being the case, that they were trapped was their own fault and the agreement as it existed, even with artificial numbers that did not add up, had to be accepted. GAM's public statement that day on the initialing was that it was a "leap of faith". In the final version of the MOU, the TNI's troop figures went up to 14,700, while the size of the police force was reduced slightly, producing a slightly higher overall figure. Similarly, a sentence that referred to the disarming of militias was removed without consultation ("MOU", point 4.9).

With the continuing support of the Palme Center, GAM organized its third meeting with members of Acehnese civil society. The intention was to have this meeting much closer to Aceh than the previous two, which had been held in Sweden. Nur Djuli took over the organization of this meeting, which was held on 8 and 9 August 2005 at the NIOSH complex in Selangor, Malaysia. More than 230 people registered to attend the meeting, with most coming from Aceh itself, though there were Acehnese from other parts of Indonesia, as well as many who had been living in Malaysia, and a small contingent from Australia and Sweden. The meeting followed the format of the previous two, although GAM also received reports from representatives of a range of specific civil society groups. While there were many in this diverse group that did not support GAM, support for the peace process was unanimous and the meeting was characterized by a great sense of cohesion and happiness.

On 15 August 2005, GAM and the GoI returned to Helsinki to sign the memorandum of understanding. That day, AMM personnel were deployed in Aceh for the first time, to start demilitarization on 15 September 2005. In Jakarta, despite earlier reluctance, there was increasing support for the agreement, with some commentary even suggesting that it be used as a model for resolving other similar disputes.

It is unclear if the peace agreement is going to be successful in the long term, either in ensuring permanent peace or the establishment of a sustainable local democratic process. It does have that potential, but there are very many

factors working against it, not least of which is a reluctant TNI. In the final analysis, this agreement is very much a compromise. It contains many basic flaws, too many of which were a consequence of errors on the part of the GAM team. However, it also contains a number of important positive points. Whatever the perspective, this MOU is the best that could possibly have been achieved by the GAM team given the circumstances.

ACEH

History, Politics and Culture

The process of post-tsunami recovery and reconstruction in Aceh will take considerable time and is not easy. This book is an attempt at providing helpful background information on Acehese history, politics and culture, which would benefit expatriate aid workers as well as foreign and domestic scholars in their dealings with the people of Aceh. It is written by specialists of Indonesian and Acehese studies from a number of countries, together with Acehese scholars. As the region was not accessible for decades, this book represents in many aspects a new, pioneering endeavour in Acehese studies. The chapters cover many important aspects of history, such as the female Sultanahs of Aceh, Aceh's Turkish connection and the Dutch Colonial War in Aceh. The main emphasis of the book is on relevant contemporary developments in the economy, politics, Islam, and the media, as well as painting, music, and literature.

ISEAS

ISEAS Publishing
30 Heng Mui Keng Terrace
Singapore 119614
<http://bookshop.iseas.edu.sg>

INDONESIA
History
Politics

BM390s

ISBN 978-981-4279-12-3



9 789814 279123