



Stabilisation Unit

**Elite Bargains and Political Deals Project:
Indonesia (Aceh) Case Study**

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Background to Elite Bargains and Political Deals Project

This case study is one of a series commissioned to support the Stabilisation Unit's (SU) development of an evidence base relating to elite bargains and political deals. The project explores how national and international interventions have and have not been effective in fostering and sustaining political deals and elite bargains; and whether or not these political deals and elite bargains have helped reduce violence, increased local, regional and national stability and contributed to the strengthening of the relevant political settlement. Drawing on the case studies, the SU has developed a series of summary papers that bring together the project's key findings and will underpin the revision of the existing 'UK Approach to Stabilisation' (2014) paper. The project also contributes to the SU's growing engagement and expertise in this area and provides a comprehensive analytical resource for those inside and outside government.



Executive Summary

In the years between 1976 and 2005, Indonesia's north-western province of Aceh was wracked by an intermittent armed insurgency led by the Gerakan Aceh Merdeka (GAM, Free Aceh Movement), a nationalist movement that aimed for Aceh's independence. Peaking in intensity between 1999 and 2005, the rebellion began during the authoritarian rule of President Suharto in response to grievances generated by the centralised nature of Suharto's government, and by the exploitation of Aceh's natural gas reserves. The rebellion was also facilitated by a 100-year history of local resistance to outsiders, and by a strong sense of Acehnese identity, which GAM was able to refashion in support of its nationalist ideology.

Human rights abuses committed by the army in its response to the rebellion, along with the growth of a war economy in which violent actors took advantage of conflict conditions for personal profit, entrenched the conflict. Furthermore, the transition to democratic rule in Indonesia from 1998 prompted an upsurge in violence, as GAM insurgents sensed that the Indonesian state was becoming fatally weak.

Alongside this increase in violence, the post-1998 democratic transition laid the groundwork for greater dialogue by allowing for open debate on the conflict and its causes; by bringing new voices into government; and by opening the door to international engagement and stabilisation efforts. Consequently, between 1999 and 2003, the Centre for Humanitarian Dialogue (HDC) facilitated a series of talks between GAM and the Indonesian government, producing two major ceasefire agreements. However, these attempts ultimately failed to produce peace because the two sides could not bridge their differences on the ultimate political status of Aceh. They accused each other of taking advantage of the ceasefires to improve their positions militarily, and a renewed government military offensive followed from May 2003. This offensive seriously wounded GAM but failed to deliver the decisive victory that leaders of the armed forces had promised.

The build-up to a deal

The turning point came in the aftermath of the massive Indian Ocean tsunami of December 2004, which opened the door to a new round of negotiations, this time facilitated by the Crisis Management Initiative (CMI) of former Finnish president, Maarti Ahtisaari. The massive international humanitarian response that followed the tsunami increased pressure on both sides to come to an agreement, and provided them with the opportunity to sell previously unpalatable compromises to spoilers. Ahtisaari also reversed the sequence of talks, adopting the formula 'nothing is agreed until everything is agreed', thereby requiring GAM to give up its demand for independence. The parties agreed on a comprehensive peace deal (the 'Helsinki Memorandum of Understanding', signed in August 2005) based on allowing self-government (GAM's preferred term) or special autonomy (the government's phrasing) for Aceh within the Indonesian state.

On the Indonesian side, a critical concession was to allow GAM to transform itself into a local political party and contest for power through elections in Aceh. The disarmament and demobilisation of former GAM fighters was overseen during a period in which an Aceh Monitoring Mission (AMM) constituted by the European Union (EU) and Association of South East Asian Nations (ASEAN) was present in Aceh, leading to the passage of a new Law on the Governing of Aceh and local elections.

The role of external actors

The role played by international actors, therefore, was significant. The context of a massive post-tsunami international humanitarian relief and reconstruction effort provided an atmosphere conducive to peace; the CMI was the external mediator; the EU and ASEAN supported the monitoring and implementation through the AMM; and a variety of multilateral agencies and foreign donors



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provided support for implementation of various aspects of the deal, and of related development and governance programmes.

The durability of the deal

The Aceh peace process is rightly regarded as one of the most successful attempts to achieve lasting resolution to an internal conflict in recent decades. In the space of a few months in early 2005, and with the assistance of the international community, the conflict parties negotiated a peace deal that has largely held since that time.

However, while this elite bargain seems ‘sticky’, it has not comprehensively resolved all aspects of conflict. Most of the long-held grievances associated with Aceh’s lack of autonomy and natural resources were addressed during the peace process, but grievances related to past human rights abuses were not dealt with substantively, and have remained an area that both sides have tacitly agreed to avoid.

Instead, since the withdrawal of the AMM in late 2006, a form of ‘predatory peace’ has prevailed, in which former GAM combatants have been able to benefit materially from their dominance of local government and integrate into the networks of patronage distribution that infuse the territory’s political economy. As a result, many ordinary Acehnese have benefitted little from the reorganisation of power that came in the wake of the 2005 peace deal, with many expressing dismay at the rapid enrichment of former GAM leaders. Even so, the nature of Aceh’s post-conflict political settlement – through which a broad range of former combatants, activists, intellectuals, religious leaders and other elites have been given a stake in peace – has made a return to large-scale conflict all but unimaginable in contemporary Aceh.



Part I: Background to the Aceh conflict

Structural and proximate causes of violence

A number of structural and proximate causes of violence fuelled the insurgency, including historical grievances and issues around national identity; the discovery of significant amounts of oil and the failure for communities to feel the positive benefits of his industry; and human rights abuses committed against civilians by the Indonesian army. These grievances came to a head during the collapse of the 32-year regime of President Suharto and the subsequent push for democratisation of Indonesia. This led to violence across Indonesia and created an opening for the re-escalation of the conflict.

When they launched their insurgency in 1976, GAM leaders pointed to a number of historical experiences in Aceh to support their demand for the territory's independence. In the early modern period (from the 1600s), Aceh was ruled by a sultanate that was one of the most resilient indigenous states in the region. It was incorporated relatively late (at the start of the twentieth century) into the Dutch East Indies, after three decades of armed resistance to Dutch colonial forces. Subsequent generations celebrated this resistance, which was led by religious scholars or *ulama*, as exemplifying Aceh's militancy and independence mindedness. During Indonesia's war of independence (1945-49), opposition to the Dutch was so severe in Aceh that a local 'social revolution' all but wiped out the hereditary aristocratic class through whom the Dutch had ruled, and Aceh was the one part of the East Indies that Dutch forces did not even try to reconquer.

During this period, Acehnese political and religious leaders, while strongly supporting Indonesian independence, had wide authority to run Aceh's affairs, including by introducing the Islamic legal code (*sharia*). In the early 1950s, however, they began to lose much of this authority when Aceh was merged into a neighbouring province. As a result, in 1953 several of the leading *ulama*, who had the backing of much of the population, declared the territory's support for the *Darul Islam* (Abode of Islam), a rebellion that sought to transform Indonesia into an Islamic state, which also had support in other parts of Indonesia. The Aceh branch of the *Darul Islam* conflict was resolved by way of negotiations in the 1960s. On paper, the agreement that was reached restored Aceh's boundaries and recognised Aceh as a "Special Territory" with the power to regulate its own affairs in education and other fields. In practice, however, under President Suharto (1966-98), Aceh, as with other parts of Indonesia, experienced authoritarian and centralised rule, and had little opportunity to exercise its supposedly special status.

The legacy of these past episodes of violence, along with the failed promises of special treatment, provided fertile ground for the rise of the GAM insurgency in the 1970s. Many Acehnese celebrated Aceh's traditions of resistance to outside authorities, and felt that Aceh had a distinctive identity and had been mistreated by Indonesia. Hasan Tiro, the founder of GAM, drew on these attitudes to create a nationalist version of the history of Aceh, which posited that Aceh had been a sovereign power in the precolonial period and that its sovereign authority had been illegally expropriated by the Dutch and handed to Indonesia. He likened Aceh to 'stolen property' and attributed all of its ills to Indonesian 'neocolonial' rule.¹ Over subsequent years, and as early grievances were compounded by later ones, many Acehnese came to support such nationalist views.

¹ Edward Aspinall, 2002. 'Modernity, History and Ethnicity: Indonesian and Acehnese Nationalism in Conflict', *Review of Indonesian and Malaysian Affairs*, Vol 36, No. 1, pp. 3-33; Aspinall 2009b *Islam and Nation: Separatist Rebellion in Aceh, Indonesia*, Stanford University Press, Stanford; and John McCarthy, 2007. 'The demonstration effect: Natural resources, ethnonationalism and the Aceh conflict', *Singapore Journal of Tropical Geography*. 23(3): 314-333.



Further fuelling the conflict was the discovery and development of natural gas reserves in Aceh during the 1970s. Developed by Mobil Oil Indonesia, later ExxonMobil, these gas fields were for a time the most productive in the world, and contributed significantly to Indonesia's state revenue. However, the gas industry was a capital-intensive enclave, with limited impact on Aceh's economic development or living standards.² Rural people mostly experienced only the many negative effects, such as environmental pollution and land expropriation, of this highly visible industry.³ As a result, it fuelled popular belief that the territory's riches were being drained for the benefit of Jakarta as part of a neo-colonial arrangement.

During early rounds of conflict, 1977-81 and, especially, 1989-94, the Indonesian army committed numerous human rights abuses as part of its attempts to root out the insurgency.⁴ In rural areas where GAM was strong, arbitrary arrest, torture, sexual assault, disappearances, and extrajudicial killings were common. From 1999, as the conflict returned, the military resumed many of these practices. There were also several well documented cases of mass-casualty abuses, in which government troops fired on crowds, killing dozens at one time. Many civilians, especially those in rural areas, also experienced looting, extortion and other forms of undisciplined and arbitrary behaviour by soldiers (for example, extortion on the roads).⁵ Such experiences gave rise to a widely shared narrative of suffering among the Acehnese, making many Acehnese sympathetic to the insurgency.

A final trigger that led to the expansion of the Aceh conflict from 1999, after a period of several years when the insurgency had been contained through the application of harsh security measures, was the 1998 collapse of the 32-year regime of President Suharto and subsequent democratisation of Indonesia. Regime change, which resulted from political dynamics not related to Aceh, prompted an upsurge of collective violence across Indonesia, with separatist, communal and other forms of conflict occurring in several provinces. GAM leaders and other Acehnese viewed the Indonesian state as experiencing an unprecedented moment of weakness. They particularly noted that the military was on the defensive as a result of public scrutiny of past human rights, and seized the opportunity to press long-suppressed demands. A large civilian movement mobilised in Aceh in 1999-2000 to demand a referendum on self-determination (modelled on the UN supervised vote in East Timor in August 1999) and GAM began to operate more openly, recruiting, raising funds, and launching attacks on security forces. As violence escalated, the GAM insurgency reached its maximum extent, controlling much of rural Aceh before a series of government security operations, culminating in a 2003-04 'Military Emergency', forced the movement to retreat once more.⁶

The main actors in the conflict

The rebels

Unlike in many conflicts, the insurgency in Aceh was dominated by a single group, GAM, that was relatively coherent organisationally. There was limited factionalism within the movement, and a relatively unified territorial command structure, with most field commanders remaining obedient to the movement's exiled leaders in Sweden. Based on a philosophy of Acehnese nationalism promulgated by Hasan Tiro, GAM placed great emphasis on loyalty. While some leaders of the

² Dayan Dawood and Sjafrizal, 1989. Aceh: The LNG boom and enclave development. In *Unity in diversity: Regional economic development in Indonesia since 1970*, ed. Hal Hill, 107-123. Oxford, UK: Oxford University Press.

³ Tim Kell, 1995. *The roots of Acehnese rebellion, 1989-1992*. Ithaca, NY: Cornell Modern Indonesia Project; Geoffrey Robinson, 1998. *Rawan is as Rawan does: The origins of disorder in New Order Aceh*. *Indonesia* 66:127-156.

⁴ Asia Watch 1990, Robinson 1998,

⁵ Ben Olken and Patrick Barron, 2009. "The Simple Economics of Extortion: Evidence from Trucking in Aceh", *Journal of Political Economy*, 117(3): 417-452.

⁶ See Aspinall 2009b, 151-192, for a description of this period.



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movement were intellectuals or other elites, GAM was chiefly a rural movement based in villages and small towns, especially in the north and east of Aceh where most ethnic Acehnese lived. A survey conducted after the conflict put the total number of ex-combatants as 14,300.⁷ As with many such movements, GAM recruited mostly young men, including many whose family members had experienced earlier episodes of violence (many founders of GAM in the 1970s were children of veterans of the earlier *Darul Islam* revolt; recruits after 1999 were often children or younger siblings of victims of human rights abuses in the 1980s or 1990s).

In many of the rural areas, GAM fighters were connected by family and other ties to local communities and authority structures. As a result, they acted in a relatively disciplined fashion and received broad support. Concomitantly, when GAM expanded into new areas, especially those inhabited by non-Acehnese ethnic groups (e.g. Javanese communities in the highlands, or among the ethnically mixed communities of the southwest), and when it acted against persons with whom fighters lacked family or other social ties (e.g. middle-class townspeople), it acted in a more violent and predatory way.⁸

Military and government

For most of the conflict years, the main actor on the government side was the Indonesian security forces, including police and armed forces (known since 1999 as Tentara Nasional Indonesia, TNI). During the Suharto years, the armed forces were an integral part of government, such that official policy and military posture were indistinguishable. Senior military officers from Suharto down through all the ranks, believed in remorseless suppression of all armed resistance to government, making a negotiated solution impossible.

From 1998-99, the TNI was separated from the police and from civilian functions and a series of reforms emphasised its subordination to the now democratically elected governments. Although senior retired military officers continued to occupy key posts, post-Suharto governments were formed out of broad multi-party coalitions. For much of the post-Suharto period, however, these governments struggled to assert control over security forces in Aceh. Military commanders in the field frequently undermined the ceasefire agreements that were reached, operated with great brutality against civilians, and eventually gained control of security affairs in the territory once the government announced a 'Military Emergency' in the province in May 2003.

Local political and civil society

Within Aceh itself, vibrant political and civil society organisations emerged after the fall of Suharto. However, their capacity to exercise independent influence over the course of events was soon circumscribed by the rise of conflict. In 1999, during the first post-Suharto elections, a GAM-inspired boycott of the polls seriously undermined the legitimacy of elected local officials, as did a series of corruption scandals in ensuing years. The result was that local politicians complained about their powerlessness to influence the conflict or deliver development to their communities. A large number of Islamic organisations, and a large private Islamic educational sector, were likewise unable to exercise much influence - partly because they were rooted in the rural areas where the insurgency was the worst and thus were buffeted by the pressures of the conflict. Finally, a large number of NGOs emerged after 1999, with many active in fields such as human rights, women's empowerment, and provision of humanitarian assistance to conflict victims, and drawing funding and political support from national NGOs headquartered in Jakarta and from foreign donors.⁹ Early on, they were

⁷ MSR (Multistakeholder Review) (2009) *Multistakeholder Review of Post-conflict Programming in Aceh*, MSR, Jakarta and Aceh.

⁸ Kirsten E. Schulze, 2004. *The Free Aceh Movement (GAM): anatomy of a separatist organisation*. Policy studies (2). East-West Center, Washington DC.

⁹ Shane Barter. 2004. *Neither Wolf, nor Lamb: Embracing Civil Society in the Aceh Conflict*. Bangkok: Forum Asia.



able to have significant impact – for instance, by exposing evidence of past military human rights abuses – but over time, the security forces suspected them of siding with GAM. As the conflict escalated, therefore, they, too, came under pressure, with many of their members fleeing the territory after the declaration of a military emergency in May 2003.

The state and political economy

Over the course of the Aceh conflict, Indonesia made a transition to democratic rule. GAM began its insurgency in 1976, when Indonesia was ruled by an authoritarian, military-based regime that allowed little room for dissent. The insurgency first expanded, and then ended, after Indonesia became a democracy, following the collapse of the Suharto regime in 1998. The immediate impact of democratisation was to weaken the security forces and stimulate rebel activity, leading to a dramatic increase of violence. However, widening of freedoms and rejuvenation of Indonesia's political system prepared the ground for conflict resolution. Democratisation opened the policy process to a wider range of actors, including President Abdurrahman Wahid (1999-2001), a liberal-minded cleric who initiated negotiations with GAM, and President Susilo Bambang Yudhoyono (2004-2014), a moderate military man committed to improving Indonesia's international reputation and ending internal conflicts.

In terms of state capacity, Indonesia is a middle-income country with relatively robust state institutions, making conflict resolution in Aceh distinct from international interventions in places where state institutions are weak or absent, and with the Indonesian government exercising much control over the course of peace process implementation as a result.¹⁰ Even so, during the height of the conflict years, in much of Aceh civilian state agencies were effectively paralysed, and for the most part government did not function outside of major towns. Moreover, Indonesia has a neo-patrimonial state with entrenched corruption. During the conflict years, a shadow conflict economy became entrenched in Aceh, with local government officials, security officers and GAM fighters all participating in various forms of illicit economic activity: senior army officers levied fees on resource industries, GAM fighters exacted 'taxes' from multiple businesses, and government officials skimmed money from projects and government budgets, frequently sharing the proceeds with security officials and, sometimes, GAM units. The opportunities for personal enrichment generated incentives for conflict actors (especially army officers) to perpetuate the violence and undermine peace efforts.¹¹

Religious and ethnic dimensions

According to the 2010 census, Aceh's population is 98 per cent Muslim. The population has a reputation for Islamic piety, and resistance to outsiders was traditionally expressed through an Islamic idiom. From 1999, the central government began to offer Aceh the right to implement Islamic law, or *sharia*, as part of a wider set of concessions designed to undermine the insurgency. A Special Autonomy Law was passed by the national legislature in 2001,¹² and the province established a series of *sharia* courts and began to enforce *sharia* punishments, especially for a variety of moral misdemeanours.¹³ From its early days, GAM was strongly influenced by its Islamist origins, but it

¹⁰ Patrick Barron and Adam Burke. 2008. *Supporting Peace in Aceh: Development Agencies and International Involvement*. Washington D. C.: East West Center.

¹¹ Lesley McCulloch, 2005. "Greed: The silent force of the conflict in Aceh." In *Violence in between: Conflict and security in archipelagic Southeast Asia*, ed. D. Kingsbury, 203–227. Clayton, Australia: Monash Asian Institute.

¹² Rodd McGibbon, 2004. *Secessionist Challenges in Aceh and Papua: Is Special Autonomy the Solution?* East West Center, Washington DC; Michelle A. Miller, 2006. 'What's special about special autonomy in Indonesia?', in A. Reid (ed.) *Verandah of Violence: The Background to the Aceh Problem*, Singapore University Press, Singapore.

¹³ Michael Feener, 2013. *Shari'a and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia*. Oxford: Oxford University Press.



responded to these new policies by emphasising that its goals were nationalist rather than religious, and by accusing the government of manipulating religion for political advantage.¹⁴ Over time, GAM increasingly espoused an ethno-nationalist vision which, while emphasising that the Acehese population was itself composed of various sub-ethnicities, stressed the language and culture of the Acehese ethnic group. As a result, GAM was responsible for many acts of violence against members of Aceh's ethnic Javanese minority, an estimated 130,000 of whom fled Aceh in the years following 1998.¹⁵

Transnational dimensions, regional and geopolitical context

Like many rebel movements, GAM was deeply embedded in the Acehese diaspora, and therefore had a strong transnational dimension to it.¹⁶ From the 1980s, senior leaders of the group were based in Sweden, where Hasan Tiro and others had fled after their first attempted insurgency in the late 1970s. From the 1980s, GAM also recruited Acehese in Malaysia where many were migrant workers, and several hundred such recruits went to Libya for military training. Accessible by an overnight boat journey across the Malacca Straits, throughout the conflict Malaysia remained an important place of refuge, and (along with Thailand) a source of funds and arms. Apart from a short-lived period of support from Libya's Muammar Gaddafi in the 1980s, however, GAM received no support from foreign governments. No state recognised its claim for sovereignty, and instead Acehese exiles in Malaysia often experienced police pressure. Indeed, neighbouring countries, organised in the Association of South East Asian Nations (ASEAN), sympathised with Indonesia's goal of eliminating domestic separatism.

Gender dimensions

Conflict actors on both sides, especially at leadership levels, were almost exclusively men (there were some women combatants in GAM, mostly playing auxiliary roles). Women frequently experienced some of the worst effects of the conflict, and lacked agency to respond, despite the presence of several important women's NGOs during the post-Suharto years. Some ethnographic and media reports indicate a significant degree of sexual violence, including rape, during the conflict years.¹⁷

Experiences of injustice

The Indonesian military used extremely brutal methods to prosecute its counter-insurgency war, including torture, extra-judicial killings and other gross crimes. This brutality particularly escalated following the declaration of a 'Military Operations Zone' in Aceh in 1989, and again during the Military Emergency from 2003. A post-conflict survey found that civilians had experienced high levels of violence: for example, 39 percent of respondents reported experiencing beatings to the body, 54 percent witnessed physical punishment while 41 percent had had a family member or friend killed.¹⁸ Persons living in areas of counter-insurgency operations were subject to frequent humiliation during their encounters with soldiers at checkpoints, in searches and other encounters.

This brutality was compounded by the fact that Indonesia has a generally weak rule of law. Indeed, Acehese often complain that the law is 'sharp facing downward but blunt facing upward', alluding

¹⁴ Aspinall 2007

¹⁵ Aspinall 2008b, see also Schulze 2004

¹⁶ Antje Missbach, 2011. *Politics and Conflict in Indonesia: The Role of the Acehese Diaspora*. New York: Routledge.

¹⁷ See, for instance, Jacqueline Aquino Siapno, 2002. *Gender, Islam, nationalism and the state in Aceh: The paradox of power, co-optation, and resistance*. London: RoutledgeCurzon.

¹⁸ Byron Good, Mary-Jo DelVecchio Good, Jesse Grayman, and Matthew Lakoma (2006) *Psychosocial Needs Assessment of Communities Affected by the Conflict in the Districts of Pidie, Bireuen and Aceh Utara*. International Organisation for Migration (IOM), 14



to the ability of elites to evade prosecution for corruption and other crimes. Therefore, persons affected by military brutality had no recourse to the courts, and to this day no serious investigations or prosecutions have occurred of serious crimes committed by security forces during the course of the conflict.

Part II: The antecedents of an elite bargain

Early attempts to reach a political deal

The collapse of the Suharto government in 1998 and subsequent transition to democracy opened space for peaceful resolution by allowing broad public debate of the conflict and its causes, and by bringing new actors into government. The rapid escalation of violence from 1999 also increased the urgency of reaching a peaceful settlement. The first breakthrough came with the presidency of Abdurrahman Wahid (1999-2001). Wahid was philosophically committed to inter-group harmony and peaceful dialogue and engaged the Switzerland-based NGO, the Henry Dunant Centre (later renamed the Centre for Humanitarian Dialogue, HDC) to facilitate talks with the exiled leadership of GAM. Wahid's successor, President Megawati Soekarnoputri (2001-2004), then allowed talks to continue despite her strongly nationalist views and sympathies for the military.

Between 1999 and 2003, the HDC facilitated a series of on-again, off-again talks between the two sides, many of them held in Geneva, and produced two landmark agreements, the Humanitarian Pause (signed on May 12 2000) and the COHA (Cessations of Hostility Agreement, signed December 9 2002). Both agreements produced immediate reductions in violence and led to the establishment of committees involving participants from both parties to monitor the agreements and adjudicate on disputes. Ultimately, however, both agreements failed to hold and were undermined by renewed armed clashes and other violent acts in the field. Both were also followed by renewed government military offensives.

The breakdown of the COHA was particularly serious, and was followed by the government's announcement on May 18 2003 of a "Military Emergency" in Aceh, which led to greatly increased levels of violence and human rights abuses, the removal of foreign aid workers from the territory and dramatically narrowed space for civil society activism and media coverage (the military emergency was followed by a "Civil Emergency" between May 2004 and May 2005).

In seeking to ascertain why these early attempts to reach peace broke down, it has been argued that the key problem was the unbridgeable gulf between the two sides on the final political status of Aceh.¹⁹ The strategy pursued by HDC through these talks was to first stabilise the situation on the ground and, by engaging the two sides in practical efforts to reduce violence, generate confidence between them and so prepare the ground for dialogue on Aceh's political status. By the time of the COHA, the HDC was preparing for an "all-inclusive dialogue" on arrangements for governing Aceh, which it hoped would involve participation by a range of Aceh's civil society and political groups. In reality, however, the two sides remained far apart on Aceh's political status, and the peace deals tended to reinforce mutual suspicions that the other side was not to be trusted.

A key point of irreconcilability between the two sides was that GAM was not willing to seriously modify its goal of complete independence for Aceh. This demand had been the *raison d'être* of the movement since 1976, and it had long promoted an elaborate nationalist ideology based on the notion that Aceh and Indonesia were incompatible entities. In May 2002, GAM leaders stated that

¹⁹ Edward Aspinall and Harold Crouch, 2003. *The Aceh Peace Process: Why It Failed*, East West Centre, Washington DC.



they accepted the 2001 Special Autonomy Law for Aceh ‘as a starting point’ for negotiations.²⁰ But the leaders in Sweden and field commanders in Aceh routinely reiterated their demand for complete independence and denigrated Indonesian sovereignty. Moreover, the movement used the space provided by both peace agreements to increase recruitment, training and deployment of its forces, and to prepare for future rounds of fighting, stoking hostility to peace in the Indonesian military.

On the Indonesian side, meanwhile, although some central government leaders were willing to make far-reaching political concessions to Aceh (as the passage of the 2001 Special Autonomy Law suggested), Acehnese independence was anathema across the political spectrum. Furthermore, many nationalists in parliament, and especially in the security forces, were aghast at the notion of negotiating with ‘separatists’. Army commanders had been trained under the authoritarian Suharto regime, and believed it was a sacred duty to defend national unity and tolerate no compromise with those who threatened it. Government weakness (especially under President Wahid) or ideological sympathy (under Megawati) made the central government unable or unwilling to discipline field commanders, with the result that the army acted as the major peace spoiler. Some senior officers publicly questioned the wisdom of negotiations, and many ordered operations that undermined the Humanitarian Pause and COHA. Military spoiling was most obvious late in the COHA when the military, adapting a strategy it had used in East Timor in 1999, mobilised civilian militia proxies to attack the international monitors and force them to flee their field posts.²¹

External involvement in the lead up to the 2005 deal

From the start, involvement of international actors in stabilisation and conflict resolution efforts was controversial, with one side supporting the idea and the other hostile. In the case of the latter, Indonesian political and military leaders were reluctant to allow international participation, in part because they had just witnessed the 1999 UN-supervised referendum on independence in East Timor and feared a similar outcome in Aceh. In the case of the former, GAM leaders were keen to encourage international involvement, viewing it as a step toward international recognition and a potential steer in the direction of a referendum on independence, in part also because they were inspired by the East Timor example. Inevitably, GAM’s enthusiasm for international involvement fed suspicion of international actors on the Indonesian side.

Even so, from the time of President Abdurrahman Wahid onward, it became obvious to Indonesian government leaders that some international role was necessary as it would be impossible to talk to GAM without independent facilitators. Keen to avoid repeating the East Timor experience, the government opted to minimise UN and governmental involvement, and instead turned to non-governmental organisations, accounting for the prominence of HDC in the early peace efforts. Behind the scenes, several foreign governments took a keen interest in peace efforts in Aceh (not least because of the geostrategic importance of Aceh, sitting alongside the Malacca Strait, one of the busiest commercial shipping routes in the world, and due to the presence of the large ExxonMobil operation there) and made efforts to support these efforts. In practice, this involved appealing publicly to the Indonesian government to support peace, lobbying it privately, funding the work of HDC, monitoring efforts and civil society engagement, and promising to provide significant stabilisation and development assistance should a lasting peace be agreed. For example, in December 2002, on the eve of the signing of the COHA, Japan, the US, EU, and the World Bank cosponsored a Preparatory Meeting on Peace and Reconstruction in Aceh that was attended by 38 countries in Tokyo. The meeting led to an agreement to provide support for humanitarian

²⁰ Aspinall and Crouch 2003, 28.

²¹ Aspinall and Crouch 2003, 40-42.



programmes and rehabilitation if an agreement was signed, and various countries offered to fund monitoring and the HDC.²²

International involvement intensified once the COHA was signed, and a Joint Security Commission was established that included not only representatives of GAM and Indonesian security forces, but also unarmed military officers from Thailand and the Philippines, working as HDC representatives.²³ As outlined above, however, such international participation failed to yield fruit given the breakdown of the COHA in mid-2003 and the reinstatement of a ruthless counter-insurgency approach under the Military Emergency.

This situation changed dramatically after 26 December 2004, when the Indian Ocean tsunami rolled over large parts of Aceh's coastline, devastating entire communities and killing an estimated 165,000 people. In the immediate aftermath of the tsunami, the Indonesian government, after some hesitation, reopened Aceh to international humanitarian workers, and a massive relief and rebuilding operation began. A total of 133 countries contributed to the effort, with an estimated \$500 million spent during the initial relief phase alone.²⁴

Shocked by the severity of the disaster, both GAM and the Indonesian government promised to suspend hostilities in order to allow access to humanitarian workers and, in the case of the government, to reassign troops to relief work. This *de facto* ceasefire was tenuous, but it significantly reduced violence. At the same time, the sudden presence of thousands of international relief workers – and journalists – reduced the ability of the parties, especially the military, to carry out operations. This massive international humanitarian effort was the immediate backdrop for the resumption of talks in early 2005, this time facilitated by the Crisis Management Initiative (CMI) led by former Finnish President, Martti Ahtisaari.

Conflict ripeness

Despite the destructive impact of the conflict, between 1999 and 2004 there was no widely agreed consensus that a mutually hurting stalemate had been reached. While lead negotiators from the two sides – perhaps as a result of HDC prompting – made statements to that effect from time to time, and some senior Indonesian government officials believed that the repressive approach that had been used in Aceh was counter-productive, GAM leaders and fighters mostly believed that in the post-Suharto context Indonesia was facing a moment of existential crisis and was teetering on the edge of collapse. In this context, they believed it was the right time to press home the insurgency and draw in the international community, with the goal of speeding the transition to independence. Moreover, on the government side, almost the entire army officer corps was committed to a military solution. Indeed, throughout the early years of peace efforts in Aceh, one of the fundamental problems was that while some senior leaders of the government in Jakarta apparently believed that a mutually hurting stalemate had been reached, commanders of Indonesian military forces on the ground (or the senior leadership of the Armed Forces more generally) did not share this view.

Three factors changed these calculations and ripened the conflict for resolution. First, the renewed government offensive from May 2003 significantly harmed GAM and the communities in which it was embedded and many GAM units, sometimes accompanied by civilians, were forced to flee into Aceh's forests and mountains. There is evidence that elements in the Indonesian government were trying to negotiate a separate peace with local GAM commanders at this time, and this may have

²² Aspinall and Crouch 2003, 31-32.

²³ Aspinall and Crouch 2003, 33.

²⁴ Harry Masyrafah and Jock MJA McKeon. 2008. *Post-Tsunami Aid Effectiveness in Aceh: Proliferation and Coordination in Reconstruction*. Washington, D. C.: Wolfensohn Centre for Development, Brookings Institution, 4.



placed additional pressure on the exiled leaders.²⁵ On the government side, while most serving military officers boasted that their operations had been successful and were keen to continue them, it was obvious that the military offensive had not succeeded, as officers had promised, in eliminating GAM down to “its roots” (as evidenced by the fact that few of GAM’s leading field commanders were killed or captured). In other words, renewed violence from 2003 made it increasingly clear on both sides that there would be no clean military solution to the conflict.

Second, a critical shift came with the election of Susilo Bambang Yudhoyono to the presidency in late 2004. Yudhoyono was Indonesia’s first directly elected president and therefore enjoyed a democratic legitimacy his predecessors had lacked. He was also a former military man and thus better able to assert his authority over the military, which he did by ensuring that military critics of peace were pulled into line.²⁶ It also helped that Yudhoyono’s vice president, Jusuf Kalla, a pragmatic businessman, was personally involved in steering the negotiations.

Third, the tsunami dramatically changed the calculations of the parties as it generated a moral imperative to support peace in order to allow for relief and reconstruction. More importantly, it provided a circuit breaker that allowed leaders on both sides to sell compromises that would previously have been unpalatable to hardliners among their supporters. This was especially important for GAM leaders who, prior to the tsunami, had never wavered on their independence goal: now, they told their followers, the tsunami was “God’s diplomacy”²⁷ and they had to settle for less than full independence in order to allow Aceh to rebuild itself.

Legitimacy of the main actors

The upsurge of violence in Aceh between 1999 and 2004, ending with the Helsinki MoU in August 2005, coincided with a period of turbulent democratic transition in Indonesia. Many Acehnese viewed the central government under successive presidents Habibie, Wahid and Megawati as lacking in authority, although it is questionable whether many viewed it as less legitimate than the preceding Suharto government. Legitimacy problems were compounded by the government’s inability to control its troops, deliver infrastructure or other development improvements, and control corruption. However, loss of legitimacy was not a major factor motivating the government side to negotiate. Even if its military offensive was unpopular within Aceh, the national government did not depend for civilian support on Aceh, where only about two percent of Indonesia’s population lived. Under the military and civil emergencies, troops forced civilians to participate in flag-raising ceremonies and other pro-Indonesia displays, apparently satisfying many national politicians that loyalty to Indonesia was being restored in the territory. Meanwhile, public polling indicated that a majority of the Indonesian public – frustrated by years of violence and lawlessness associated with Indonesia’s transition – supported a hard line in Aceh. A more important factor was the government’s international legitimacy: President Yudhoyono was acutely aware of the reputational benefits that would be gained by Indonesia internationally, and by him personally, if he succeeded in resolving the conflict, especially after the tsunami which so focused world attention on Aceh.

For GAM, legitimacy loss was also not a strong motivation. The movement was strongly supported in its rural Acehnese ethnic heartland, where many people saw it as representing the local community and saw its violence as a way to avenge military abuses. Nationalist narratives about past Acehnese greatness and the cruelties of Indonesian rule were widely supported. GAM did experience some loss of support during the renewed military offensives from May 2003, when many rural people were forced by government troops to inform on the movement, join pro-government militias, and

²⁵ Aspinall 2005, 16-17.

²⁶ Mietzner 2009, 300-304

²⁷ Aspinall 2009b, 235



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participate in 'fence of legs' operations to comb the countryside for guerrillas. It is also likely that GAM leaders feared that their authority would suffer if they impeded post-tsunami relief and reconstruction efforts. However, the movement had been through hard times in the past, and its leaders never expressed doubts about the depth of their support among Aceh's rural population.

Violence reduction and reaching a deal

As noted above, HDC and the parties agreed on a sequential approach during the early period of peace negotiations (1999-2003): first would come violence reduction and only then negotiations on a final deal. Talks mostly focused on reducing hostilities, and much effort was expended on creating monitoring and dispute resolution mechanisms to sustain ceasefires that were reached. However, while this approach produced temporary reductions in violence, talks broke down due to distance over the political issues at stake, particularly when the Indonesian military believed that GAM was using the peace to better position itself for future fighting. Once the Crisis Management Initiative (CMI) took over mediation (in the context of post-tsunami ceasefires unilaterally announced by each party) at the beginning of 2005, this sequencing was reversed, as explained below.



Part III – Key features of an elite bargain

Mechanisms and interventions

Immediately after the Indian Ocean tsunami in December 2004, and in the atmosphere of humanitarian urgency noted above, talks were restarted. This time they were mediated (in Helsinki) by CMI and Martti Ahtisaari. During five rounds of talks over the first seven months of 2005, Ahtisaari reversed the sequence previously used by HDC. Instead of aiming first for a ceasefire and confidence-building measures, he adopted the formula that “nothing is agreed until everything is agreed”, requiring the two parties to agree on a comprehensive agreement, including security arrangements and, critically, broad outlines of a final political status of Aceh²⁸. By adopting this approach and insisting on a narrow timeframe for resolution, Ahtisaari placed pressure on the parties, especially GAM. Behind the scenes, various international actors, including the EU, US, Japan and other countries, added to the pressure, making clear their willingness to support implementation and stressing to both parties – but especially to GAM – the urgency of making a deal.

The talks involved tough bargaining on multiple issues, but each side gave one key concession that was ultimately critical to the success of the talks. First, before the second round in February 2005, GAM announced it was prepared to accept that independence was not ‘on the table’ and would instead explore a solution based on ‘self-government’ (a compromise form of wording that allowed the movement to claim that it still rejected the ‘special autonomy’ it had always derided in the past).²⁹ As a result, the Helsinki MoU signed by the two sides in August 2005 included a provision requiring Indonesia to pass a new Law on the Governing of Aceh, which happened in July 2006.³⁰ Second, the Indonesian government eventually agreed (in the final round of talks in July 2005) that it was willing to amend Indonesian laws to allow local political parties to compete for power in Aceh, a step it had previously ruled out. This concession was critical because GAM, if it was to give up its arms, needed a pathway to transform itself into a political party and compete for power locally in Aceh (existing registration rules required parties to show they had an organisational presence throughout Indonesia, not just in one province).

The Helsinki MoU that was agreed by the parties on 15 August 2005 covered a wide range of issues, including principles for governing the relationship between Aceh and the national government, powers of the Acehese government, and mechanisms for GAM demobilisation and demilitarisation, and for monitoring of the agreement. It also involved a much stronger third-party guarantee than previous agreements in the form of EU and ASEAN endorsement of the monitoring mechanism: the Aceh Monitoring Mission (AMM) was a civilian mission headquartered in Banda Aceh, established under European Council Joint Action 2005/643/CFSP to oversee the implementation of the agreement, with, at its height, 125 EU and 93 ASEAN civilian monitors on the ground.³¹

The AMM was tasked with monitoring demobilisation of GAM, decommissioning of GAM weapons, redeployment of Indonesian security forces, reintegration of former GAM fighters, amnesty for former GAM members and release of political prisoners, monitoring of the human rights situation, monitoring legislative changes required to implement the agreement, and investigation into any violations of the MoU.³² It oversaw these tasks smoothly, with considerable buy-in from both sides,

²⁸ See Aspinall 2005, Kingsbury 2006, Morfit 2007, Schulze 2007a

²⁹ Aspinall 2005, 26

³⁰ May 2008

³¹ Schulze 2007a, 4

³² Schulze 2007a, 4



while paying particular attention to the “importance of recognising the primacy of the Indonesian government.”³³ The mission ended following the first postaccord election in Aceh in December 2006.

The AMM was supported by various multilateral agencies, including the IOM, UNDP and World Bank, which provided technical assistance and programme support in areas such as reintegration of ex-combatants.³⁴ The post-tsunami reconstruction also meant that numerous international humanitarian agencies continued to be present in Aceh throughout the implementation period, although most of them strictly separated post-tsunami and post-conflict relief efforts, specifically avoiding the latter.³⁵

Gender dimensions

Partly because the Helsinki MoU was negotiated by elites representing the two conflict parties rather than being a product of a broad-based, participatory process, women played very little role in creating it, despite the presence of an array of active women’s organisations in Aceh. There was virtually no involvement by women in the negotiation of the formal agreement, and very little in the various agencies set up to implement it, such as the Badan Reintegrasi Aceh (BRA, Aceh Reintegration Agency).³⁶ The Helsinki MoU contained no items that specifically addressed gender-based insecurity (although the transition to peace considerably improved the situation of women on the ground) or the status of women generally, and few efforts were taken to follow up on such issues during the implementation phase. In fact, AMM chose to avoid dealing with gender inequality, believing that the mission should focus on implementing key elements of the agreement (e.g. disarmament, reintegration, new political arrangements) and then withdraw.³⁷ The transition to peace in Aceh thus bequeathed to Aceh a structural context in which women remained significantly disadvantaged, not least through a punitive regime of *sharia* punishments for violations of moral rules, which is often seen as particularly penalising women.³⁸ Not surprisingly, therefore, women’s representation in Aceh’s post-MoU provincial and district parliaments is among the lowest in Indonesia, and domestic violence is a serious problem.

Addressing grievances

On the whole, however, the Helsinki MoU was remarkably successful in reducing violence. There was an immediate and sustained fall of armed clashes between supporters of GAM and agents of the Indonesian government, and subsequent sporadic instances of political violence since 2005 have typically been linked to rivalries among former supporters of GAM,³⁹ not to clashes between the two sides.

This success largely resulted from the political provisions of the Helsinki MoU, under which GAM successfully transformed itself into a political party, the Aceh Party (PA, Partai Aceh), and dominated two legislative elections in Aceh (2009 and 2014). Former GAM candidates also won a slew of local executive government positions, including the governorship on three occasions (2006, 2012 and 2017). These electoral victories partly resulted from intimidation of voters in former GAM base areas,

³³ Barron and Burke 2008, 30

³⁴ Barron and Burke 2008

³⁵ Zeccola 2011

³⁶ Kamaruzzaman 2008

³⁷ Barron and Burke 2008, 31

³⁸ Barron and Burke 2008, 31

³⁹ Anderson 2013



but also from the legitimacy of the movement in ethnic Acehese areas and popular support for the idea that only former GAM leaders could guarantee peace.⁴⁰

These elections consolidated peace by allowing former leaders and adherents of GAM to dominate the organs of local government, and, critically, integrate themselves into the networks of corruption and patronage that underpin Aceh's political economy. Many former GAM leaders benefited from access to government contracts, projects, resource licenses and other economic opportunities. Their material situation thus improved markedly, even while Aceh's overall economic situation has remained stagnant in relation to the rest of Indonesia. In large part, therefore, the success of the Helsinki MoU has resulted not so much from its success at addressing long-term grievances but from the 'predatory peace' that evolved after its implementation.⁴¹

To the extent that feelings of political marginalisation drove the Aceh conflict, these have largely been addressed by the Helsinki MoU and its implementation. As already noted, the critical step was devising a mechanism – local parties and elections – that allowed former combatants to join and dominate local government. Otherwise, the Law on the Governing of Aceh provided greater autonomy to Aceh than enjoyed by other Indonesian provinces (although it should be noted that it did not go much further than the pre-existing 2001 Special Autonomy law that GAM had previously rejected). It should also be noted that the parties have still not resolved all issues – for instance, the Indonesian government has vetoed the design of the flag of Aceh prepared by the PA-dominated Aceh government, believing that it too closely resembles the old GAM flag and symbolises independence aspirations.⁴² Accordingly, the peace process has not undermined the strong sense of Acehese distinctiveness, or general resentment of the central government. These two attitudes, which underpinned the insurgency, remain widespread in contemporary Aceh.

With regards to economic grievances, the Helsinki MoU included provisions for Aceh to be granted a greater share of oil and gas revenue than enjoyed by other provinces, and for it to exercise greater authority over these resources than other provinces. It took years for the rules governing this arrangement to be negotiated between the Aceh and central governments, which were finally approved by the president in 2015. However, by the time the Helsinki MoU was being negotiated, Aceh's gas stocks were already greatly depleted such that they no longer provided a major revenue stream either to the central government or to Aceh. Even so, the central government compensated Aceh in other ways. In particular, the 2006 Law on the Governing of Aceh provided Aceh with additional funds amounting to two percent of a national "General Purpose Fund" for 15 years, declining to one percent for the following five years. The World Bank estimated that over 20 years, approximately \$7.9 billion will be transferred to Aceh under this mechanism, an amount that *exceeds* the total losses caused by the conflict in the province.⁴³ These and other funds have provided the resources for the 'predatory peace' described above, by which former GAM leaders and their supporters have been pacified through patronage.

Justice provisions

As noted above, military human rights abuses deepened disillusionment with the central government and helped entrench the insurgency. The Helsinki MoU contained various provisions on human rights, but their implementation has been slow or incomplete. An exception is the amnesty for former GAM fighters, who were released from jail during the early implementation phase, except for

⁴⁰ Barter 2011, Clark and Palmer 2008, Palmer 2010

⁴¹ Aspinall 2009a, 2014

⁴² ICG 2013

⁴³ MSR 2009: 150–51



a small number whom the AMM determined had committed serious crimes.⁴⁴ The MoU included no amnesty for military officers who committed abuses, but no investigations of them have since been carried out,⁴⁵ although some compensation has been paid by the BRA to victims of human rights abuses. The MoU also mandated the formation of a human rights court for Aceh but none has been formed and an Aceh Truth and Reconciliation Commission (TRC) as part of Indonesia's national TRC. However, the national TRC was dissolved by a decision of the Constitutional Court in 2006. After a long delay, Aceh's parliament passed a regulation to establish a TRC within Aceh in 2013, and it has now been formed. However, its powers (e.g. to compel witnesses to attend) are limited and it is unlikely to lead to accountability. Overall, dealing with past injustices has not been a priority of the parties to the peace deal. Although the AMM was tasked with monitoring the establishment of the human rights courts and the TRC, it chose not to focus on human rights, especially past abuses, fearing that to do so would antagonise the Indonesian authorities and undermine peace.⁴⁶ Since then, neither the Indonesian government nor former GAM leaders have shown much desire to investigate past crimes, presumably because both are implicated in them. There is little prospect of accountability for abuses committed during the conflict.⁴⁷

International dimensions

As explained above, there was a significant international dimension to the deal. The context of a massive post-tsunami international humanitarian relief and reconstruction effort provided an atmosphere conducive to peace, the CMI was the external mediator, the EU and ASEAN supported the monitoring and implementation through the AMM, and a variety of multilateral agencies and foreign donors provided support for implementation of various aspects of the deal, and of related development and governance programmes.⁴⁸

Conclusion

The Aceh peace process is rightly regarded as one of the most successful attempts to achieve lasting resolution to an internal conflict in recent decades. In the space of a few months in early 2005, and with the assistance of the international community, the conflict parties negotiated a peace deal that has largely held since that time. The analysis presented in this paper suggests that several critical ingredients contributed to this success, not least of which were the parties' previous experiences of less successful attempts at negotiating peace between 1999 and 2003, and of renewed military offensives after that time. Learning from past failures, and under intense international pressure in the context of the post-tsunami relief effort, both sides made critical concessions – GAM gave up its independence demand, the government allowed the movement to transform itself into a political party – that enabled the deal to stick. The subsequent implementation of the peace deal, and especially the integration of former combatants of GAM into local government and patronage networks, meanwhile, allowed the peace deal to become entrenched, by giving key elites on both sides – but especially among former insurgents - strong political and material interests in the new dispensation.

Precisely because it has given rise to a form of 'predatory peace', in which former conflict actors have been able to gain materially from their newfound political influence, it is difficult to imagine a breakdown in the current peace deal. To be sure, there remains a strong undercurrent of belief in a

⁴⁴ Aspinall 2007, 20-21

⁴⁵ Jeffery 2012

⁴⁶ Schulze 2007b, 8-9; Barron and Burke 2008, 31

⁴⁷ Aspinall 2008a and Aspinall and Zain 2014

⁴⁸ On international assistance in the post-conflict period, see Barron, Rahmant, and Nugroho 2013



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separate Acehnese identity, and suspicion of the Indonesian government, within Acehnese society. Such beliefs could readily be used to mobilise a new round of resistance should a new generation of conflict entrepreneurs seek to challenge the central government. Moreover, many ordinary Acehnese have benefitted little from the reorganisation of power that came in the wake of the 2005 peace deal, with many expressing dismay at the rapid enrichment of former GAM leaders. Even so, the highly inclusive nature of Aceh's post-conflict *elite* political settlement – through which a broad range of former combatants, activists, intellectuals, religious leaders and other elites have been given a stake in peace, has made a return to large-scale conflict all but unimaginable in contemporary Aceh.



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