

CHAPTER XIII

ACEH AS A CASE STUDY IN DEVOLUTION AND CONFLICT RESOLUTION

13.1 Introduction

Direct local elections were held in Aceh for the very first time in December 2006. These elections, held at the district and provincial level, were the largest simultaneous polls ever conducted in Indonesia, as well as the first which allowed for independent candidates (non-party affiliates) to stand. Significant to these first ever elections is the fact that the majority of the district seats and the provincial governorship were won by former guerillas of the Free Aceh Movement, or GAM.¹ The 2005 Helsinki Peace Agreements between the Republic of Indonesia and GAM facilitated a political solution to the Aceh insurgency. This peace agreement paved the way for the implementation of special autonomy and allowed former guerillas to enter the political process. Notwithstanding the fact that the 2004 tsunami was a major external catalyst to ending the fighting, I argue that granting special autonomy to Aceh and including former guerillas into the local political arena will prove to be an effective regional solution to a regional problem.

13.2. Background.

13.2.1 Acehnese Identity

¹ Unknown Author. How GAM Won in Aceh. Update Briefing. International Crisis Group No.61. Available from: <<http://www.crisisgroup.org>> [22 March 2007].

The region of Aceh is located in the northwestmost portion of the island of Sumatra. A distinct Acehnese identity has evolved as a result of its rich historical traditions as bulwark of Southeast Asian Islam, a regional political and economic power, and a major contributor to the Indonesian struggle for independence. In the years before and after the formation of the Republic of Indonesia, Acehnese identity has been created as distinct and separate from the rest of Indonesia, mostly due to government repressive measures and exploitation of natural resources. It is Acehnese identity as opposed to that of Indonesia which fueled the fire of separatism.

Prior to the coming of Islam in the 14th century, some scholars believe that Sumatra and Aceh by extension formed part of the area known as “Suwannabumi”, or gold land of the early Indian epics and the “Jawah” of early Muslim travelers. According to Chinese records, there existed various kingdoms which no doubt controlled the Malaccan Straits and the trade which moved through them.² These kingdoms made up the culture we now know as Srivijaya. Although there exists no monuments or archeological evidence to attest to its greatness as an empire, three inscriptions as well as writings of the Chinese explorer I Ching reveal that it was a successful trading depot for ships coming to and from China and India. Srivijayan influence remained strong from the 6th to the 10th century, by which time Chinese and Malayan traders began to dominate the straits.

13.2.2. The Aceh Sultanate

By the year 1297, Sumatra was entirely Muslim and consisted of several port states with international relations round the Indian Ocean and China. These port states gold coins, sent ships to the ports of Asia, and developed a Malay system of writing Arabic script. By 1500, Aceh itself had been formed as a Sultanate and it represented the

² Anthony Reid, An Indonesian Frontier: Acehnese and Other Histories of Sumatra. (Singapore: National University of Singapore Publishing, 2005), p.2.

great Southeast Asian center of Islamic scholarship and would prove to be the strong political unifier as colonial pressures began to emerge.³

In 1511, the Portuguese had conquered Malacca driven out many of its Muslim merchants. In an attempt to gain influence by playing one of the smaller Sumatran sultanates against the other, the Portuguese in effect drove many of the wealthy Muslim merchants to unite under the banner of Aceh. Between 1519 and 1524 the Portuguese were forced out of northern Sumatra. However, fighting would continue for another hundred years, as Portugal continued to attempt to disrupt Aceh's lucrative pepper trade with Egypt and the west. This economic rivalry over pepper trade took on the characteristics of a holy war against Christian infidels, in that Aceh appealed to the Ottoman Sultanate for external assistance. In response to Acehnese gifts of pepper and calls for help in fighting Portuguese, Suleiman the Great provided gunsmiths and artillerymen which contributed greatly to Acehnese attacks.

In addition to receiving assistance from the Ottomans, Aceh exploited international relations with the French, English, and went so far as to enter into alliance with the Dutch East India Company.⁴ While these western powers were interested in Acehnese pepper, they were also keen to identify with Aceh's contempt for Portugal and its subsequent struggle.

By the early nineteenth century Aceh had become an increasingly influential power due to its strategic location for controlling regional trade. It had become the producer of over half the world's supply of black pepper. Although the pepper trade produced new wealth for the sultanate, it also allowed for many smaller sultanates to assert their own independence from Aceh. These changes initially threatened Aceh's integrity, but a new sultan Tuanku Ibrahim, who controlled the kingdom from 1838 to

³ Anthony Reid, *An Indonesian Frontier: Acehnese and Other Histories of Sumatra*. (Singapore: National University of Singapore Publishing, 2005), p.5.

⁴ <<http://en.wikipedia.org/wiki/Aceh>>

1870, aggressively, and successfully, reasserted power over nearby ports and consolidated the Acehese sultanate once more.⁵

13.2.3 Aceh and the Dutch

In the 1824 Anglo-Dutch Treaty, the British withdrew all their colonial claims and possessions in Sumatra, and the Dutch in the Malayan peninsula. In the treaty, the British described Aceh as one of their possessions, although they had no actual control over the sultanate. Initially, under the agreement the Dutch agreed to respect Aceh's independence. By the 1850s and 1860s, Dutch control was moving up the north Sumatra coast toward Aceh. The Dutch were determined to prevent any hostile power from getting a foothold in Aceh by way of an alliance with the sultanate.⁶ In 1871 the British dropped previous opposition to a Dutch invasion of Aceh, and Dutch embarked on a 30 year war prompted by Acehese attempts at forming alliances with Turkey, France, and the United States.⁷

The Aceh-Dutch war lasted officially from 1873 to 1904. The Dutch announced the annexation of Aceh, and thereafter refused to consider anything less than complete subordination of the region to Dutch rule. The war took on the characteristics of a classic guerilla war, in which small scale attacks were met with large military reprisals. The Dutch military attempted to win over rebel leaders by granting limited concessions, and embarked on a concentration policy of crushing the population rather than pacifying them. Acehese rebel leaders consisted of regional warlords and religious scholars (ulamas). It was the ulamas who declared it to be a jihad, thereby enlisting the local support as well as strengthening their own influence.⁸

⁵ Ibid.

⁶ Clive J. Christie. A Modern History of Southeast Asia: Decolonization, Nationalism and Separatism. (London: Taurus Academic Studies, 1996), p.142.

⁷ Anthony Reid, An Indonesian Frontier: Acehese and Other Histories of Sumatra. (Singapore: National University of Singapore Publishing, 2005), p. 7.

⁸ Clive J. Christie. A Modern History of Southeast Asia: Decolonization, Nationalism and Separatism. (London: Taurus Academic Studies, 1996), p.142.

By 1904 most of Aceh was under Dutch control. Estimated total casualties on the Aceh side range from 50,000 to 100,000 dead, and over a million wounded. Colonial influence in the remote highland areas of Aceh was never substantial, however, and limited guerrilla resistance remained. Led mostly by the ulama, intermittent fighting continued until about 1910, and parts of the province were still not pacified when the Dutch Indies became independent Indonesia following the end of the Japanese occupation of Indonesia.⁹

With Aceh defeated, the region was incorporated into the Dutch colonial administrative structure. According to Dutch colonial policy, local hereditary leaders (uleelabang) were integrated into the regional administration, while the local religious leaders (ulama) were permitted freedom of activity provided they did not involve themselves in politics. The uleelabang had their status and salaries standardized as part of the colonial administrative structure. Eventually the uleelabang would be seen as having been co-opted by the Dutch and a sense of resentment and alienation from the Acehnese people would result. On top of their official positions with the administration, many uleelabang also tended to exploit their positions and power in order to increase their land holdings, as well as educate their children outside the region in Dutch schools. As the uleelabang began to be viewed as collaborators, the ulama became that much more influential and respected within Aceh society, especially as an Islamic revolution took place in the 1920s and 1930s.¹⁰

Beginning in 1939, the ulama would become the main core of the anti Dutch resistance leadership with the creation of the All Aceh Religious Scholars Association (PUSA). PUSA was originally formed in order to coordinate religious educational activities, but with the Japanese invasion of Southeast Asia in 1941, it

⁹ <<http://en.wikipedia.org/wiki/Aceh>>

¹⁰ Jacques Bertrand. *Nationalism and Ethnic Conflict in Indonesia*. (Cambridge: Cambridge University Press, 2004), p.164.

entered the political sphere and directly challenged Dutch rule. PUSA established contact with the Japanese and exploited this alliance to further their goal of removing the Dutch. With Daud Beureh as its leader, PUSA not only coordinated demonstrations against Dutch rule but also carried out acts of sabotage within Aceh.¹¹

Initially the Japanese sought to rely upon the uleebalang for indirect rule of Aceh, much like the Dutch had done. However, this method served to further alienate the uleebalang from the Acehnese people, as they were not only associated with Dutch colonial rule, but with the excessive policies of the Japanese occupiers as well. The Japanese soon realized that it was the ulamas which enjoyed the popular support of the people. In order to gain the cooperation of the ulama, The Japanese created new religious courts and placed administrative religious law within their hands, strengthening their formal authority and thereby further weakening the traditional power base of the uleebalang.¹²

13.3. Independence.

13.3.1. Indonesian Revolution

With the Japanese surrender in 1945, the PUSA ulama led Aceh in the shared support of the Indonesian revolution. The ulama leadership was well aware of the threat posed by a return to Dutch colonialism, and they called on all Indonesians to unite behind Sukarno to protect the nation and Islam. Aceh was loyal to the cause of Independence, yet also reasserted Islamic values and leadership. The Indonesian leadership recognized the social and political changes which had occurred in Aceh, and subsequently

¹¹ Clive J. Christie. A Modern History of Southeast Asia: Decolonization, Nationalism and Separatism. (London: Taurus Academic Studies, 1996), p.144-145.

¹² Jacques Bertrand. Nationalism and Ethnic Conflict in Indonesia. (Cambridge: Cambridge University Press, 2004), p.165.

cooperated with the ulama as a means to create a single nation in the face Dutch return. Daud Beureh was named military governor of the province of Aceh in 1947.¹³

When the Dutch returned to Indonesia in 1947, Aceh became a stronghold. The Dutch regained control of the main cities in Java, but avoided Aceh. The PUSA leadership further consolidated and refused Dutch offers to establish itself as a state within a Dutch proposed federal system.¹⁴ Aceh remained loyal to Indonesia and resisted the Dutch. PUSA at this time had no separatist aspirations and remained loyal to the Indonesian national cause, yet Acehese autonomy further strengthened as the Dutch averted combat in the region. Aceh maintained its own military force as well as external trading links. In addition Beureh and PUSA were able to impose Islamic reform, and by the time of the independence settlement in Dec 1949, Aceh had become accustomed to autonomous action, while still supporting Indonesian nationalism. In support of, and sympathetic to Acehese aspirations, the interim government of Indonesia established Aceh as a province that same month.¹⁵

13.3.2 Difference in Vision

In early 1950, once Indonesian independence had been completely negotiated, the new Republican government reneged on its offers of provincial status to Aceh. Under Sukarno, Indonesia was to become a unitary state, and the province of Sumatra was created with Aceh absorbed into it. Despite warning from Beureh that this would lead to widespread disaffection, the central government moved ahead with the plan.¹⁶ The Acehese were disappointed that the Republic leaders had neither consulted them nor recognized their strong loyalty throughout the revolution. In addition, the ulama greatly

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Clive J. Christie. *A Modern History of Southeast Asia: Decolonization, Nationalism and Separatism*. (London: Taurus Academic Studies, 1996), p.148.

¹⁶ Ibid.

resented the fact that Islam was rejected as an ideological basis for the Indonesian state. As they saw it, it was the unity of the Islamic community which defeated the Dutch, and so their nationalism was closely linked to the ideals of an Islamic state. When Sukarno and other republican leaders chose to adopt the nationalist, secular ideology of Pancasila over Islam, the ulama felt betrayed.¹⁷ The Republican vision of Indonesia clearly diverged from that of the Acehnese.

13.3.3 Aceh Rebellion

As the Republic began to consolidate the country politically, great changes were made in Aceh which would contribute to the disaffection and lead to wide spread rebellion. The government moved to deethnicize the military and government by transferring Acehnese civil servants to Medan in North Sumatra, reassigning Acehnese military officers to posts outside the region, and taking control of trade out of the hands of locals¹⁸. In addition, the government began to embark on a policy of transmigration whereby non-Acehnese were sent to settle in Aceh. The Ministry of Religion also refused to recognize the Islamic courts, which further reaffirmed the sense that the Islamic vision for Indonesia had been completely defeated.¹⁹

The Acehnese Rebellion began in 1953. In a broad sense, it stemmed from grievances that Aceh's contribution to the revolution had been marginalized, and its sense of identity was being compromised at the expense of political unity and homogeneity. Again David Beureh came to the forefront as the leadership of the rebellion along with PUSA leaders, high ranking civil servants and military officers.²⁰ The Acehnese

¹⁷ Jacques Bertrand. Nationalism and Ethnic Conflict in Indonesia. (Cambridge: Cambridge University Press, 2004), p.166.

¹⁸ Clive J. Christie. A Modern History of Southeast Asia: Decolonization, Nationalism and Separatism. (London: Taurus Academic Studies, 1996), p.148.

¹⁹ Jacques Bertrand. Nationalism and Ethnic Conflict in Indonesia. (Cambridge: Cambridge University Press, 2004), p.166.

²⁰ Ibid.

population provided the mass base with the support of tens of thousands of villagers. Beureh linked the Aceh struggle with a greater Islamic struggle, by aligning its goals with an existing Islamic rebellion taking place in West Java; the Darul Islam Rebellion. With this, the Aceh rebellion took on not only regional objectives but Islamic objectives as well. But it is important to note that the Acehnese were rebelling not against Indonesia as a whole, and not advocating secession from the state. They wanted guarantees that their autonomy would be protected within the Indonesian state, specifically to allow for local control of education and Islamic Law.²¹ They were rebelling against the ideological forces of Pancasila that had gained control of the state. More specifically the Acehnese rejected Sukarno's view that emphasis on Islam as state ideology would divide the nation.²²

Beginning in 1955, the central government began the process of negotiation with the Acehnese rebels. The intent was to grant just enough concessions to Aceh to weaken the rebellion and eventually bring it to an end. As concessions were granted, more and more individuals and groups did leave the rebellion and used their influence to pressure the remaining insurgents.²³ In 1956 the Indonesian government reinstated Aceh's provincial status, returned many PUSA members to their previous administrative positions, and reassigned Acehnese soldiers to serve in the region.²⁴ A cease fire was achieved in 1957, and by then most rebels had abandoned Beureh and joined a group led by Hasan Saleh, who had negotiated the compromise with the government.²⁵ In addition to granting provincial status, Aceh was granted the status of a "Special Region" with significant autonomy in the areas of religion, culture and education.²⁶

²¹ Rodd McGibbon. "Secessionist Challenges in Aceh and Papua: Is Special Autonomy the Solution?" *Policy Studies 10 Aceh and Papua*. (Washington D.C: East-West Center Washington, 2004), p.6

²² Clive J. Christie. *A Modern History of Southeast Asia: Decolonization, Nationalism and Separatism*. (London: Taurus Academic Studies, 1996), p.151.

²³ *Ibid.* p.155.

²⁴ Jacques Bertrand. *Nationalism and Ethnic Conflict in Indonesia*. (Cambridge: Cambridge University Press, 2004), p.167.

²⁵ *Ibid.*

²⁶ Clive J. Christie. *A Modern History of Southeast Asia: Decolonization, Nationalism and Separatism*. (London: Taurus Academic Studies, 1996), p.155.

Although Aceh was granted a limited amount of autonomy as a result of the cease fire, a precedent had been set with respect to relations with the central government. Military operations during the rebellion were at times brutal and clumsy, and being a guerilla war, the use of indiscriminate violence against combatants and non combatants alike would forever be etched into the common memory of the Acehnese. The Acehnese rebellion had helped to forge a distinct Acehnese identity and experience different from the rest of Indonesia

13.4. Guided Democracy and the New Order

13.4.1 Indonesian Centralization

At the same time that the cease fire was being negotiated in Aceh, Sukarno was facing other challenges as well from other regions of Indonesia. Having already mentioned the Darul Islam movement which began in West Java in 1957, other regional rebellions in Sulawesi. and Sumatra led to the implementation of Guided Democracy. This period saw the emergence of a stronger central government which centralized political, economic, and military power. The government returned to the 1945 Constitution and Pancasila ended the debate on ideological basis of the state. Indonesia was able to impose effective control on the regions and put down regional rebellions, and the Army became the main force behind the government.²⁷

In 1965 when Suharto came to power, his New Order government further strengthened central control with emphasis on institutional homogenization, military force to quell opposition, and economic development. Aceh's special status faded rapidly with the centralization political, economic, and military power. Mobilization in favor of an Islamic state was no longer tolerated. The New Order government went back on its

²⁷ Colin MacAndrews. Central Government and Local Development in Indonesia. (Singapore: Oxford University Press, 1986), p.10.

promise to allow Islamic Law in Aceh. And although the Aceh ulama proposed changes which would have reconciled Islamic schools and public schools in order to expose Acehnese schoolchildren to both, the proposal was never addressed by the Ministry of Education and Culture, and was never implemented. The ulama could no longer promote Islam in the educational, cultural, or political realm, and soon became sidelined by those Acehnese who opted for inclusion in the New Order regime, fostering a level of divisiveness among the Aceh elite which revealed itself in years to come.

In 1971, large amounts of liquefied natural gas were discovered in Aceh. Within the decade, Aceh was supplying 30% of Indonesia's oil and gas exports, which were the government's main source of revenue. The economic exploitation of these resources was managed by the government following a centralized fiscal system. The logic being that national development goals superseded any regional or provincial considerations. Almost all the revenues accrued directly to foreign investors, their Indonesian partners in Jakarta, and the central government. The provincial government received its annual budget through a system of allocation at the central government level and retained few rights to taxation. None of these gave any rights to tax the revenues from oil, gas, or other industrial activities. As a result, the provincial budget amounted to only a small fraction of the total revenues generated in the province. For the Acehnese population, few benefits were derived from this economic activity, and there were virtually no trickle down effects.²⁸

13.4.2 Emergence of the Free Aceh Movement (GAM)

The Free Aceh Movement was formed in 1976 by a descendant of the last Acehnese Sultan, Hasan Di Tiro. Di Tiro was at the time a local businessman who had also served as the Darul Islam representative to the UN. GAM initially consisted primarily of Acehnese businessmen, intellectuals, and technocrats who shared Di Tiro's

²⁸ Jacques Bertrand. Nationalism and Ethnic Conflict in Indonesia. (Cambridge: Cambridge University Press, 2004), p.170.

view that Indonesia was essentially a neo-colonial government whose transmigration policies and natural resource exploitation were a direct threat to Acehese religion and culture. In its early years, GAM espoused cultural and regional grievances more so than Islamic objectives, and as a result initially did not enjoy support from the ulamas or the majority of the population by extension.²⁹ Again, this may have been due to the fact that the majority of its members came from the elite segments of Aceh society.

At first the guerilla war of GAM was almost entirely unsuccessful, and the government appeared to have entirely neutralized the group by 1977. The group renewed its activities in the 1980s, apparently with financial support from Libya and Iran.³⁰ Although it failed to gain widespread support for the idea of an independent Aceh, the group's actions led the government to institute repressive measures, which aided GAM by alienating the civilian population.³¹ In 1989, GAM reappeared and waged a better armed, stronger insurgency. The continued repressive measures of the Indonesian Army (TNI) along with the increasing gap created between the wealth surrounding LNG production relative to the poverty of the population were significant factors in the support for GAM.³²

The TNI response during this period was excessive in terms of tactics and force structure. While GAM forces may have numbered in the hundreds, TNI deployments numbered close to 12,000. As the government suspected that thousands of villagers supported GAM, soldiers routinely used torture, arbitrary killings, arrests detentions and other methods to cull supporters. In 1991 Aceh was designated a military operations region (DOM), and the rebellion was crushed by 1993.³³ However, the TNI would be a continued presence in Aceh even after DOM status was withdrawn.

²⁹ Ibid. p.172.

³⁰ Larry Niksch. *Indonesian Separatist Movement in Aceh*. (Congressional Research Service Report for Congress, 2002), p.2.

³¹ <http://en.wikipedia.org/wiki/Free_Aceh_Movement>

³² Jacques Bertrand. *Nationalism and Ethnic Conflict in Indonesia*. (Cambridge: Cambridge University Press, 2004), p.172.

³³ Ibid.

13.5. End of the New Order

13.5.1 Threats to the Unitary State

Near the end of the 1990s, the Suharto regime was facing a number of threats to continued rule. The Asian Financial Crisis in 1997 set of a series of events which weakened central authority and severely reduced Indonesia's ability to exercise its sovereignty. With skyrocketing inflation triggering popular unrest all across Indonesia, Suharto was forced to accept an IMF bailout package which then eliminated the government's ability to set economic policy. Shortly thereafter Suharto resigned. Suharto's successor Habibie attempted to sooth the political tensions by lifting political and media restrictions and by embarking on an ambitious decentralization program throughout Indonesia. Laws 22/1999 and 25/1999 were designed to transfer administrative and fiscal control from the center to the district level. This transfer of power was strategy to undercut the appeal of region and ethnicity. By and large the decentralization program was successful in the majority of the regions, but in Aceh these laws failed to address the fundamental grievances of human rights violations by the TNI and resource exploitation.³⁴ In addition, the new decentralization laws transferred control to the district level, whereas much of Acehnese identity was centered on Aceh as a province.

At the same time that Habibie was attempting to hold the country together with democratization and decentralization, he granted East Timor a referendum on Independence. Soon thereafter in Banda Aceh there was massive rally demanding the same. A United Front of Religious Leaders, students, and intellectuals numbering in the hundreds of thousands brought the city to a standstill. Despite the concessions made in Laws 22 and 25, events in East Timor and Aceh caused many in the central government

³⁴ Rodd McGibbon. "Secessionist Challenges in Aceh and Papua: Is Special Autonomy the Solution?" *Policy Studies 10 Aceh and Papua*. (Washington D.C: East-West Center Washington, 2004), p.8-9

to fear disintegration and weakened sovereignty. Habibie made further attempts to quell Acehese separatism by passing Law 44/1999.

Law 44 would grant special status to Aceh. This offer hearkened back to the offer made in after the 1957 Aceh rebellion cease fire, but which was never officially enacted and therefore remained a grievance for almost 40 years. Once again, in the interest of maintaining unity and addressing contemporary grievances the government agreed to grant local autonomy based upon suggestions made by the Acehese governor, Syamsuddin Mahmud. The law stipulated that elements of Islamic law would apply on religious and economic affairs, that Acehese culture would inform the structure of local government and that Islamic education would be integrated into the general education curriculum.³⁵ However, the contemporary conflict was quite a bit more complex than what had fueled the Aceh rebellion before. By now, the Acehese grievances include human rights violations and exploitation of natural resources, and these were not at all addressed in the Special Status Law 44. As a result, the law had little effect on reducing hostilities.³⁶

After an election in late 1999, the central government under Gus Dur's presidency continued to seek a solution to prevent further disintegration of the state. Although Dur would not support a referendum for independence like the one for East Timor, he did move to begin negotiations with GAM. Despite this however, violence in Aceh continued and actually increased.³⁷ The Peoples Legislative Assembly (MPR) issued a special decree on special autonomy for Aceh. The government was prepared to make whatever concessions necessary to maintain the unitary state, a decision forced upon them in a time of crisis. In its decree, the MPR stipulated that the government must maintain the

³⁵ Jacques Bertrand. Nationalism and Ethnic Conflict in Indonesia. (Cambridge: Cambridge University Press, 2004), p.178.

³⁶ Rodd McGibbon. "Secessionist Challenges in Aceh and Papua: Is Special Autonomy the Solution?" Policy Studies 10 Aceh and Papua. (Washington D.C: East-West Center Washington, 2004), p.9.

³⁷ Jacques Bertrand. Nationalism and Ethnic Conflict in Indonesia. (Cambridge: Cambridge University Press, 2004), p.180.

territorial integrity of the unitary state of Indonesia by respecting the social cultural diversity of Aceh through enacting special autonomy.³⁸

13.5.2 Drafting the Aceh Special Autonomy Law

GAM had linked up with civil society and by now gained widespread support from the people throughout the countryside. This presented a challenge to the local leadership of the non GAM Acehnese elite. As GAM objectives were by now overtly separatist and Islamic,³⁹ the Aceh elite began to work on a draft of special autonomy that fell only marginally short of full independence. This was done in order to garner support of pro GAM followers yet also come to agreement with the central government while maintaining positions of leadership in the region. The Ministry of Home Affairs in the central government also worked on a draft. While early drafts sought autonomy in resource reallocation, any issues addressing human rights violations was excluded. Both versions had little public input and no popular consultations, and also avoided engagement with GAM.⁴⁰

13.5.3. Law 18 2001

After many months of deliberations, Law 18/2001 on Special Autonomy for Nangroe Aceh Darussalam was passed, though it would not go into effect until Jan 2002. Articles on provincial control over security forces eliminated as well as any provision for local political parties. Revenue sharing remained under central control but did provide for Aceh to retain 80 % of gas and oil revenue. The main weaknesses of Law 18/2001 were that it did not involve separatist leadership, it did not involve civil society in the negotiation and therefore had little popular support, and there was no political autonomy,

³⁸ Ibid.

³⁹ Larry Nicksch. Indonesian Separatist Movement in Aceh. (Congressional Research Service Report for Congress, 2002), p.2

⁴⁰ Rodd McGibbon. "Secessionist Challenges in Aceh and Papua: Is Special Autonomy the Solution?" Policy Studies 10 Aceh and Papua. (Washington D.C: East-West Center Washington, 2004), p.15.

only fiscal. As GAM had in fact been one of the main political forces driving Acehese separatism, and there was wide consensus that any political solution or settlement must include them, yet they were blocked from any future political role. And by preventing the emergence of local political parties, there would be no mechanism for converting protest and rebellion into legitimate forms of political participation⁴¹

13.5.4. From Conciliation Back to a Hard Line

President Gus Dur had from the beginning been an advocate of conciliation, and he supported both special autonomy and dialogue with GAM. However, as the TNI and members of the central government perceived this as a weak approach which compromised the integrity of the state, Dur saw his political power begin to weaken. These threats led him and the central government to begin to again take a hard line on separatism. The TNI intensifies operations against GAM and Dur advocated more coercive measures in quelling separatism. Nonetheless, he was removed from office in July 2001.⁴²

Megawati Sukarnopurti, the daughter of Sukarno, reinforced the nationalist and unitary state model for Indonesia. She continued the policies of no compromise on secession, and sent more troops to Aceh with the mandate of destroying GAM. Meanwhile, the Special Autonomy Law for Aceh was still in place, yet as mentioned before, it fell short on actual political autonomy though it allowed for retention of oil and gas revenue. For Megawati, the situation in Aceh was seen strategically as both a military and religious problem. The solution was first to defeat GAM and second to implement Islamic Law.⁴³

⁴¹ Ibid.p.16-17

⁴² Rodd McGibbon. "Secessionist Challenges in Aceh and Papua: Is Special Autonomy the Solution?" *Policy Studies 10 Aceh and Papua*. (Washington D.C: East-West Center Washington, 2004) p.39-40.

⁴³ Ibid.

13.5.5 Cessation of Hostilities

In December 2002, GAM and the central government agreed to a Cessation of Hostilities (COHA) with a small group of officers from ASEAN monitoring. The objective of COHA in fact was to provide a multistage process of confidence building with cease fire monitoring and to provide stable environment before addressing key political issues. The ensuing dialogue was meant for both parties to discuss changes in the special autonomy law, and lead to democratic elections. GAM intended to use the Special Autonomy Law as merely a starting point which signaled they were prepared to negotiate. GAM hoped to include changes such as being able to participate politically and to include provisions on human rights. The central government however viewed GAM's concession to accept the special autonomy law as a full commitment to accept of Indonesian sovereignty over the region.

The COHA was insufficient to bridge to political and ideological gap between GAM and the center. In May 2003 the COHA completely broke down. Martial law was again applied, and the government abandoned conciliation and negotiation in favor of coercive measures. And although martial law lifted in 2004, military operations continued to intensify.⁴⁴

13.6. Moves Toward Autonomy

In October 2004, former General Susilo Bambang Yudoyono was elected President. Two months after taking office, Indonesia was hit by the December 2004 tsunami, in which hundreds of thousands of Acehnese were killed, injured, and displaced. Soon thereafter GAM and the central government declared a cease fire in order to allow for humanitarian intervention. It was the tsunami which served as the catalyst leading to renewed negotiations between the center and GAM.

⁴⁴ Rodd McGibbon. "Secessionist Challenges in Aceh and Papua: Is Special Autonomy the Solution?" *Policy Studies 10 Aceh and Papua*. (Washington D.C: East-West Center Washington, 2004), p. 47.

13.6.1 Aceh Monitoring Mission

Following an official invitation by the Indonesian Government and fully supported by GAM the EU began its first mission in Asia. The aim was to restore peace to the region. The Indonesian Government had already excluded the United Nations' involvement, preferring a regional organization instead. As there were no Asian regional organizations able to manage such an operation, either in terms of operational capabilities or level of expertise, the EU was chosen. On 15 August, 2005 the Indonesian Government and the GAM signed a Memorandum of Understanding (MoU) aimed at achieving a peaceful, comprehensive and sustainable solution to 30 years of military confrontation. The MoU detailed the terms of the agreement and the principles that would guide the transformation process in the aftermath of the conflict. It was the result of five rounds of negotiation conducted in Helsinki under the auspices of the Crisis Management Initiative (CMI), a non-governmental organization chaired by former Finnish President Martti Ahtisaari. The MoU enabled the establishment of an Aceh Monitoring Mission (AMM) with a mandate to support the implementation of the commitments undertaken by the parties. The Aceh Monitoring Mission was an unarmed civilian mission consisting of 230 personnel from ASEAN and EU countries. Its objectives were to monitor decommissioning, demobilization and reintegration of former GAM combatants, and rule on disputed amnesty cases.⁴⁵

13.6.2 2005 Memorandum of Understanding

Some of the particular terms of agreement in the MOU are worth mentioning here, as they concern many of the most important grievances that GAM and the Acehnese were trying to address for years.⁴⁶

⁴⁵ Nicoletta Pirozzi and Damien Helly. "Aceh Monitoring Mission: a new challenge for ESDP." *European Security Review*. No. 27. Oct 2005: p.1-2.

⁴⁶ Memorandum of Understanding between the Government of the Republic of Indonesia

Decentralization and special autonomy: *Aceh will exercise authority within all sectors of public affairs, which will be administered in conjunction with its civil and judicial administration, except in the fields of foreign affairs, external defense, national security, monetary and fiscal matters, justice and freedom of religion, the policies of which belong to the Government of the Republic of Indonesia in conformity with the Constitution.*

Local political parties: *As soon as possible and not later than one year from the signing of this MoU, Central government agrees to and will facilitate the establishment of Aceh-based political parties that meet national criteria. Understanding the aspirations of Acehnese people for local political parties, Central government will create, within one year or at the latest 18 months from the signing of this MoU, the political and legal conditions for the establishment of local political parties in Aceh in consultation with Parliament. The timely implementation of this MoU will contribute positively to this end.*

Revenue from taxes: *Aceh has the right to set and raise taxes to fund official internal activities. Aceh has the right to conduct trade and business internally and internationally and to seek foreign direct investment and tourism to Aceh.*

Retention of revenue from natural resources: *Aceh is entitled to retain seventy (70) per cent of the revenues from all current and future hydrocarbon deposits and other natural resources in the territory of Aceh as well as in the territorial sea surrounding Aceh.*

Human rights: *A Human Rights Court will be established for Aceh*

End of conflict: *All acts of violence between the parties will end latest at the time of the signing of this MoU.*

And the Free Aceh Movement.

Redeployment of TNI: *The relocation of non-organic military and non-organic police forces will begin on 15 September 2005 and will be executed in four stages in parallel with the GAM decommissioning immediately after each stage has been verified by the AMM, and concluded by 31 December 2005.*

13.6.3. Law 11/2006

Soon after the MOU was signed in August 2005, and using that MOU as a reference, GAM, Aceh's local government, the local legislature, human rights and women activists, Muslim religious leaders, and academics all began to draft their own preferred versions of an autonomy bill. These versions were all then consolidated into a single Acehnese draft, and sent to the national parliament. Much like the language in the MOU, Law 11/2006 gives Aceh's government wide autonomy, with the central government's role reduced to handling foreign relations, defense, national security, monetary and fiscal policy, the justice system, and certain aspects of religious affairs.⁴⁷ The provisions relating to political parties, natural resources, and human rights were taken almost verbatim from the original MOU and placed into the law.⁴⁸

13.7. December 2006 elections

The 11 December 2006 polls were the first-ever direct local elections in Aceh, the first elections there of any kind after the August 2005 Helsinki peace agreement between the Indonesian government and GAM, and the first in Indonesia allowing independent (non-party affiliated) candidates to stand. With the provincial and district races taking place at once, they were also the largest simultaneous direct poll held in the republic, a remarkable logistic feat given the massive population displacement after the December 2004 tsunami and the difficulty of registering voters.

⁴⁷ Sandra Hamid and Douglas Ramage. "Autonomy for Aceh." *The Wall Street Journal* 18 July 2006:p.2.

⁴⁸ Law of the Republic of Indonesia Number 11 of the Year 2006 Regarding Governing of Aceh.

Irwandi Yusuf, a former GAM guerilla leader, and Mohammed Nazar, a former leader of SIRA, a student-led pro-referendum organization ran for and were elected governor and deputy governor respectively. In addition, they carried fifteen of the nineteen districts, not only GAM strongholds along the east coast but also areas not even ethnically Acehnese.

13.8. Conclusions

According to some scholars, the most successful autonomy packages tend to be the product of negotiated settlement between government and rebel movements. Any concessions granted to rebellious regions through autonomy must be part of a broad approach to resolving conflict through bargaining and negotiation.⁴⁹ As shown early on, a hard line military solution does not resolve political issues, and actually did more to alienate the Acehnese population from Indonesia and create a separate identity. Attempting to grant special autonomy while excluding GAM as a participant was unsuccessful as well in that it prevented combatants to become peacefully active in the political process, and GAM enjoyed widespread popular support throughout the region. Granting of autonomy did not lead to further disintegration of the Republic as was feared by the central government from the Sukarno period onward. Democratization and decentralization did more to strengthen Indonesia as a whole, especially when it was demonstrated that the central government was genuinely working to address the grievances of a certain segment of its population. While the December 2004 tsunami was a significant external factor to bringing peace to Aceh, the subsequent negotiations through EU mediation and the resulting legal framework show the value in applying regional solutions to regional problems.

⁴⁹ Rodd McGibbon. "Secessionist Challenges in Aceh and Papua: Is Special Autonomy the Solution?" *Policy Studies 10 Aceh and Papua*. (Washington D.C: East-West Center Washington, 2004), p.67.