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## Aceh Initiative

### Internal Review

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## I. Introduction

On 19 May 2003, after last minute talks in Tokyo with representatives of the Government of the Republic of Indonesia (GoI) and the Free Aceh Movement (GAM) collapsed, martial law was declared by the GoI in Aceh and proceeded to carry out the largest military operation in the country since 1975. The moment not only marked the suspension of the 5-month old Cessation of Hostilities Agreement (COHA), signed by the two parties in Geneva on 9 December 2002, but a setback for the dialogue process, mediated by the Henry Dunant Centre for Humanitarian Dialogue (HDC) that had begun three years earlier.

With the collapse and suspension of the COHA, HDC withdrew most of its staff and members of its international monitoring mission, including seconded active service personnel from Thailand, the Philippines and Norway, and began to look at reasons why the COHA did not last longer. To do that, HDC looked back to September 1999, when it carried out its first assessment mission to Indonesia, and analyzed the events that led up to the historic agreement.

This report is the fruit of that analysis. It looks back at what happened over the past three years, as well as HDC's objectives and intentions and those of the GoI and GAM. It examines HDC's reasons for engagement in Aceh, and the key issues that arose throughout the course of HDC's experience as mediator and implementer. The aim of the report is to serve as an historical record of events, and to inform future HDC initiatives in Aceh or elsewhere, as well as the wider conflict resolution community as a whole.

To do this, a variety of methodologies were used. The bulk of the data has been gathered from an intensive review of internal documents including proposals, mission reports, updates, donor reports, meeting notes, strategy and brainstorming session minutes and progress reports dating from September 1999. Added to this are HDC staff impressions, opinions and views on the many events linked to the process during the past three years. As such, this report constitutes an internal review of HDC's role in the Aceh initiative from the perspective of those that were most closely involved.

In addition, HDC brought together its advisors and key staff for an informal but intense review session shortly after the collapse of the COHA. Participants assessed the strengths and weaknesses of the Aceh initiative from the start of ceasefire negotiations in July 2002 to the suspension of the international monitoring operation on 19 May 2003. They examined HDC's initiatives during this period frankly and candidly, and produced a preliminary set of conclusions and recommendations for improvement using indicators they considered most appropriate. The exercise was interactive, and included a wide range of perspectives from military to humanitarian and from the Joint Security Committee (JSC) Secretariat advisory team to the HDC Director. The conclusions that emerged from the review session are integrated into this report.

The report is presented in three sections. The first gives a brief overview of HDC, its guiding principles and its objectives in Indonesia. The second deals with what happened during the last three years of dialogue, and traces significant events from the start of the initiative in September 1999 to the collapse of the COHA in May

2003. The last section highlights key issues that emerged from HDC's experience in Aceh, and that became the focus of analysis and discussion and areas where the HDC's learning curve was steep. For further reading on the situation in Aceh, the annexes provide an overview of the origins of the conflict, key actors, as well as a copy of the COHA signed in Geneva.

## II. About HDC

HDC became involved in Indonesia soon after its establishment in January 1999. It conducted its first assessment mission to the country in September 1999, and focused on Aceh as an area of operation a few weeks later. This meant that HDC's objective in Indonesia was closely linked to the birth of the new organisation. Indeed, the Aceh initiative represented the first time that the concept of the *New Prevention*, developed by HDC in late September during consultations with experts within the humanitarian community, was put into practice.

The *New Prevention* is at the core of HDC's mandate, and recognizes that humanitarian organisations have an obligation to act during periods of apparent peace as well as those of conflict to prevent the horrors of war. The concept is an extended view of prevention, which is guided by four principles:

- the importance of partnership and concerted action of all those who may have a direct or indirect effect upon the outbreak of conflict, its conduct, and its consequences;
- the concern with transformation and change of a society afflicted by conflict as an effective method of prevention rather than framing action as a response;
- the emphasis on a common understanding of a conflict among protagonists to create a partnership for preventive action;
- the belief that dialogue is more likely than not to lead to the discovery and acceptance of a peaceful means of resolving disputes.

The *New Prevention* thus expands the limits of humanitarian responsibilities, suggesting that it is a humanitarian duty not only to alleviate the consequences of war, but to work to create the conditions for peace. Indeed, only when peace is real and does not describe a period where tensions and inequalities combine to create future conflicts are the horrors of war prevented.

### **HDC's objectives**

Using the principles of the *New Prevention* as a guide, HDC's initial aim in Indonesia was to prevent a humanitarian crisis from occurring in Aceh through the reduction of violence. HDC's preferred means of obtaining this objective was through mediating dialogue between representatives of the GoI and GAM. HDC believed that through dialogue violence would decrease as a result and a humanitarian crisis would be averted.

HDC also believed that dialogue on humanitarian issues would constitute a means to promote confidence of the parties and the Acehnese in an endeavour towards achieving a peaceful solution to the conflict situation. Therefore, as the dialogue process gained momentum, HDC explored with the GoI and GAM the possibility of building on the confidence gained so far to discuss solutions to the full range of contentious issues that divided them. In doing so, the aim was for dialogue to lead to a political solution for the province, thereby going one step further to address the underlying causes of the conflict to prevent further violence and suffering.

This aim – at the core of the *New Prevention* – was the guiding force behind the Joint Understanding signed on 12 May 2000, and all subsequent agreements. However, it

was not until September 2000, after several months of working towards stabilizing the security situation and ensuring the delivery of humanitarian aid, that the two parties formally agreed to focusing the substance of the dialogue on a political solution to the conflict. All subsequent dialogue sessions would focus on creating a framework for a peaceful solution to the long-standing conflict.

### III. What Happened?

#### **Engaging Wahid, September - December 1999**

In September 1999, HDC carried out its first assessment mission to Indonesia, which resulted in a focus on the prevention of humanitarian crises in the province of Aceh. Shortly thereafter, HDC decided to bring together various Acehnese groups to discuss the worsening humanitarian situation in Aceh and possible solutions.

The aim of the dialogue was to facilitate exchanges between key stakeholders in the conflict, and to encourage the creation of a moderate leadership and agenda for eventual negotiations involving the GoI. Set against the recent rise to power of Abdurrahman Wahid, the timing of the dialogue was extremely pertinent as it allowed the participants to focus on influencing the new President's policy on Aceh, to be announced in mid December 1999.

Drawing on the results of the meeting, HDC pulled together a set of recommendations for the GoI to consider when formulating its policy on Aceh. This was presented to the Minister of Human Rights Affairs, Mr. Hasballah Saad, himself an Acehnese, on 20 December 1999. Highlighted in the report were the key issues of concern to the Acehnese people that had arisen from the consultative meeting earlier in the year, including calls for a referendum, options for a political solution for Aceh, the need for non-violent dialogue and need to address justice and compensation for past human rights abuses.

A workshop was later held with an inter-ministerial task force on Aceh led by the Ministry of Human Rights Affairs on the course of action suggested in the HDC report. It was further agreed that HDC would serve as an external advisor to the Minister of Human Rights Affairs, and an exchange of letters was made to this effect. More significantly, President Wahid personally endorsed HDC's involvement in Aceh during a meeting in November 1999.

For a small, independent organization like HDC, engaging the GoI on Aceh was risky. In Jakarta, the political elite were positioning themselves around the new President, and the issue of internal conflicts, especially that of Aceh, was creating new coalitions and power bases. By encouraging dialogue, and bending the President's ear, HDC was inadvertently strengthening the more moderate forces within the Government at the expense of the traditional, more hard-line members of those in power. Thus, HDC was setting itself up as an easy target for those opposed to a peaceful and non-military resolution to the conflict in Aceh.

Another risk for HDC was engaging itself in Aceh without official GoI approval. As the issue of foreign intervention was a delicate one, the GoI was reluctant to provide HDC with an official status. This jeopardized HDC's credibility as a serious organisation rendered it vulnerable to expulsion and put in danger its in-country staff. The opportunity presented by the President for an innovative initiative in Aceh meant to quell the violence and address the impending humanitarian crisis was a unique one, however, and was worth HDC taking such risks. In addition, an unofficial relationship with the GoI was an advantage for HDC as it meant more room for manoeuvre and less Government oversight.

### *Engaging GAM*

At the same time as HDC was consulting with key stakeholders in Jakarta and Aceh, it met with Acehnese groups outside of Indonesia, notably representatives of GAM in Malaysia and Sweden. The aim was to establish enough of a relationship with these groups in order to eventually facilitate face to face talks between them and the GoI on the humanitarian situation in Aceh and reducing violence and the suffering of the civilian population in the province.

In light of the progress made in the talks between the GoI and GAM leadership, HDC was keen to remain neutral and to avoid being tainted in Aceh as promoting one particular political solution over another. Playing an active role in facilitating the meetings of Acehnese groups, most of who were pro-referendum on independence, placed the organization in a vulnerable position and compromised its neutrality. HDC therefore pulled out of the Aceh People's Congress, a large meeting of Acehnese civil society planned to take place in early 2000, to avoid being co-opted into supporting a strong movement towards a referendum.

### **Humanitarian Pause, January - December 2000**

Meanwhile, in Switzerland, the GoI and GAM met again in late January and in March 2000 in Bavois. A third meeting was held in April to which military officers, representatives from the Ministry of Home Affairs, the Ministry of Human Rights Affairs, and Acehnese NGOs and civil society, were invited to participate in a four day workshop to draft an agreement on an appropriate solution to the conflict, based on HDC's earlier field assessments and interviews with other key stakeholders in Aceh.

### *Humanitarian Pause*

At the fourth meeting on 12 May 2000, the GoI and GAM convened in Bavois once again to finalize and sign the draft agreement negotiated in April. The final agreement, called the Joint Understanding on Humanitarian Pause for Aceh (JoU), was signed by H.E. Ambassador Hassan Wirajuda of the GoI and Dr. Zaini Abdullah of GAM. The Joint Understanding called for a three month pause in fighting – dubbed the “Humanitarian Pause” (HP) – so that the following activities could take place:

- a. delivery of humanitarian assistance to the population of Aceh;
- b. provision of security modalities for humanitarian assistance and to reduce violence and tension;
- c. promotion of confidence building measures towards a peaceful solution to the conflict in Aceh.

The Joint Understanding also provided for the creation of a Joint Forum to oversee the implementation of the Agreement, and two joint committees to coordinate humanitarian assistance and to reduce tension and violence in the province. The Joint Committee on Security Modalities (JCSM) and the Joint Committee on Humanitarian Action (JCHA) would meet regularly in Aceh and were accompanied by monitoring teams which would observe and report on the progress of each committee in the field. HDC was accorded the role of facilitator of the joint committees and the Joint Forum.

### *Contentious issues*

Several points of contention arose during these first meetings of the HP in Aceh and in Bavois. The most contentious was that of deployment of troops. The GAM demanded that non-organic (non-Acehnese) troops be withdrawn to their barracks, and eventually from Aceh, especially those guarding “vital” installations such as the Exxon Mobil complex in Lhokseumawe. The GoI claimed that their forces had to remain in position in order to protect the people and to carry out their “normal functions” as provided for under Indonesian law. As long as their forces did not violate the ground rules established by the JCSM, the GoI insisted that they would continue to operate normally.

During the Joint Forum meeting in September 2000, this issue was partially resolved when both parties agreed that in the spirit of the JoU these functions should continue to be carried out by the Indonesian Police. The issue was to be revisited and renegotiated several times in future talks.

Another contentious issue during the HP was that of the use and possession of firearms. GAM objected to GoI forces using firearms for offensive activities not allowed under the JCSM-established ground rules, and especially not without uniforms. The GoI insisted that their soldiers were required to carry firearms to perform their duties, or “normal police functions”, including arresting armed civilians, meaning GAM. The fact that GAM members were not uniformed made it even more difficult for the GoI to fulfill its function effectively. GAM, of course, could not accept the concept of “normal police functions” as it would mean that its members could automatically be arrested.

Indeed, representatives on the JCSM in Aceh had trouble interpreting Article 3C(e) of the JoU that stated that the joint committee was to ensure, among other things, the “prohibition of the movement of civilians with arms”. At the leadership level, the possibility of introducing a system of identification for undercover policemen and GAM members was discussed, but deemed too controversial and dismissed. Additional ideas were solicited from the field level, but with no success.

A further point of difficulty arose from the initiative to share information on troop placement and movement. The GoI was ready to do so if the GAM would reciprocate. The GAM flatly refused to do so, and claimed that they didn’t move in large numbers anyway, and melted into the jungle, rendering such information irrelevant. A real exchange of information didn’t in fact occur between the two parties until much later during the implementation of the COHA in December 2002.

Both the GoI and GAM were also concerned about the fact that the violations of the HP were without sanctions. Apart from monitoring team reports to the Joint Forum on violations, sanctions were not provided for in the JoU. It was suggested that these reports be made public in order to instil a sense of accountability to the people of Aceh, but the GoI objected as it felt the reports were not independent and were in fact biased in favour of GAM.

The process also suffered from a lack of dissemination. The members of the Joint Forum and the joint committees and monitoring teams were well aware of the JoU and its provisions, but their colleagues and fellow members, especially those in the

field who were expected to adhere to the JoU, were less informed. This resulted in blocked investigations of sensitive incidents and a lack of cooperation from GoI officials and GAM members.

### *Outcomes*

The HP led to several significant achievements. The talks in January 2000 marked the first time in the history of the long-standing conflict that representatives of the GoI and GAM met face to face. It was also the first time that the two parties discussed the deteriorating humanitarian situation in the province, and measures they could take to protect the Acehnese people. Indeed, the number of violent incidents and the level of tension decreased significantly during the first month of the HP, and most Acehnese enjoyed a return to normal life for the first time after decades of war.

Furthermore, the HP led to an agreement from the GoI and GAM on how to solve their political differences. During the September meeting, both parties agreed to extend the HP, but also to reach beyond the humanitarian crisis to work towards settling their differences so as to reach a lasting political solution to the conflict. Indeed, this was provided for in the preamble of the JoU, in which the parties

*“...agree that Humanitarian Pause constitutes a means to promote confidence of the people and parties to this Joint Understanding in their common endeavour towards achieving a peaceful solution to the conflict situation.”*

### **Exploratory political talks, January - April 2001**

The first meeting on political issues took place from 6-9 January 2001 at HDC's office in Geneva. Joining the GoI and GAM delegations were William Ury, an expert in international negotiation and co-founder of the Program on Negotiation at Harvard Law School; Hurst Hannum, Professor of international law at the Fletcher School of Law and Diplomacy; and Eric Avebury, a Member of the House of Lords (UK) and prominent member of the Joint Parliamentary Committee on Human Rights. Their role was to assist HDC in facilitating the workshop through advice and expertise.

After four days of workshops that eventually led to negotiations, the parties signed a provisional understanding in which they agreed on next steps in the political talks and measures to improve the security situation. In the document, the parties reiterated their commitment to Article IIa

*“...the basic principles of using only non-violent means to achieve political objectives and to seeking a peaceful and democratic resolution to the conflict”*

To this end, they drew up a list of indicative elements to be included in a lasting solution to the conflict including political participation, social and economic development, human rights and security.

The parties agreed to end the HP, and to focus on new security arrangements. They declared a one-month moratorium on violence and instructed their field commanders to initiate a series of face to face meetings in Aceh. They also agreed to a framework for a process of democratic consultations among the Acehnese people on substantive issues and established a joint committee to lead the process. Finally, a Joint Council

was created to review progress, address issues brought up through the democratic consultation process, and ensure adherence to agreements.

#### *Peace through dialogue*

By meeting face to face the parties had averted an increase in hostilities and had begun a process of political negotiations. Momentum had been created, and the next meeting would take place a little more than a month later. The new phase was dubbed “Damai Melalui Dialog” or “Peace Through Dialogue”. Significantly, GAM had also agreed, at least in principle, to consider ways in which to pursue their objectives through political instead of military means. This meant that they would consider transforming themselves into an entirely political organization with the aim of participating in democratic elections alongside other political parties.

The understanding reached at the meeting was provisional, however, and the GoI delegation made it clear before leaving that its implementation depended on its acceptance by Jakarta. This was to take place later that month on 12 January during a cabinet meeting on Aceh policy. GAM, on the other hand, immediately dispatched instructions to its members and commanders in the field for restraint during the moratorium, and began to select members from its armed wing to participate in the field commander meetings in Aceh.

These meetings, along with the first Joint Council meeting in Geneva on 14-16 February 2001, focused on security arrangements and methods to reduce violence. Various mechanisms were put into place, such as a hotline between field commanders and a zone of peace within which hostilities were to end.

#### *Declining trust*

However, by April 2001, trust and confidence between the two sides had withered. The GoI accused the GAM of being incapable of controlling their forces in the field, and demanded that a meeting be arranged between the top GAM commander, Abdullah Syafei, and the Kapolda in order for the negotiations to continue. GAM refused to even consider such a meeting.

When reviewing the zone of peace, the GoI accused the GAM of continuing its attacks, while the GAM claimed it did its utmost to cease violence but were disappointed with the lack of GoI efforts to do so. The killing of a monitoring team member and his driver in South Aceh in late March, allegedly by Brimob troops, further contributed to the increase in tension.

Perhaps most importantly, the GoI was concerned by Exxon Mobil’s recent decision to stop operations in the PT Arun gas field off the coast of Lhokseumawe in March 2001 due to the security environment. The installation was a crucial source of liquid natural gas for the country, and the national economy was suffering as a result of the halt in production. The GoI was desperate to reopen the facility as soon as possible, and would do everything in its power in the months to follow to ensure that this occurred.

This was to have an effect on the dialogue process as it forced the GoI to come down hard on GAM. Eventually, after exhausting efforts to improve the security situation through field commander talks, the GoI decided once again on a military solution. On

11 April 2001, the GoI approved Presidential Decree (PD) No. 4, laying out a six-point strategy for Aceh which included a “limited military operation” to begin immediately in the province.

### **Military crackdown and political uncertainty, April - December 2001**

The Presidential Decree laid out a new policy for Aceh. Dubbed a “comprehensive approach” to the problems in Aceh, it provided for initiatives in six issue areas: political, social, legal, public order, security, and information and communication, and was to last for 6 months. The public order and security aspects took precedence over the others, and the ensuing military operation and resumption of hostilities resulted in hundreds of civilians being killed during the operation, and about 500 houses and shops burnt or looted each month. IDP numbers rose significantly after decreasing during the HP, and extortion and the number of road blocks increased across the province.

Meanwhile, the impending impeachment of President Wahid and resulting political uncertainty in Jakarta was causing the GoI to be less focused on Aceh. As soon as efforts to convene a high-level meeting between commanders fell through, HDC worked intensely with both parties to bring them to Geneva for a second Joint Council. The meeting eventually took place on 30 June/1 July 2001.

#### *Joint Council meeting*

Few new initiatives were agreed upon. The JCHA was dissolved, and the JCSM suspended. However, both parties did agree to support HDC in its efforts to implement humanitarian projects, such as the one proposed at Idi Rayeuk, appoint a high-level contact for security issues, and set-up a Steering Committee to advise the process of democratic consultations, now termed all-inclusive dialogue, or “musaywarah”. GAM also agreed to provide feedback on the Special Autonomy Law for Aceh, currently under review by the Indonesian Parliament. Finally, each party reaffirmed their commitment to dialogue and agreed to meet again in September 2001.

#### *Wise Men*

Because of the mediocre results of the Joint Council, and concerned that the dialogue process was losing momentum, HDC introduced a group of international dignitaries to act as advisors to the process, and to further ensure that the agreement reached in July, and any future joint decisions, were implemented and adhered to by both parties. This group, dubbed the Wise Men’s Group, met for the first time in Geneva in mid-July 2001 and pledged their support. The members included:

- Surin Pitsuwan: Former Foreign Minister of Thailand, who would lead the Wise Men’s Group;
- Tan Sri Musa Hitam: former Deputy Prime Minister of Malaysia;
- Budimir Loncar: former Foreign Minister of the Federal Republic of Yugoslavia and citizen of Croatia;
- Anthony Zinni: Retired Four-Star US Marine Corps General.

The Group was intended to reinforce the HDC facilitated dialogue process by bringing to bear the advice, support and influence of senior figures from key political and economic blocs interested in assisting Indonesia to resolve the Aceh conflict, and

thus to improve national and regional stability. With the help of the Wise Men the dialogue process would explicitly be focused on political solutions within the territorial integrity of the Republic of Indonesia, on the basis of recent legislation granting Aceh the status of Special Autonomy.

The Wise Men would not replace HDC in its function as facilitator of the dialogue process. Rather, they would serve as advisors to the HDC, bringing both specific expertise in areas under negotiations (e.g. monitoring of agreements reached), and providing influence when required to ensure that solutions reached were politically acceptable. Thus, the Wise Men would; attend dialogue meetings in support of the HDC facilitators; visit the parities, whether in Indonesia or elsewhere, and; monitor the process on behalf of HDC and the parties.

The Wise Men were all individuals of considerable stature. They were also all no longer in the service of the Governments of their respective countries and thus, in this initiative, operated as private individuals. Nevertheless, it was understood that their involvement came with the support of their Governments and was indicative of the interest of those Governments or regional blocs in an early solution to the conflict in Aceh. However, GAM objected to including a Malaysian in the Group, because they were sceptical of Malaysia's support for the Acehnese cause. Tan Sri Musa Hitam therefore withdrew himself from the initiative.

#### *Arrest of GAM members*

Meanwhile, confidence between the two parties at the field level was weakening in Aceh. On 20 July 2001, only a few weeks after the Joint Council, six GAM members of the Joint Committees and Monitoring Teams were arrested by the local police. Although one member was released after a few days, another was arrested during the first week of August and detained with the five other members for nearly six weeks. In addition, other GAM Committee members, as well as the Centre's own international and local staff, were harassed and threatened by police, and provocative statements were made in the press about the end of the dialogue process.

#### *President Megawati*

Once President Megawati was chosen to succeed Abdurahman Wahid, the political situation in Jakarta stabilized somewhat, and the climate of uncertainty and intimidation in Aceh eased. In Jakarta, President Megawati made several favourable cabinet appointments, naming the former chief negotiator for the Aceh talks, Hassan Wirajuda, as Foreign Minister and reinstating retired General Susilo Bambang Yudhoyono (Bambang) as Coordinating Minister for Political and Security Affairs. HDC was encouraged by the formation of the new Cabinet, which appeared to be committed to dialogue.

#### *Next steps in the dialogue process*

Over the next few weeks, HDC capitalized on this momentum to facilitate a commitment from both sides to the Wise Men concept. To this end, HDC submitted a series of next steps to the GoI at the end of October 2001, at their request. These included terminating the conditions placed on the GAM negotiators after their release from prison, appointing a Chief Negotiator for the talks, and endorsing the involvement of the Wise Men.

The GoI responded that GAM would have to accept the same provisions, and declare that they had accepted autonomy, and had thereby given up their aspirations for independence. Megawati had decided that this needed to be done within a two-month time frame. The GoI also demanded that GAM control their forces, and stop their attacks and propaganda activities.

As for the GAM, it was troubled by the conditions attached to the release of the GAM detainees and threatened to ask for these to be dropped before appointing members to a Steering Committee for all-inclusive dialogue in Aceh and before agreeing to dates for the next Joint Council Meeting. They were also concerned about the renewal of the limited military operation for another six months, announced by the GoI in Presidential Decree (PD) No. 7 at the end of October.

#### *Interim solutions*

Despite this, in early September, after several trips to Stockholm, HDC convinced the GAM leadership to issue a statement acknowledging the fact that the new framework would focus on ‘interim solutions’, as opposed to autonomy or independence, and that the International Advisors were universally in favour of autonomy. This was the first time in the course of the dialogue process, and of the 25-year conflict, that GAM agreed to such a condition.

#### **Renewal of dialogue, January - May 2002**

On the basis of this concession from GAM, HDC went to Jakarta in early January 2002 to assess the GoI’s willingness to resume dialogue and, if appropriate, to offer the idea of a “non-meeting” with GAM. In a meeting with the Coordinating Minister, HDC learned that the GoI had decided to resume dialogue with GAM within the framework of the Special Autonomy Law and with a “concrete timetable”. The Minister would need to report back to Cabinet on 17 February on progress and he expected three meetings to have taken place with GAM before that date. The retired senior diplomat Wiryono Sastrohandoyo had been appointed as Chief negotiator, but Foreign Minister Hasan Wirajuda would remain closely involved.

Bambang told HDC that the decision to resume dialogue had not been easy, with some of his Ministers opposing it. But he had personally insisted on this strategy, not least because it was essential to talk to GAM now that Special Autonomy was in place. For HDC, Bambang’s decision and Wiryono’s appointment was extremely good news. It meant that the GoI was committed once again to moving the dialogue process forward, and that a Joint Council could be convened shortly. However, it was also clear from the trip that the Government was split on the issue of dialogue with the GAM, and the decision to go ahead was therefore brave. It was clearly linked to the general and fundamental issue of the military’s power in the new Government, which the President had yet to resolve.

#### *Framework for dialogue*

HDC proposed to both sides that the next meeting take place on 2/3 February 2002. The agenda for the meeting was to agree on a framework for dialogue and issues from the indicative elements of January 2001 to be included in future negotiations. Both sides were also open to the discussion of ceasefire mechanisms, and had agreed to the presence for the very first time of the Wise Men, including General (Rtd) Antony Zinni, Budimir Loncar and Surin Pitsuwan.

Perhaps the most important objective was the need for a phrase that articulated GAM's acceptance of "interim solutions" while maintaining its aspirations for independence. The GoI needed this in order to convince its hardliners to continue with dialogue. If this were to be agreed upon, then a crisis would be averted and negotiations on the substantive issues would be allowed to continue. Several options were considered by HDC and its advisors, each bringing the two sides closer to the middle ground so that the dialogue process could be given the chance to continue.

Eventually, the GAM agreed to consider using the Special Autonomy law as a starting point for negotiations, and would consult with its members on the field. With this obstacle out of the way, both sides agreed to a period of confidence building that would occur in the following stages:

1. Cessation of hostilities and all acts of violence in 2002,
2. All-inclusive and transparent political dialogue for Aceh in 2002-3,
3. Democratically elected government of Aceh through free and fair elections in May 2004,
4. Review of the process by the parties.

The agreement was a set of "Points for Further Consultation", and the parties agreed that each would refer to their respective constituencies to discuss the points and decide whether or not they were willing to continue along those lines. Both parties were comfortable with these four "next steps", which were indeed the substantive elements of a potential agreement. This agreement on substance represented a very tangible demonstration of what GAM originally agreed in principle in January 2001. It represented a shift from the armed struggle to the political arena, with the autonomy election as a democratic test of GAM's representative reach.

The obvious omission from the "Points" was any reference to GAM's aspirations for independence, a key element in the January 2001 understanding. GAM agreed here to drop any reference to independence, and the Government Negotiator, Wiryono, agreed not to press GAM publicly to abandon independence. These were useful concessions from both sides, deferring to a later date this difficult issue. HDC hoped Jakarta would back up Wiryono's sensible approach to this issue, as it was politically impossible for GAM to concede further on this issue at that time.

Significantly, discussions were held on the nature of monitoring needed for an effective cessation of hostilities (GoI did not like the term "ceasefire"). Here, General Zinni gave both sides the benefit of his considerable experience in such matters. Through Zinni, HDC presented the idea of trilateral arrangements for monitoring: Government, GAM and third party (HDC or other). The emphasis would be on monitoring rather than "observing", i.e. on resolving problems rather than investigating breaches and assigning blame. The need for a third party with a fair amount of influence was explained. One possible arrangement would be for Governments to provide HDC with retired military officers (out of uniform and unarmed) for the purpose. HDC made it clear that it could not manage such a role alone.

After consulting their constituencies, the parties agreed to reconvene within 30-45 days to (a) agree the "Points" and (b) discuss mechanisms for a cessation of

hostilities. HDC hoped that they would see the value in keeping the process alive. GAM made a strategic decision to shift away from armed struggle, but found it difficult to accept the public labels of autonomy or NAD, but accepted the substance and, after consultations, was likely to accept the label. HDC felt strongly that the Government should not throw away this opportunity to bring the conflict to an end virtually on their terms.

The presence of the Wise Men as HDC advisors was crucial. All three Wise Men were able to play an authoritative, constructive and neutral role with both parties. Without this kind of leverage, HDC would not have made the progress it did.

Initial reactions from both parties were relatively positive, although both sides had a battle ahead of them in order to convince their constituents of the merits of the dialogue process as laid out in the meeting. HDC met several times with the GoI in Jakarta and the GAM in Stockholm to tease out their concerns and points of agreement in order to ensure that the “Points” could be formally agreed to during the next meeting, scheduled for April.

#### *Joint Statement*

Due to hesitations on both sides, the meeting was delayed until May 2002. On the agenda was the following:

- (a) a first discussion on future political arrangements “on the basis of the NAD law as a starting point”, including GAM’s view of the Law;
- (b) discussion of details of what each party would do in a Cessation of Hostilities, to be drawn from earlier agreements (Humanitarian Pause, Commander-to-Commander meetings).

Neither discussion would lead to a formal agreement.

The talks eventually took place on 9/10 May 2002 and produced a signed Joint Statement. In HDC’s view this represented progress and gave a clear mandate for the difficult implementation steps to follow. The atmosphere in the closing signing ceremony was emotional, particularly from Acehnese in the Government delegation who saw the COHA as a real chance for a peaceful settlement.

The signed Joint Statement solidified the provisional framework agreed to in February 2002. It laid out a clear mandate for future negotiations to focus on an all-inclusive dialogue process, using the Special Autonomy Law as a starting point, to review important issues concerning the Acehnese people arising from this law, and to work “with all speed” on an agreement on a cessation of hostilities coupled with an effective monitoring mechanism. The challenge was now to formulate and agree upon ceasefire arrangements and an effective monitoring mechanism acceptable to both sides.

#### **Formulation of a framework, June - December 2002**

On 10 May 2002, the day the Joint Statement was signed, the GAM released a press statement from Stockholm claiming that they would never give up their struggle for independence and never accept any autonomy package if it was not acceptable to the Acehnese people. They stated that they signed the 10 May Agreement because they were committed to a democratic Aceh safe for future generations, but that ultimately

it was up to the Acehnese people to decide for themselves if autonomy was right for them. GAM saw their concession during the May meeting as a step towards a negotiated solution.

The GoI, on the other hand, was selling the Joint Statement in Jakarta as proof of GAM's acceptance of the Special Autonomy Law. For them, this meant that the review of the law would take place under the framework of the Indonesian Constitution. The GoI saw GAM's acceptance of autonomy as the solution to the conflict.

#### *GAM as terrorists*

Statements from GAM about retaining their goals for independence therefore confused the GoI. The Government was also concerned about GAM's actions in the field. They accused them of burning schools, destroying electricity pylons and killing two local legislators, six air force paratroopers, and abducting civilians. In early July, Bambang referred to GAM as a terrorist organization. Susilo Bambang Yudhoyono also hinted to HDC that the continuation of the peace process would be difficult, and that he was being forced to consider imposing a civilian or military emergency in the province.

HDC quickly arranged for General Zinni to speak with the Coordinating Minister over the telephone. His message was to reinforce Bambang's view that a military solution would not easily work, and to find out what acts from the GAM would assist him in persuading the hardliners in Cabinet. Bambang responded that nothing short of GAM accepting autonomy would help.

#### *HDC accused of espionage*

Meanwhile, the GoI was worried about HDC overstepping its mandate for the all-inclusive dialogue process. HDC had been consciously trying to be pro-active in moving the process forward, and had been informally meeting with civil society leaders. Sensitive to any sort of NGO activity, which they still considered pro-GAM and pro-independence, the GoI reacted badly to HDC's initiatives.

On 10 July 2002, Major General Djali Yusuf, Chief TNI Commander for Aceh, announced that the Coordinating Minister had formally requested HDC to leave Banda Aceh on 9 July 2002, that HDC had "failed" as a facilitator as it was acting in the interests of the GAM, and that it should review its activities and stop spying for GAM. Yusuf also claimed that HDC and the GAM negotiators had been ordered to leave the Kuala Trip hotel, where their offices were based, within two days or risk being forced out. The Coordinating Minister was on an official visit to Aceh at the time, and had not communicated any such message to HDC directly.

Outraged, HDC complained to the Foreign Minister, who immediately made a public statement affirming the GoI's satisfaction with HDC's role as facilitator. He later echoed his words over the telephone in a conversation with HDC. The United States Government also expressed their disappointment to the GoI in a strongly worded demarche. The newly installed Chief of the Armed Forces, General Endriartono Sutarto, also issued a statement denying that the Government considered HDC to be spies. Later, the Coordinating Minister would declare on national TV that the GoI was "grateful" to HDC for its efforts, and that the earlier statements were misquotes.

At this point, HDC was unclear whether or not the Coordinating Minister supported dialogue. Several legislators from PDI-P and prominent politicians such as Akbar Tanjung, the Speaker of the House of Representatives, and Amien Rais, the Speaker of the People's Consultative Assembly (MPR) had come out publicly in favour of dialogue. However, in light of the accusations of espionage, Bambang's stance was less and less obvious.

#### *Renewed GoI commitment*

It soon became clear that the Coordinating Minister was very much in favour of the peace process when he asked for a closed meeting with HDC on 3-4 August in order to prepare for a Cabinet decision on Aceh to take place on 5 August 2002.

The Singapore meeting marked the beginning of an intense period of bilateral negotiations between HDC and the two parties. It also marked the first time that HDC was able to meet with the Chief of TNI, General Sutarto, who would remain intricately involved with the process from that point onwards. Immediately afterwards, General Zinni visited Aceh for the first time to meet with local GAM members and GoI military and civilian officials. He urged all parties to follow through with the May Agreement, and reinforced messages that effective ceasefire mechanisms were needed. The GoI responded that their draft ceasefire agreement was to include a monitoring mechanism administered by HDC and staffed by active government personnel.

As one of HDC's advisors, and as a private citizen, Zinni also vouched for the neutrality of HDC and his own independence from the US Government's policies. The same message was delivered to key interlocutors in Jakarta a few days later. Furthermore, Zinni's trip was closely covered by the national and international press. This gave HDC, through Zinni, an opportunity to make its first public statements in favour of the emerging agreement.

Zinni's trip was timely, as it fell a week after US Secretary of State Colin Powell's official visit to Indonesia. While meeting with President Megawati, Powell urged the GoI to support the dialogue process, and said he had confidence in HDC as a neutral and independent facilitator. Powell's comments, combined with Zinni's private discussions, helped the Coordinating Minister further persuade his detractors to give dialogue a chance. Indeed, the Cabinet meeting scheduled for 5 August had been postponed to 19 August, giving Bambang more time to garner support.

#### *New GoI policy for Aceh*

On 19 August, the GoI announced their new strategy for Aceh. A state of emergency would not be declared, as threatened earlier, but instead the GAM would be given until the end of Ramadan, i.e. 7 December 2002, to sign a ceasefire agreement. If this did not happen, Bambang warned that Indonesia would be forced to intensify its military operations in the province.

The new policy came as a relief to national legislators and to local community groups who were strongly opposed to the imposition of a civil or military emergency in Aceh. It was also a signal to HDC that a small window of opportunity had opened for an agreement on a ceasefire to take place. The bilateral negotiations intensified.

### *Contentious issues*

From then on, three contentious issues plagued the negotiations of the COHA. The first was that of a lasting political solution for Aceh. The GoI insisted that Aceh would be autonomous under the Special Autonomy Law for Aceh, while the GAM refused to give up their aspirations for independence. This issue was at the heart of the conflict, and had been addressed many times in past negotiations.

Both sides agreed to a process leading to an autonomy government in Aceh and put aside, for the moment, the issue of independence. In the case of the COHA, this was a central element and meant ceasing all hostilities to create space for a review of the Special Autonomy Law involving the Acehnese people, which would lead to the election of a democratic autonomous government in Aceh in June 2004. Implicitly, GAM agreed not to further their aspirations for independence, and the GoI agreed not to claim that the Special Autonomy Law was the lasting solution to the conflict.

The parties also had trouble reaching a consensus on the second issue of demilitarization, which almost derailed the signing of the COHA. The GoI delegation originally envisioned the storage of GAM weapons to be carried out under a three-lock system, which was revised to a two-lock system and then finally to the mechanism outlined in the COHA. This system required HDC to carry out no-notice inspections and granted the GoI the right to request that HDC carry out these inspections.

Each revision was meticulously reviewed separately by each side with HDC, and a final impasse was overcome when, after hours of searching for wording appropriate to the GAM – who objected to “two-lock”, “cantonment” and weapons “storage” – a compromise was reached on “placement” of weapons. It was wording and not substance that held the parties back from agreeing to the text much earlier.

The third issue that the parties had difficulty negotiating was that of the role of the Indonesian police vis-à-vis the JSC, tasked with the implementation of the COHA. GAM originally proposed entrusting law and order to a mutually accepted third party, while the GoI insisted that the police maintain its normal functions under Indonesian law and the Indonesian criminal code. Both propositions were unacceptable to the other side, and after detailed negotiations, a compromise was reached. Law and order in Aceh would continue to be the responsibility of the police, but with JSC oversight. Both parties also agreed to reformulate Brimob’s function and to ensure that it would no longer initiate offensive actions against members of GAM who adhered to the COHA.

### *COHA preparations*

In the meantime, HDC had started to prepare for the entry into force of the monitoring mechanism. Thailand and the Philippines had agreed, at the request of the GoI, to second officers to HDC, and Thailand was ready to provide a two-star general to head up the mission. In order to secure appropriate privileges and immunities, HDC was in the process of negotiating an official Status of Mission Agreement with the Indonesian Government, modelled on a similar agreement used in Sri Lanka. The Swedish Rescue Services Agency (SRSA), a large and efficient emergency services

organization which provides logistic support to many UN humanitarian missions, had agreed to partner with HDC and managed to secure funding from the Swedish Government.

For strategic advice on an appropriate framework and structure of the monitoring operation, the independent consulting firm based in the UK, Blue Sky Strategy Consulting (Blue Sky), was brought into the initiative. Blue Sky immediately provided five monitors who served on the “Orientation Team” responsible for preparing the ground for the full mission and ensuring that violence levels were kept low in the run up to the signing. HDC was also keen to use this opportunity to meet with GAM field commanders in order to build up their support for the COHA. In addition, HDC hired an experienced journalist, William Dowell, to work with the local and international media in Indonesia to build public support in Aceh for the dialogue process and the draft agreement.

Finally, in early December, the United States, the European Union, Japan and the World Bank hosted the “Preparatory Conference on Peace and Reconstruction in Aceh” in Tokyo, Japan, along with more than 16 countries and five international organizations, to secure political and financial support for the dialogue process and the international monitoring mission. Participants called on the GoI and the GAM to continue their negotiations with a view to concluding an agreement on a cessation of hostilities as soon as possible. Over USD \$8 million was pledged for the monitoring mission.

### **Cessation of hostilities, December 2002 - May 2003**

The two parties signed the COHA at 11h on 9 December. The signing ceremony took place at HDC’s office and was attended by high-level delegations from both parties, representatives from Acehnese NGOs, representatives of the diplomatic community and a contingent of Indonesian and international press.

The ceremony was an historic occasion, and was the fruit of three years of dialogue and countless attempts to bring the two sides together around their common objective of stopping the violence and ending the war in Aceh. There had been many setbacks, but HDC had been able to create a conducive environment for constructive negotiations on Aceh and had lead both parties to the middle ground that it had carved out of seemingly intransigent positions. Now that a ceasefire agreement had been signed, the challenge lay in ensuring that it was effectively implemented and adhered to by both parties.

### *COHA implementation*

Once the COHA was signed, implementation took place quickly. The JSC met for the first time in Banda Aceh on 20 December 2002, only 11 days after the signing in Geneva. The first monitors from Thailand and the Philippines arrived in Aceh on 24 December. By 27 December, after intensive training, they were operational. Donor support pledged in Tokyo in early December 2002 came through quickly, which eased implementation significantly.

During this first month the JSC worked hard to set ground rules and within the first couple of weeks had agreed to a mechanism for information exchange between the two sides, guidelines for the Tripartite Monitoring Team (TMT) security, and

procedures for the verification of selected incidents by a special projects team. The JSC further identified and agreed upon a set of guidelines for levying sanctions against violators of the COHA, including the adoption of 31 categories of violations.

However, by February 2003, signs of the imminent breakdown were apparent due to irreconcilable differences between the parties in implementation. The differences stemmed from the difficulties encountered during the negotiation phase.

#### *Problems with implementation*

On the security front, the demilitarization process posed many problems. Although both sides agreed to arrangements for this purpose in the COHA, they were unable to accept each others' subsequent plans for carrying this out. From 9 February 2003, the point at which GAM pledged to place their weapons in 32 sites across Aceh, starting with 20% by 9 March and continuing with 20% each month thereafter, HDC worked closely with GAM, as stipulated in the COHA, to formulate a plan for verification, bringing in an expert team with considerable experience in demilitarization in other areas of conflict.

The parties continued to negotiate their reciprocal responsibilities. At the end of February, the GoI requested a delay in the start-up of the demilitarization process until 9 April. GAM agreed and therefore delayed the placement of their weapons accordingly.

When both demilitarization plans were finally presented, the parties were dissatisfied with the proposals of their counterparts. By early April, when the first placement of weapons was to take place, confidence and trust had already begun to erode, rendering formal discussion of the plans unlikely. Despite the difficulties encountered, HDC's verification plan, formulated with GAM representatives and based on GAM's demilitarization plan, was well-developed and feasible, and would have allowed for the appropriate verification of GAM's weapons to take place.

Both parties also had serious difficulties in agreeing on a common interpretation of the COHA provisions on police functions. The GoI claimed that incidents they deemed criminal were for the police to investigate as they did not fall under the scope of the JSC. For its part, the GAM claimed that the latter was responsible for sanctioning violations of the COHA, which included a wide range of hostile and violent acts. There was clearly an overlap of roles, yet despite the tripartite COHA mechanism, the JSC was unable to resolve the problem. This further added to the increasing tension between both sides.

The issue which divided the parties more than any other provision in the COHA, and which ultimately led to its breakdown, was that of a lasting political solution for Aceh. Despite the compromise arrangement of January 2001 that was integrated into the COHA, and despite agreeing to

*“...exercise the utmost restraint by not making any public statement that would inflame the feeling and sentiment of the other side”*

in Article 5c of the COHA, provocative public statements about Aceh's political future continued.

There were also allegations that GAM was increasing its propaganda activities, claiming that the COHA was the first step towards independence, and proceeding with increasing its control over administrative structures in Aceh. Angry mobs demanded GAM's withdrawal from the JSC. The attacks and direct threats on JSC offices in early March and April eventually led to the withdrawal of the monitors from the field, and further contributed to the impending breakdown of the process.

In 9 February 2003, two months into implementation, the GoI formally asked HDC to convey to GAM that it must cease its propaganda activities. HDC conveyed the message to GAM in Stockholm on 10 February 2003, and relayed a response back to the Government on 11 February 2003. The response consisted of a letter addressed to HDC, in which GAM reconfirmed its commitment to the COHA and its intention to fulfil its responsibilities under the agreement, and condemned all violations including extortion, armed clashes and other criminal actions.

A few weeks later, in response to the GAM's claim that the GoI and HDC concocted a secret plan for Aceh to remain an autonomous part of Indonesia, HDC made a further attempt to clarify the issue by releasing a public statement on 4 March 2003 reiterating that the COHA

*“...was never designed for and therefore does not provide for the independence of Aceh nor a referendum on the independence of Aceh.”*

#### *Joint Council*

As a result, a Joint Council was called in April 2003 so that both parties could discuss these problems face to face and identify possible solutions. Unfortunately, due to a disagreement over dates, the Joint Council originally scheduled for 25 April never took place. This was unfortunate, and reflected yet again that trust and confidence between the two sides was at a very low level.

When the GoI and GAM finally did come together for the Tokyo Joint Council on 18 May 2003, no agreement was reached as both parties were unable to agree on how to move past their differences. Just before the talks broke down, GAM offered to make concessions, including refraining from advocating independence, dropping its armed struggle in favour of a political struggle, placing its weapons according to the COHA schedule and stopping all weapons smuggling.

However, the GoI requested that GAM also agree to disband its armed forces and declare publicly and unequivocally its commitment to the unitary state of Indonesia. GAM responded that these requirements went beyond the COHA and were therefore more than they were prepared to accept. The talks subsequently broke down and martial law was declared hours later.

During the Joint Council, it had become clear that, in order to continue to maintain support for the COHA in Jakarta, the GAM needed to explicitly and publicly agree to the provisions the GoI believed were implicit in the COHA. As GAM felt that this was beyond the parameters of the COHA they refused and the negotiations ended.

*Resumption of hostilities*

As a result of this intransigence, the JC concluded and the conflict resumed. With the declaration of martial law in the province on 19 May 2003, HDC withdrew all international monitors, as well as officials of the JSC and most of its HDC staff, effectively suspending all implementation activities of the COHA.

#### IV. Key issues

The *New Prevention* suggests that the realm of conflict prevention is not just the preserve of diplomats and political leaders, but it also places responsibility upon humanitarian organisations, upon the private sector, upon human rights activists and development managers, upon governments and armed opposition groups and indeed, ultimately, upon public opinion. Each actor has an important role to play in the transformation of a society plagued by conflict to one built on peace, tolerance and understanding.

HDC's role in Aceh was multifaceted. As an organisation guided by an expanded view of humanitarian responsibilities, HDC shifted from acting as a mediator to an implementer of a ceasefire, from working to alleviate the humanitarian consequences of the conflict in Aceh to working towards a political solution with the parties, from prevention of a crisis to resolution of contentious issues in order to prevent further bloodshed. In short, as a humanitarian organisation guided by the *New Prevention*, HDC took every opportunity to save lives, prevent more suffering, and eventually resolve differences between the GoI and GAM through dialogue. Each action led it closer to its ultimate aim of finding a peaceful solution to the conflict in Aceh.

As a result of its many roles, HDC was forced to continuously reflect on its objectives, method of functioning and effectiveness. This occurred at many instances throughout the initiative, sometimes calculated, sometimes not. During these periods of reflection and analysis, many issues related to HDC's experience arose, some more frequently than others. These issues took the form of areas of increased understanding, acute observations, or important comment. The most significant of these issues are shared in this report. Some pertain only to HDC and its own experience in Aceh, others relate more widely to the nature of conflict prevention and the wide array of organisations and individuals working towards the same goal.

It is important to note that all of these issues are interrelated, and cannot easily be delineated. For the purposes of this report, however, each is discussed separately, and references made to linkages, where appropriate. It is also important to keep in mind that when assessing results and impacts of mediating and implementing peace agreements, the indicators for success or failure are very different from those used to analyse humanitarian or development projects. Peace initiatives require different indicators because their objectives and methods are different from conventional aid initiatives and because these objectives and methods frequently change during the course of the initiative to adapt to the dynamic contextual environment of a society in conflict.

Furthermore, as conflict prevention and peacebuilding initiatives vary enormously, there are no standard indicators that point to success or failure. Moreover, as a mediator, the fact that an organisation has less influence on the course of events than an implementer must be considered when the following issues are discussed.

Finally, most experts would agree that in conflict environments such as Aceh, negative impacts are difficult to gauge. This is due to the simple fact that in all conflict areas where actors are trying to build peace, spoilers abound. It is therefore extremely difficult to determine whether or not the negative impacts are due to actions

carried out by those who are against progress and a resolution of the conflict, or due to poor strategies or implementation efforts of the initiative itself.

With these parameters in mind, let us now turn to the key issues that arose from HDC's experience in Aceh.

### **Ceasefire and peace**

The most positive impact of HDC's initiative is undoubtedly the reduction in violence achieved during the first few months of the COHA implementation. Violence did decrease significantly during the first few months of the Humanitarian Pause, and for a few days during subsequent initiatives such as the one month moratorium on violence and the North Aceh Peace Zone in early 2001, but was not as sustained a decrease as in December 2002 and the first few months of 2003. Indeed, during the COHA the number of civilian casualties and armed clashes decreased to almost zero.

As a result of the improved security situation, the lives and livelihoods of the Acehnese people improved considerably. City dwellers were out late at night, and villagers could tend to their fields without fear of intimidation. Acehnese could move about the province freely and their lives came close to being completely absent of violence. Indeed, the forces of each party had adopted defensive positions. Through implementing the COHA, HDC and the two parties also effectively ended some of the worst excesses of the conflict such as the burning of homes, businesses and schools. Trust and confidence between the GoI and GAM at the local level had never been higher.

There was no doubt about the impact of the COHA on daily life in Aceh, but there was doubt about why this was occurring. Was it a direct result of the adherence by both sides to the provisions of the COHA? Was it the presence of an international monitoring force? Or was it due to the system of information exchange set up by the JSC in which each side notified the other through the JSC prior to any troop movements?

Having worked with the GoI and GAM for several years prior to the implementation of the COHA, HDC was aware that during the temporary lull in fighting the level of confidence between the two parties was low. HDC was also aware that this could mean that the parties were using this time to regroup their forces and engage in behind-the-scenes strategizing. It was almost unrealistic to think that the improved security situation was only a result of each party's steps towards peace.

To compensate, and to ensure that the decrease in tension would last, HDC sped up the implementation of the COHA. This meant going ahead at full speed with the initial confidence building measures provided for in the COHA, including the establishment of the JSC and ground rules, deployment of the tripartite monitoring teams, and the inauguration of Peace Zones. In essence, HDC created momentum that was meant to lock the parties into adhering to the COHA.

This strategy was not without its risks, however. For one, HDC suffered from a perception gap. Its efforts to solidly build support for the COHA were perceived in some circles as naïve and overly optimistic. In addition, there was a lack of understanding on the part of the GoI and GAM about what they actually signed onto,

and also a general lack of understanding among the Acehnese people of the COHA provisions. As a result, each party used this as an opportunity to convey their own interpretation.

Dissemination of information outside of Banda Aceh was difficult, but HDC could have done more to ensure that news of the COHA reached the districts, and was covered by the local press. HDC should have also done more to get both sides to comprehend the letter and spirit of the COHA. An interim step, during which a work plan could have been formulated between the signing and the implementation of the COHA would have helped enormously in this regard.

Unfortunately, before HDC and the JSC had a chance to get word out about the COHA, the political winds changed and the international monitoring mission found itself the target of attacks. Eventually, all attempts at propelling the parties towards a full implementation of the COHA had to be stopped, and with that the positive changes in daily life brought about by the ceasefire disappeared as quickly as they had come.

### **Ceasefire and humanitarian aid**

During the dialogue process, progress on the humanitarian front was less spectacular. Although both parties at first came together to prevent a humanitarian crisis from erupting, their goal of ensuring that humanitarian assistance was delivered to the population affected by the conflict was not entirely fulfilled. This was due to several reasons, including ineffective local government policies and lack of international attention to the humanitarian problems in Aceh.

What was accomplished, with the help of HDC, was that the humanitarian consequences of the conflict were minimized. By cooperating in the JCHA during the HP, the parties worked towards the return of thousands of IDPs and the provision of assistance to them in camps and in their communities after they had returned. Indeed, at the end of the HP, the Red Cross estimated that there were approximately 6,000 IDPs in Aceh, while there were close to 50,000 when the HP was signed in May 2000.

The JCHA also assisted in the provision of emergency humanitarian assistance through local NGOs and the Government Social Welfare offices, and facilitated, in collaboration with local and international NGOs, the UNDP and the Government the funding – totalling more than 500,000 USD – of fourteen local projects aimed at assisting IDPs.

What was clear to HDC, however, was that a lull in fighting, be it during the HP, or during the COHA, did not necessarily mean an increase in the delivery of aid. A secure situation was a necessary condition for aid to reach needy populations, but other factors such as political will and international support were needed for this to actually take place. HDC's attempt to work with the parties to rebuild Idi Rayeuk in 2001 is a good example. Needs were identified and a plan was approved but the GoI refused to provide the necessary political backing, while the international community did not respond to the call for resources.

The periodic lulls in fighting during the dialogue process also raised the expectations of the Acehnese people. For them, a decrease in violence meant an increase in humanitarian aid and assistance, and they were desperate for immediate improvement in their lives. However, the reality was that the violence in the province did not end and aid was not distributed as effectively as HDC and the two parties had hoped. In the Joint Understanding signed on 12 May 2000, the commander to commander agreements of 2001, and the 10 May 2002 Joint Statement, the parties agreed that their ultimate objective was to end the violence and find a solution to the conflict so that the Acehnese people could live in peace. Not until December 2002 did that goal come anywhere near to being a reality. And even then the necessary factors for aid delivery were not fulfilled.

### **Ceasefire and political solutions**

The COHA was ambitious in that it laid out provisions for a ceasefire, as well as a framework for negotiations that would lead to a political solution for Aceh acceptable to both the GoI and GAM. Compared to the HP, the COHA allowed for a parallel political process. The HP did not last because it did not consider the political issues underlying the conflict. Building on the mistakes of the HP, the COHA provided for a mechanism to reach a political solution, but did not last because the two parties choose not to follow through with this aspect of the agreement. HDC's experience implementing the COHA proved that without parallel political processes, a ceasefire has very little chance of lasting.

The COHA itself did not provide for a political solution, but laid out a framework for negotiations and an all-inclusive dialogue process that would eventually lead to an agreement on a political future for Aceh. In fact, it utilized a "delayed negotiation" technique in order to push back the resolution of certain key issues while confidence was being built. Then, when levels of confidence and trust were high enough, the parties would activate the political mechanisms built into the COHA, which would eventually lead to a political solution.

However, HDC also learned early on that the GoI and GAM were unwilling to publicly defend these COHA mechanisms, as had been agreed before the signing. The GAM saw their acceptance of the Special Autonomy Law as a starting point for negotiations. In addition, they let their constituency believe that the COHA political process would lead to a referendum and independence and that the all-inclusive dialogue process could reject the Special Autonomy law.

The GoI, on the other hand, insisted publicly that GAM had fully accepted the Special Autonomy Law. For them, this meant that the review of the law through the all-inclusive dialogue process would take place under the framework of the Indonesian Constitution. The GoI saw GAM's acceptance of autonomy as the solution to the conflict, and refused to even consider negotiating Aceh's future, let alone delay negotiations about the issue.

In short, the strategy of delayed negotiations did not work. By the time the COHA collapsed, it became clear there was no political will to follow through with the framework laid out in the agreement.

Given the circumstances, the contentious issue of Aceh's political future could probably not have been addressed differently at the time. However, the JSC would have benefited greatly from a political forum established to address non-security issues, to compliment its work on controlling the security situation. This would have ensured that the security mechanism was not politicised and was spared from making judgments beyond its mandate.

Indeed, there was no effort on the part of the GoI or the GAM to follow through with the non-security aspects of the COHA, especially those that dealt with political processes. The GoI gave GAM no incentive to transform itself into a political party, while the GAM showed no interest in doing so. More guidance could have been added into the COHA on the latter issue, but that most likely would have meant a revision of Indonesia's Constitution.

As for other issues such as the all-inclusive dialogue process, reconstruction and rehabilitation, and the establishment of a functioning justice system, HDC tried several times to engage the GoI in these areas. Too preoccupied with GAM's alleged independence activities, the Government was unable to do so. Reconstruction assistance was even blocked due to the GoI's stalling on the establishment of a mechanism, involving the three Coordinating Ministers, to manage the post-conflict phase.

Moreover, the GoI should have done more to respect the COHA provisions for immunity for GAM members involved in its negotiation and implementation. By arresting and later convicting several GAM representatives who served on the JSC, the Government not only violated the goodwill of the GAM representatives, but made it very difficult for political processes or even negotiations to continue in the future.

### **Confidence and trust**

It is clear that HDC's initiative built confidence and trust between the GoI and GAM. The meetings in Switzerland in 2000 were the first time that representatives from the two sides had met face to face, an important indicator of their interest in building up levels of trust and confidence between them. The agreements that were signed as a result of these face to face talks were further indications of the common ground that had been established between the formerly warring parties. No agreement proved this more than the COHA. After months of intense negotiations, HDC's mediation efforts resulted in a significant breakthrough when both parties agreed to operate within a new dialogue framework focusing on interim solutions to the conflict.

The fact that each side sent high-level delegations to the COHA signing ceremony was a further indication of their growing confidence and trust in the other party, and in the process that HDC had mediated. On the Government side, the process had started with the participation of the Ambassador to the United Nations in Geneva. At the COHA signing ceremony, the Coordinating Minister for Political and Security Affairs, a close advisor of the President, was present.

Once the COHA was signed, however, it became more and more clear that the confidence building measures in the agreement were sorely needed. Indeed, during the months of shuttle negotiations prior to 9 December, the GoI and GAM never met. When they came together for the signing ceremony, it was the first time they had been

face to face in eight months. The GoI had tried to meet GAM through their chief minister, Malik Mahmoud, and then through their chief commanders in Aceh, Abdullah Syafei and later Muzakir Manaf, but GAM had refused.

The two months of confidence building under the COHA turned out to be insufficient. Misleading interpretations of the agreement were spread by each side, which soon turned into public accusations and eventually clashes. Was this because both parties were not ready to sign the COHA when they did? Could it have come too early, resulting in a half-hearted implementation on both sides because of low confidence levels? How far does a mediator push for an agreement if confidence and trust are lacking? Does not the willingness to commit to an agreement prove that confidence between parties does exist?

These are difficult questions, but all emphasize the fact that the importance of confidence and trust between parties must be carefully analyzed at all moments and cannot be underestimated during the implementation of an agreement. For a mediator, this is a dilemma since signing an agreement can be seen as a confidence building measure, while at the same time act as an obstacle to that goal if confidence and trust do not exist at the outset.

### **Power and responsibility**

In all peace processes, a mediator is often in a position to utilize its power to influence either party. With this power comes a unique responsibility to utilize it morally and ethically with regard to each party but also with regard to the beneficiaries of the process, the people. HDC's experience in Aceh proves that a mediator must be conscious of this power, and use it accordingly.

At different moments throughout the Aceh dialogue process, HDC was faced with decisions that called on it to make use of its power as a mediator. An example of such a moment occurred while the COHA negotiations were taking place. The GoI suggested that HDC recruit and manage the international monitoring force that was being discussed. Conscious of its limits, HDC made it clear that this was impossible, and that other countries – despite Indonesia's sensitivities to foreign intervention – would have to be involved. Although a negative reaction from the Indonesians would have put in jeopardy the entire COHA, HDC had no choice but to delineate the limits of what was possible. In this instance, it used its power of influence to change the course of the negotiations.

Another example, which better illustrates a mediator's moral dilemma with utilizing its power, is that of whether or not to level the playing field between parties. Because of GAM's weaker capacity, HDC was often torn as to whether or not to provide additional support to GAM's delegates. On the one hand, HDC wanted to help them understand the negotiations. On the other hand, it did not want to be seen to be providing advice.

Furthermore, the GoI often accused HDC of favouring GAM, and often perceived it as partial to the separatists. The Government even went so far as to publicly accuse HDC of being spies for the rebels.

HDC was conscious of the fact that it had a responsibility to alert both parties to possible traps in the negotiation process, but felt it was the responsibility of each party to pull back from talks should they feel uncomfortable with the provisions. However, at times GAM needed extra help. Throughout the dialogue process, this was a difficult balance for HDC to strike.

HDC also inadvertently increased GAM's legitimacy through the negotiation process. This too had negative consequences. Treated on an equal footing as the GoI during the negotiations, GAM's hopes of becoming internationally recognized as legitimate representatives of the Acehnese were close to being realized. The GAM then used this increased international legitimacy to show the Acehnese people during the COHA that independence was no longer a dream, but an achievable goal.

Combined with the gradual cessation of hostilities and the somewhat drawn down GoI military power in the province, GAM was able to propel themselves into a position of political strength vis-à-vis the GoI. They had once again captured the hearts and minds of the Acehnese. Needless to say, this left them no incentive whatsoever to work towards the provisions of the agreements signed with the GoI, or to even consider giving up their ultimate aim of independence.

One measure that could have been applied to counter the negative impacts of this imbalance was the establishment of an HDC office in Jakarta. Through the presence of a permanent representative in the capital city, HDC could have been much more involved and aware of key GoI decisions, able to influence a wider group of important political actors, and to convince key Government leaders of its neutrality. As the GoI was not opposed to such a presence, HDC should have worked harder to ensure that this position was filled.

### **Civil society**

HDC's initiative also increased the voice of the people of Aceh in the dialogue process between the GoI and GAM. The murder of two university rectors and several local legislators hampered these efforts, but since the HP leading members of civil society demonstrated their support for the process and showed a willingness to participate in the dialogue, albeit apolitically.

Although both parties often blocked the formal participation of these groups in the talks, HDC facilitated a number of meetings among civil society leaders to assist them in strengthening their platforms. HDC also facilitated meetings between civil society and key GoI and GAM representatives in Jakarta and Stockholm so that the representatives of the Acehnese people could express their views directly to the belligerents without fear. Significantly, just before the signing of the COHA, HDC brought key civil society leaders to Geneva to help persuade the GAM to agree to the text being negotiated. This meeting was crucial to GAM signing the COHA when it did.

However, HDC found it difficult to effectively include civil society in the dialogue process between the belligerents. This was another instance where it was faced with the dilemma of whether or not to use its influence to force both parties to accept the presence of civil society in the talks. When it attempted to feed civil society views into the very first negotiations between the GoI and GAM in January 2000, HDC's

involvement with these groups seriously jeopardized its impartiality and therefore the future of the entire dialogue process. Indeed, these groups were set on demanding a referendum on independence, and would accept nothing less from their interaction with the GoI and GAM.

HDC postpones actively working towards the inclusion of civil society into the process. Later, when the two parties agreed to a process of democratic consultation with the Acehnese people, or all-inclusive dialogue, HDC pushed hard for the parties to follow through with this aspect of the process. Despite HDC's best efforts, this initiative never began. The GoI were threatened by the pro-referendum tendencies of the civil society groups, while GAM didn't know how to engage them and were stubborn in insisting that they were the sole representatives of the Acehnese people.

As a result, many Acehnese civil society groups became frustrated that their views were not taken into consideration during the dialogue between the GoI and GAM. Conscious of this frustration, the parties allowed various groups to speak out during the implementation of the COHA. This was short lived, however, as the parties then did not follow through with the political processes that would have used and built upon these public views and opinions. For its part, the JSC worked hard to disseminate the elements of the COHA to the Acehnese people. This proved to be difficult, as information did not travel easily throughout the province and the parallel propaganda activities of the parties – especially those of the GAM – had to be countered.

### **Innovative initiative**

HDC's initiative in Aceh was an innovative alternative to conventional methods of conflict resolution and humanitarian action. Drawing on the principles of the *New Prevention*, HDC showed that an independent humanitarian organization could not only serve as mediator between belligerents but also as an implementer of a peace agreement. The initiative was hailed by experts and academics as an innovative way of resolving conflict that could become a model for humanitarian-based mediation. Indeed, the initiative represents the first time an organization other than the UN undertook the twin tasks of peace making and peace building.

During the mediation phase, HDC's comparative advantages were many. As an independent organisation committed to humanitarian principles, it was able to convince both parties to talk in order to address the humanitarian crisis. Because HDC was clearly working for the alleviation of the suffering of the Acehnese people, its interests were never questioned. It was not neutral in that sense, but did not have a political view, or economic or strategic interests. This eased tension during the negotiations and increased the trust of both sides in HDC.

HDC also benefited from sufficient funding, personal contacts and skills of judgment which all contributed to the smooth execution of the mediation process. The fact that HDC was a discreet and independent non-governmental organisation was comforting for the GoI, a Government known for its fierce opposition to any type of foreign intervention. Combined with HDC's confidentiality, this ensured that HDC had unprecedented access to high-level Government officials and diplomats.

This access to high-level officials was important, as the initiative would not have succeeded without the significant political leverage exercised by the Wise Men and by the donor countries involved in the Tokyo Preparatory Conference on Peace and Reconstruction in Aceh in December 2002, i.e. the United States, the European Union and Japan. This issue is examined in more detail in the next section.

After the COHA was signed, HDC worked closely with its key governmental and non-governmental partners to structure and establish the international monitoring mission. Once the COHA was signed, HDC secured the agreement of the Governments of Thailand and the Philippines to second military officers to the monitoring mechanism. HDC then garnered the support of SRSA for equipment and logistics, Blue Sky for strategy, and Media Action International (MAI) for press relations. Sufficient funding for these activities was then raised with the help of the Tokyo co-chairs at the preparatory meeting in December 2002. Both at the headquarters and field level, HDC was able to lead its partners towards the common goal of effectively and efficiently implementing the COHA.

### **Political leverage**

Until the entry into force of the COHA, it was difficult to hold the parties accountable to the various agreements signed in Switzerland, including the Humanitarian Pause. HDC did not have the political leverage to do so, and the parties were unwilling to comply with the various security and humanitarian provisions that their respective leaderships had negotiated. When it decided to engage the GoI and GAM in dialogue, HDC took the risk that the process would be used as a cover to hide the real interests of the parties: a continuation of the conflict to further other economic and political goals. This was because HDC, as a small, independent organisation, was a “weak mediator”.

To remedy this, HDC increased its political leverage in several ways. It brought in the Wise Men, who, in their capacity as a group of influential advisors with the tacit backing of their governments, placed pressure on both sides to adhere to the provisions of the agreements. Their advice and leverage on the parties proved to be especially instrumental during the shuttle negotiations leading up to the signing of the COHA. The Wise Men shielded HDC from facile and inaccurate criticism, increased its credibility, concentrated the minds of the parties and assisted with access to senior political levels.

To further increase its leverage, HDC also worked closely with governments, especially the United States, the European Union and Japan. This allowed both HDC and these governments to pursue their joint policy objectives through alternate channels, and to increase the international pressure on both sides to work towards a peaceful solution in Aceh. HDC was fortunate that during the dialogue process, the policies of its governmental partners were compatible with its own, and in fact were supportive of all aspects of its initiative in Aceh. However, this partnership also put HDC in a difficult position at times as it risked calling into question its impartiality and independence. As a result, HDC was forced to sometimes distance itself from these governments on key issues.

During the implementation of the COHA, HDC worked closely with the Governments of Thailand, the Philippines and Norway to carry out the provisions of the agreement

through the JSC and its monitoring teams. This worked well as it allowed HDC to provide professional military officers to serve with the TNI and GAM in the monitoring mechanism. The risk, again, was that this put HDC at the mercy of these Governments.

In order to more effectively use this leverage, HDC learned that it was imperative to continuously analyze the relationships of power in Indonesia and the global context. Throughout the dialogue process, the sources of power shifted frequently, and had to be taken into consideration when HDC decided to use the political leverage offered to it.

### **Mediator as advocate**

Along with political leverage, increased attention to the situation in Aceh helped the process move forward, and helped contribute to the momentum that HDC was trying to create in order to ensure both parties adhered to the COHA. HDC thus used every opportunity to focus the international spotlight on Aceh and effectively became an advocate for the respect of humanitarian principles in the province and for the peace process. To do so, HDC worked with the media, diplomatic and donor communities, as well as with human rights and other humanitarian organizations. HDC had to be careful not to be seen to “talk up” the process, however, as it was sometimes accused of being overly optimistic about the situation.

The increased attention on Aceh in turn led to increased pressure on the GoI and GAM to remain committed to the dialogue process and to adhere to the provisions in the agreements that they signed. HDC’s Wise Men proved to be especially effective in this regard. After the signing of the COHA, statements from influential leaders such as UN Secretary General Kofi Annan and US President George Bush welcoming the agreement also made a positive impact on the parties. As HDC was often constrained, as mediator of the process, from speaking out for or against either party, such statements and leverage from the international community were crucial.

The resources from donor countries and the international community also increased significantly as a result of HDC’s advocacy. During the meeting in Tokyo on peace and reconstruction in Aceh, close to USD 8 million was pledged to HDC’s monitoring operation. Added to this, the Governments of Thailand, the Philippines and Norway agreed to second active military service personnel to serve as neutral monitors in the operation overseen by HDC. This marked the first time in history that Governments seconded their troops to an independent non-governmental organization for such an initiative, and set an international precedent.

With the parties, however, there were limits to HDC’s effectiveness as an advocate. As a mediator, HDC was unable to advocate certain positions as vocally and as strongly as it did with the international community. For example, during the COHA talks, both parties agreed to strike an article that stated that civil society leaders imprisoned for their political views would be released. Because both parties accepted this omission, it was difficult for HDC to intervene and insist that it be included in the final text.

HDC’s advocacy did have an effect on certain leaders of Acehnese civil society and some key actors in Jakarta political circles. Since it was first proposed by HDC in

January 2000, dialogue became a viable option to resolving the conflict, and for some groups, including local human rights organizations, the only way to end the violence in the province.

There were negative consequences of drawing attention to Aceh. Because the views of the parties became more visible and public, Acehnese society became polarized into pro-GoI or pro-GAM camps. By bringing together the belligerents, HDC increased their legitimacy which eventually forced the Acehnese to choose a side or be threatened by the other, often a matter of life or death. As a result, those of the “silent middle” were even more reluctant to speak out, allowing GAM to once again to claim itself the true and only voice of the people.

In addition, because the parties’ felt the need to make their positions more public, it was difficult for them to retract statements and policies that might have been easily withdrawn had they been expressed privately. For example, both sides misconstrued the issue of autonomy vs. independence in the months after 9 December, effectively pushing the COHA to the point of collapse. Now, because the positions of both parties are crystal clear and the benefits of the COHA’s delayed negotiation technique have disappeared, any future round of negotiations will be forced to deal with the problem head on – a formidable challenge indeed.

## V. Conclusion

HDC's initiative in Aceh was unique and innovative. Beginning with the mediation of negotiations on a peaceful solution to the long-standing, violent conflict and culminating in the implementation of a ceasefire and an international monitoring mechanism, it marked the first time that a non governmental organization had been involved in peace making and peace building to such an extent.

Political leverage from the Wise Men and donor governments ensured that HDC, as an independent organization, benefited from increased credibility, and that the GoI and GAM were under pressure to adhere to their agreements. Without this leverage, the dialogue process would not have progressed as far as it did. Increased international attention to the situation in Aceh also helped move the process forward. Although it was somewhat constrained as a mediator, HDC effectively became an advocate for the respect of humanitarian principles in the region and for the dialogue process.

From January 2000, HDC's initiative built up an enormous amount of confidence and trust between the two parties. Needless to say, this disappeared rapidly when the COHA started to collapse and both sides publicly flung accusations at each other and resumed hostilities. As a mediator, HDC had no power to stop this from happening, although at other times during the negotiations, such as when both parties discussed the merits of including civil society in the dialogue process, HDC was conscious that it did have influence over the parties and was ready to use it.

Building on the HP and all other previous agreements between the GoI and GAM, the COHA laid out a feasible framework for negotiations leading to a political solution to the conflict in Aceh. Not only did it provide for a ceasefire and other confidence building measures, it locked the parties into a political process that would allow them to resolve their differences once and for all.

The collapse of the COHA was due to many complicated factors, the most serious of which was a lack of political will to let the agreement run its course. The GoI saw it as a final solution and GAM manipulated it in the short term. Its opacity became a problem, and non-security issues were not addressed. The last ditch talks in Tokyo proved that there was no longer any room for negotiation on these contentious issues and the Agreement broke down.

Nevertheless, the COHA empowered both sides to work for peace and showed them that with their political will, a peaceful solution to the conflict was possible. It also showed the Acehnese people that peace was achievable and that they could and would have a role in determining their future through a democratic government

HDC still believes in a peaceful end to the conflict, and that a solution can be found through dialogue. It is still committed to doing its utmost to achieve that goal. Now, armed with lessons from the past, it is ready to once again accompany and encourage both parties down the long road to peace, should a new opportunity arise.

## **Annex 1** **Overview of the conflict**

### **Origins of the conflict**

Situated at the northern tip of Sumatra in a mountainous region rich in natural resources, Aceh is a strategic area that has been coveted over the centuries by sultans and colonial powers alike. Until the late 19<sup>th</sup> century, Aceh was an independent and successful sultanate, ruled for a considerable period by the Sultan Iskandar Muda who ushered in a golden age of culture and trade. In 1873, Aceh was invaded by Dutch forces who attempted to consolidate their influence over the entire Indonesian archipelago by extending their reach into Sumatra. It took them 40 years to conquer the fiercely independent Acehnese, a fact that continues to be contested by the GAM who claim that Aceh was never defeated.

The Dutch ruled the region until the outbreak of World War II, at which point the Japanese occupied Indonesia, as well as Aceh. After the Japanese surrender in 1945, Aceh joined the newly emerging Indonesian nation in its fight against the returning Dutch colonists. However, during the early 1950s, frustration and increasing disillusionment with Jakarta's leadership led Daud Beureueh, a leading Acehnese Ulama, to call for the creation of an Islamic republic, and thousands rallied around his cause. In 1959, after years of fighting, Aceh was granted "special status" within Indonesia, with control over its religion, customary law and education. Relative calm reigned in the province until a decade later when Suharto forcibly took control of the country, and began to implement his New Order policies, centralizing all power and undercutting the influence of Islam.

For the Acehnese, a proud and staunchly Muslim people with an Islamic tradition dating back to the 9<sup>th</sup> century, this meant a weakening of the political and religious power of the Ulama, and more significantly, it meant the exploitation of Aceh's rich natural resources by the central Government in Jakarta. Indeed, the natural gas reserves in North Aceh were to fuel much of the development of the entire nation during the early 1970s. Capitalizing on the desperate situation, Hasan di Tiro, a wealthy businessman and heir to the Acehnese sultanate, declared Aceh independent on 4 December 1976 and proceeded to build up an armed separatist movement, called the Aceh Sumatra National Liberation Front (ASNLF), also known as the Free Aceh Movement (GAM).

To counter GAM's increasing influence and control, the Government launched a military operation in the province that lasted for a full decade. Rights groups claim that thousands of innocent civilians were killed during the Area of Military Operations period (DOM), which solidified GAM's hold on the population. It was not until President Habibie rose to power in 1998 that Government troops were finally withdrawn from Aceh, and an official apology was made to the Acehnese people. Several months later, Abdurrahman Wahid replaced Habibie as President, and initiated the first face-to-face talks with the GAM leadership in Stockholm, facilitated by HDC.

### **Acehnese grievances**

Thus, the Acehnese have suffered and fought for many decades to be free from the violence and oppression that war and conflict has brought them. Their grievances, mainly against Jakarta rather than GAM, take many forms, including political and religious domination, economic exploitation, and military aggressiveness. These grievances are intricately linked to sources of instability within Indonesia as a whole. Indeed, the country suffers from a lack of stable governance due to a shaky transition to democracy, severe economic hardship after the collapse of the growth economy in 1998, and a disorganised and uncoordinated process of decentralization which has caused serious confusion and rivalry among regional and local governments.

Other sources of national instability include the negative impacts of Indonesia's national transmigration program, begun in 1969, which has fuelled communal tension, the uncertain role of the military, which still manages to maintain its involvement in all aspects of Indonesian politics, civil society and the economy, and, of course, the rise of new separatist movements across the country after the independence of East Timor.

In the wake of the imposition of martial law in Aceh on 19 May 2003, the grievances of the Acehnese people have once more come to the forefront, and are directed as much towards GAM as towards the Government. Now, as before, the Acehnese want only one thing: an end to the violence and a return to normalcy.

## **Annex 2** **Key actors**

The two key actors in the conflict are the GoI and GAM, including their leadership, Aceh-based representatives and armed elements. Added to the picture are students, religious groups, intellectuals, NGOs, the business community and the international community.

### **Government of the Republic of Indonesia (GoI)**

Since the election of President Wahid in October 1999, the policy of the civilian government has largely been to favour a process of dialogue to find a lasting solution to the conflict in Aceh. It is opposed to international intervention, as was the case in East Timor, and insists that their dialogue with GAM be expanded to include all aspects of Acehnese society.

It is also opposed to independence for Aceh, and insists that its autonomy package for the region is sufficient. The national security forces, on the other hand, desperate to maintain their role in the new democracy, seem to believe that the problem can only be solved through a military operation. Jakarta has told HDC that so long as its policy is to negotiate with GAM it will accept the facilitation of HDC. It has also made it clear to GAM that it will not accept mediation by the UN or by other governments.

### **President Megawati (President Wahid)**

In principle, President Megawati supported the dialogue process when she rose to power in August 2001. However, since then she has had to appease the TNI and their desire for increased political power despite the reforms initiated under her predecessor. This has led her to favour their interests over dialogue, most notably during the last weeks of the COHA when the military hardliners were pushing for martial law and a forceful military strike on GAM. Her views are not widely known, yet she has maintained control over important decisions regarding Aceh.

While in the driving seat, President Wahid was an eager proponent of dialogue with GAM, and was receptive to HDC's proposal for initial talks on humanitarian issues. He was, however, constrained in his room for maneuver by those in the military anxious to maintain their political power.

### **GoI civilian leadership**

A majority of Cabinet members are against dialogue with GAM, and favour a continued military crackdown on the separatists to root them out once and for all. When President Megawati first formed her cabinet, there were two exceptions, however: Foreign Minister Hassan Wirajuda, former Chief Negotiator to the talks, and the Coordinating Minister for Political and Security Affairs, Susilo Bambang Yudhoyono. Wirajuda initiated dialogue with the GAM, but lost much of his influence on Aceh policy upon becoming Foreign Minister. Bambang, on the other hand, had the ear of the military – being a retired General himself – and was well-respected in Jakarta. After the imposition of martial law in May 2003, however, he has voiced public reservations about returning to the dialogue process.

Other proponents of dialogue during the COHA negotiations in league with Bambang were the Chief of Police, Da'i Bachtiar and the Chief of TNI, Endriartono Sutarto,

both moderates. The Chief Negotiator for the talks, Ambassador Sastrohandoyo Wiryono, was also a proponent of dialogue, although without an official government post, was often cut out of key policy decisions. The Chief of Army, Ryamizard Ryacudu, is a staunch opponent of the process, and frequently speaks out against it.

As for the GoI elected representatives, they were partisan, outspoken, and frequently shift positions in order to survive the political typhoons in Jakarta. Conservative members lost no opportunity to criticize the Government's decision to let a foreign organisation deal with the domestic problem of Aceh. Speakers of the People's Consultative Assembly (MPR) and National Legislature (DPR), Amein Rais and Akbar Tanjung, respectively, were both supportive and critical of HDC's initiative, depending on the way in which political winds were blowing in Jakarta.

At the provincial level, Governor Abdullah Puteh held the reigns of power tightly to his chest, and did his utmost to retain as much as possible of the additional resources allocated to Aceh after the Special Autonomy Law was passed. As a consequence, humanitarian and development activities, badly needed in the province after decades of conflict, were never implemented, let alone the special programmes provided for under Special Autonomy. The Deputy Governor, Azwar Abubakar, was a strong supporter of dialogue, and attended several dialogue sessions in Switzerland.

### **GoI military leadership**

Although for the most part unified, the military leadership was split into those in favour of the reform process and those clinging to the old system of military dominance. As a whole, the military was conscious of the fact that they were in the spotlight, and were increasingly accused of human rights violations, especially in East Timor and Aceh. The old guard was keen to maintain the territorial system, which allows for soldiers to be stationed at every administrative level of Indonesian society, and provides a constant source of income to supplement the inadequate state funds. For the most part, the military feared the rising influence and voice of civil society, and in Aceh, placed them in the same category as GAM.

In addition to regular forces in the province, several different contingents of special forces, including the notorious Brimob, are deployed in Aceh. As elsewhere in Indonesia, the police force is charged with internal security, while the military guards international borders. In practice, the TNI dominates the counter insurgency operations against GAM. Troops are relatively unwieldy, badly trained and receive appallingly low pay, causing them to frequently harass local villagers for food, money or other valuables. TNI and Police commanders in Aceh are for the most part puppets of Jakarta and fairly suspicious of HDC in Aceh.

### **Free Aceh Movement (GAM)**

GAM has devoted less attention to political strategy and negotiation than to its armed struggle, believing that its objective of independence (in which it feels most Acehnese agree) is clear cut. It feels let down by the international community in not recognising its right to self-determination. It also draws on what it sees as a series of broken promises by "Javanese colonialists" for much of its anger, seeing the Acehnese as straightforward people who keep their word. It has moved from a policy of insisting on independence to allowing for a referendum on the issue, thus placing it closer to the views of non-GAM organisations like SIRA. It stresses that GoI is mistaken in

assuming that Acehnese who are not GAM members are thereby opposed to independence, claiming that the great majority of Acehnese if given free choice would opt for independence whether GAM members or not.

GAM made no secret of its desire for international support, but was aware that no government supports its struggle. A number of governments made this clear in direct contacts with GAM leadership. GAM welcomed the role of HDC and frequently stated that without this third party involvement, it would break off contacts with the GoI. GAM preferred a third party facilitation with more leverage than HDC (e.g. the UN or a neutral government) and told HDC that it believed HDC had been humiliated by the GoI, for example through the arrest and imprisonment of GAM negotiators and the harassment of HDC staff in Aceh.

### **GAM political leadership**

The GAM delegation is formally led by Dr. Zaini Abdullah, but in practice by Malik Mahmoud. The latter is a Singaporean citizen of an old Acehnese family. He is highly intelligent and has a capacity for strategic analysis and the ability to make compromises. He has a business and military background and stays in touch with GAM field commanders on a regular basis, giving instructions on all matters relating to GAM activities.

Hasan di Tiro remains a generally revered leader not least because he led the GAM forces in Aceh between 1976 and 1978, including their declaration of independence on 4 December 1976. He is a gentleman, with firm notions of honour and civility. He is unequivocal in his desire for independence, drawing on the history of Acehnese opposition to the Dutch.

The GAM political leadership in Aceh were split into old and new guard. The old guard included Elyas, Sofyan Ibrahim Tiba, notorious for his provocative and bewildering public statements, and Tgku Mohammed. They had been members of GAM for years, and refused to compromise on GAM's ultimate aim of independence. The new guard, including Kamaruzzaman, were more open to collaborating with civil society, and reflected GAM's moderate views.

### **GAM military leadership**

In Aceh GAM forces were led by Tgku Abdullah Syafei until he was killed by GoI soldiers in February 2002. He was a charismatic figure with long experience in the field. In his place, Tgku Muzakkir Manaf, also an experienced military man rose to take command of the troops. The military leadership in Aceh was extremely loyal to Stockholm, always deferring political issues and declaring their allegiance to di Tiro and his clan. Some military commanders were more outspoken than others, and respond to GoI provocation with their own threats. GAM forces were also notorious for extorting from the people, claiming that they have the right to collect "taxes" from the population.

### **Students**

The students in Aceh were well organized and active. There are several different on and off-campus groups, including SIRA, that rally the people around calls for a referendum, reform, or improved local governance. In general, they benefit from the

support of the people. Some groups supported the dialogue process, while others were critical of it not including civil society leaders.

### **Religious groups**

The Ulamas are a very well-respected group in Aceh. Historically, they played an important role in the development of the region, but are still recovering from the tight controls imposed on them by Suharto. Imam Suja, the head of Muhammadiyah in Aceh, played an important role in the dialogue process, and was crucial to convincing the GAM leadership to sign the COHA in December 2002.

### **Intellectuals**

During the New Order, Acehnese intellectuals were targeted and suppressed. They were therefore very reluctant to speak out on political issues during the dialogue process, and remained behind the scenes. The murder of several university professors and rectors in 2000 and 2001 resulted in their further withdrawal from political affairs.

### **Non-governmental organisations (NGOs)**

Similar to student organisations, the Acehnese NGOs sprouted up by the hundreds after the fall of Suharto. They are especially active in providing humanitarian and development assistance to IDPs, and in campaigning on human rights issues. They are fairly disorganized, despite the existence of several different umbrella groups. They often attack the dialogue process for not moving quickly enough, and chastise both sides for not holding to their agreements. The GoI is extremely suspicious of NGOs, and consider them GAM supporters. The GAM were reluctant to include them in the dialogue process, however.

### **Business community**

The Acehnese business community was strongly attached to the New Order regime, and therefore maintained close contacts with the local military leadership. It is often a target by GAM for extortion, adding to the costs of their operation. The American company Exxon Mobil is the largest investor in the province, and most profits go directly to Jakarta. Despite attempts by HDC to include Exxon Mobil in the dialogue process, it was uninterested, and was solely focused on profit and company gain.

### **International community**

During the three years of dialogue, the international community was not actively engaged in Aceh except for a brief period before and after the signing of the COHA. In particular, Japan, the United States, the European Union and the World Bank hosted a “Preparatory Conference on Peace and Reconstruction for Aceh” in December 2002 in Tokyo, Japan, to raise funds for initiatives in the province. After the COHA was signed, the hosts, later known as the Tokyo co-chairs, issued public statements at crucial points during the COHA implementation, and were closely involved in the Tokyo Joint Council negotiations.

Separately, the Norwegian Government provided financial support for HDC’s Aceh initiative from its very beginning in September 1999, and continued its support through the implementation of the COHA.

As for the UN, various agencies such as Unicef and the World Health Organisation (WHO) maintained representatives in Banda Aceh when the security situation allowed it, and OCHA established a liaison office shortly after HDC began work there. Several international NGOs, such as International Catholic Migration Commission (ICMC), Oxfam and Save the Children (US) also maintained offices in Banda Aceh and worked frequently at the district and village level with local partners.

**Annex 3**  
**COHA**

**Cessation of Hostilities  
Framework Agreement Between  
Government of the Republic of Indonesia  
And the Free Aceh Movement**

**Preamble**

The Government of the Republic of Indonesia (GoI) and the Free Aceh Movement (GAM) have been engaged in a process of dialogue since January 2000 and concur that the priority in Aceh is the security and welfare of the people and therefore agree on the need for finding an immediate peaceful solution to the conflict in Aceh. On 10 May 2002, the GoI and GAM issued a Joint Statement set out below:

1. On the basis of the acceptance of the NAD Law as a starting point, as discussed on 2-3 February 2002, to a democratic all-inclusive dialogue involving all elements of Acehnese society that will be facilitated by HDC in Aceh. This process will seek to review elements of the NAD Law through the expression of the views of the Acehnese people in a free and safe manner. This will lead to the election of a democratic government in Aceh, Indonesia.
2. To enable this process to take place both parties agree to work with all speed on an agreement on cessation of hostilities with an adequate mechanism for accountability of the parties to such an agreement. This will also provide the opportunity and environment for much needed socio-economic and humanitarian assistance to the people of Aceh.

The GoI and GAM share the common objective to meet the aspirations of the people of Aceh to live in security with dignity, peace, prosperity, and justice. In order to meet the aspirations of the people of Aceh and permit them to administer themselves freely and democratically, the GoI and GAM agree to a process which leads to an election in 2004 and the subsequent establishment of a democratically elected government in Aceh, Indonesia, in accordance with the review of the NAD Law, as provided for in point 1 of the 10 May 2002 Joint Statement.

To this end, the GoI will ensure and GAM will support the development of a free and fair electoral process in Aceh, which will be designed to ensure the broadest participation of all elements of Acehnese society.

In light of the delicate nature of the confidence building process, the GoI and GAM further appeal for the support of all elements of society and request that no party undertake any action which is inconsistent with this Agreement and may jeopardize the future security and welfare of the people of Aceh.

The immediate requirement is to ensure the cessation of hostilities and all acts of violence, including, intimidation, destruction of property and any offensive and criminal action. Offensive and criminal action is deemed to include violent actions such as attacking, shooting, engaging in torture, killing, abducting, bombing, burning,

robbing, extorting, threatening, terrorising, harassing, illegally arresting people, raping, and conducting illegal searches.

Throughout the peace process the maintenance of law and order in Aceh will continue to be the responsibility of the Indonesian Police (Polri). In this context, the mandate and mission of Brimob will be reformulated to strictly conform to regular police activities and as such will no longer initiate offensive actions against members of GAM not in contravention of the Agreement.

The JSC will be the point of reference for all complaints regarding police functions and action that are deemed to be in contravention of the spirit and letter of the Cessation of Hostilities (COH) Agreement. As such, the JSC will be responsible for defining, identifying and investigating when and if the police have breached their mandate.

With this general understanding, and to bring the peace process forward to the next phase, both parties hereby agree on the following:

### **Article 1: Objectives of the Cessation of Hostilities and All Acts of Violence**

- a) Since both sides have thus agreed that, from now on, enmity between them should be considered a thing of the past, the peace process, which is continued by an agreement on this phase, will proceed by building further confidence and both sides will prove to each other that they are serious about achieving this ultimate common objective.
- b) The objectives of the cessation of hostilities and all acts of violence between both parties are (i) to proceed to the next phase of the peace process, as mutually agreed on 10 May 2002 in Switzerland; (ii) to continue the confidence building process with a view to eliminating all suspicions and creating a positive and co-operative atmosphere which will bring the conflict in Aceh to a peaceful conclusion; and, (iii) to enable, provided hostilities and all acts of violence cease, for the peace process to proceed to the next phases, i.e. the delivery of humanitarian, rehabilitation and reconstruction assistance.

### **Article 2: Commitment by Both Sides to Cease Hostilities and All Acts of Violence**

- a) Both sides explicitly express their commitment to meet the terms of this Agreement to cease hostilities and all forms of violence toward each other and toward the people in Aceh, by implementing the steps stipulated in this Agreement. In expressing such commitment, both sides guarantee that they are in full control of, respectively, TNI/Polri and GAM forces on the ground. GoI and GAM commit to control those groups that do not share their objectives but claim to be part of their forces.
- b) Both sides further commit themselves to immediately after the signing of this Agreement to thoroughly inform their respective forces on the ground of the terms of this Agreement, and to instruct them to cease hostilities immediately.

- c) Both sides agree that, should there be other parties taking advantage of the situation and disturbing the peaceful atmosphere, they will endeavour to take joint action against them to restore the peace.
- d) During this confidence-building period, both sides agree that they will not increase their military strength, which includes re-deployment of forces, increase in military personnel or military equipment into Aceh.
- e) HDC is requested to strictly facilitate the implementation of this Agreement.
- f) Both parties will allow civil society to express without hindrance their democratic rights.

### **Article 3: Joint Security Committee (JSC)**

- a) The senior leadership in charge of security from each side will meet, in order to establish the initial contact and understanding between both sides. They should also (i) reactivate the Joint Security Committee (JSC), which was established during the implementation of the Humanitarian Pause, and (ii) commence discussion, in order to reach agreement expeditiously, on a plan of action for the JSC in discharging its duties.
- b) The functions of JSC are: (i) to formulate the process of implementation of this Agreement; (ii) to monitor the security situation in Aceh; (iii) to undertake full investigation of any security violations; (iv) in such cases, to take appropriate action to restore the security situation and to agree beforehand on the sanctions to be applied, should any party violate this Agreement; (v) to publish weekly reports on the security situation in Aceh; (vi) to ensure that no new paramilitary force is created to assume previous functions of Brimob, and (vii) to design and implement a mutually agreed upon process of demilitarisation. Regarding this last task, the JSC will designate what will be called Peace Zones (see Art. 4(a)). After peace zones have been identified, the GAM will designate placement sites for its weapons. Two months after the signing of the COH and as confidence grows, GAM will begin the phased placement of its weapons, arms and ordinance in the designated sites. The JSC will also decide on a simultaneous phased relocation of TNI forces which will reformulate their mandate from a strike force to a defensive force. The GoI has the right to request HDC to undertake no-notice verification of the designated sites. With the growth in confidence of both parties in the process the phased placement of GAM weapons will be completed within a period of five months (see attached note).
- c) The composition of JSC will be senior officials appointed as representatives of the GoI and the GAM and a senior third party personality of high standing agreed upon by both sides. Each senior official from the three parties are to be accompanied by up to four persons as members. The heads of delegations from both sides have to be senior and have the authority to be able to take decisions on the spot.

The third party (HDC) personality needs to be able to command the respect and high regard of both sides in order to be able to assist in resolving problems, as they arise.

- d) In order to perform these functions, the JSC is to be assisted by a monitoring team or monitoring teams, which would be provided security guarantees by both sides in monitoring the security situation and in investigating any violation.
- e) The composition of each of the monitoring teams are appointed officials as representatives of the High Command of the security forces of the GoI and the High Command of the forces of the GAM in Aceh and a senior third party military officer agreed upon by both sides reporting to the senior third party personality of high standing in the JSC.
- f) JSC and the monitoring team(s) would be provided with the necessary technical and administrative staff and logistical support. The HDC is requested to facilitate the establishment of these bodies by providing the necessary funds, logistical and administrative facilities.
- g) It is agreed upon that the JSC and the monitoring team(s) will be established and be operational within one month of the signing of this Agreement. Civil society has the right to provide inputs to the JSC.

#### **Article 4: Establishment of “Peace Zones”**

- a) Following the signing of the COH Agreement, the JSC, with the direct participation of the senior leadership for security from both sides, will immediately identify and prepare locations of conflict to be designated as “Peace Zones”. This would facilitate considerably the work of the JSC since it could focus its attention on these areas in establishing and maintaining security, and these zones, provided peace could be established, will be the focus of the initial humanitarian, rehabilitation and reconstruction assistance.
- b) For the first two months after the signing, both parties will relocate to defensive positions as agreed upon by the JSC. Adjustments to these locations could be made by the JSC in order to separate the forces of both parties with sufficient distance to avoid contact or confrontation. Forces of both parties will refrain from operations, movements, activities or any provocative acts that could lead to contact or confrontation with each other.
- c) In order to build trust and confidence during these crucial months, these zones and surroundings will be monitored by the tripartite monitoring teams. The JSC will be informed by both parties of any significant movements or activities in these areas.
- d) POLRI will be able to investigate criminal activities in these areas in consultation with the JSC.
- e) The designation of identified areas of demilitarised zones such as schools, mosques, health institutions and public places, bazaars, Acehnese meunasahs, market-places, foodstalls, communication centres including bus-terminals, taxi-stations, ferry-terminals, public roads, river transportation services, and fishing ports.

## **Article 5: Time Frames**

- a) Both sides agree that hostilities and all acts of violence by both sides should cease forever in Aceh.
- b) Both sides also agree that hostilities and all acts of violence during the first three months from the time when the JSC and the monitoring team(s) become operational are very crucial as indicator of the seriousness of the commitment from both sides. If indeed hostilities and all acts of violence could decrease dramatically, or even cease altogether, during this first three month period, the Acehnese and other Indonesian people, and the international community, would consider that the peace process would most likely succeed.
- c) During the period between the signing of this Agreement and the time when the JSC and the monitoring team(s) become operational, both signatories to this Agreement commit themselves to exercise the utmost restraint by not making any public statement that would inflame the feeling and sentiment of the other side, including the people, and by ensuring that their forces will not initiate any hostile act toward the other.

## **Article 6: All-Inclusive Dialogue**

The parties agree to support the process of All-Inclusive Dialogue in Aceh as provided for in the Joint Statement of 10 May 2002. The parties agree to ensure, through this Agreement, the necessary security and freedom of movement for all participants in the All-Inclusive Dialogue to enable the process to be conducted in a safe and fair manner, reflecting the views of all elements of Acehnese society. The parties reconfirm their agreement that the process of All-Inclusive Dialogue be facilitated by HDC.

## **Article 7: Public Information and Communications**

- a) To ensure national and international support for the peace process in Aceh, the Agreement of 10 May 2002, and this Agreement and its implementation have to be publicised as widely as possible within one month of the signing of this Agreement. The process of implementation has to be as transparent as possible and the people have to be regularly informed of the progress made and difficulties encountered.
- b) Communications to the public will be given priority, especially through the print and electronic media. Television and radio programmes have to be devised to enable obtaining inputs from the general public provided that they are conducted in a fair and balanced manner. The JSC remains the final reference on this matter.
- c) Other media, such as community meetings, seminars, flyers, bumper stickers, T-shirts, and others could also be considered, as appropriate.
- d) The HDC is requested to look for sources of funding these public information and communication activities.

## **Article 8: Joint Council**

A Joint Council will be established, composed of the most senior representatives of the GoI and the GAM, and of the third party (HDC). The function of this Joint Council will be to resolve all issues or disputes arising out of the implementation of this Agreement, which cannot be resolved by other Committees or Structures established under this Agreement. The Joint Council may amend the articles and provisions of this Agreement.

## **Article 9: Amendment or Termination**

This Agreement may only be amended by agreement between the two parties in the Joint Council. Should either party wish to unilaterally terminate the Agreement then they are obligated to first bring the issue to the Joint Council and engage in and support all efforts by the Joint Council to resolve the problem within a sufficient period of time (no less than 30 days). If the Joint Council is unable to resolve the matter, then either party has the right to unilaterally withdraw from the Agreement.

For the Government  
of the Republic of Indonesia

Amb. Mr. S. Wiryono

For the Leadership  
of the Free Aceh  
Movement  
Dr. Zaini Abdullah

Witnessed by  
Henry Dunant Centre  
for Humanitarian Dialogue (HDC)  
Mr. Martin Griffiths

## **Explanatory Note for Article 3b**

This note is intended as HDC's interpretation of the clauses in the Framework Agreement relating to GAM weapons (Article 3) and provide guidance in the manner to carry out the responsibilities assigned to the HDC in that part of the Agreement.

By this Agreement the GAM has agreed to place its weapons in designates sites according to the time period outlined in Article 3b. These sites will be designated by GAM and their location communicated to HDC.

It is our interpretation that under the agreed upon system, GAM will not be able to move the weapons that have been placed in the designated sites without the consent of HDC. GAM has to comply with the request of HDC to conduct no-notice inspections at any time.

HDC will keep the JSC informed of the results of these visits i.e. that the sites visited contain the weapons place there and whether they continue to remain in the designated sites. Any breach will be communicated to the JSC.

Martin Griffiths  
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Henry Dunant Centre for  
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