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碩 士 論 文

亞齊和平進程與歐盟在亞齊監督特派團中角色之研究

**A Study of the Aceh Peace Process and the European Union's
Role in the Aceh Monitoring Mission**

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Abstract

With the signing of the Memorandum of Understanding (MoU) between the Government of Indonesia and the Free Aceh Movement (GAM) on August 15th, 2005 in Helsinki, Finland, a potential new era for peace in Aceh can be realized. This MoU presented Aceh with the best alternative to end the conflict and war for a very long time. Through the latest initiative by the Crisis Management Initiative (CMI) has facilitated the peace negotiations, with the back up from the European Union (EU). The advancement of the EU's security mechanism, together with its constructive global outlook has made it possible for the EU to export its value-based liberal ideals; peace, stability, democracy, human rights and the rule of law. This thesis explained the Aceh peace process and investigated the role of the EU in monitoring the implementation of peace agreement. It also elucidated why they want to involved itself in first ever European Security and Defense Policy (ESDP) mission in Asia-Pacific. The EU played an important role in Aceh Monitoring Mission (AMM) in conjunction with five ASEAN countries. The EU monitoring mission in Aceh, Indonesia, is part of the EU's ambition to play a greater role in international politics. The EU's role as an organiser, financier and a guarantor of the peace process leads to the success of the Aceh Monitoring Mission (AMM) and cited as a model for future international peace operations.

Keywords: *Aceh, ESDP, Indonesia, Aceh Monitoring Mission, Conflict Resolution*

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GLOSSARY AND ABBREVIATIONS

ALA	Asia and Latin America
AMIS	African Union Mission in the Sudan
AMM	Aceh Monitoring Mission
ASEAN	Association of South-East Asian Nation
AWG	Aceh Working Group
BRA	<i>Badan Reintegrasi Damai Aceh</i> (Aceh Reintegration Board)
<i>Brimob</i>	<i>Brigadir Mobil</i> (Mobile Police)
<i>Bupati</i>	Regent
CFSP	Common Foreign and Security Policy
Civ / Mil Cell	Civilian Military Cell
CMI	Crisis Management initiative
COHA	Cessation of Hostilities Agreement
COSA	Commission on Security Arrangement
DI	<i>Darul Islam</i>
<i>Divide et impera</i>	Divide and rule
DOM	<i>Daerah Operasi Militer</i> (Operational Military Zone)
DR Congo	Democratic Republic of Congo
EC	European Community
ECSC	European Coal and Steel Community

EEC	European Economic Community
ESDP	European Security and Defense Policy
EPC	European political Cooperation
ESS	European Security Strategy
EU	European Union
EU BAM Rafah	EU Border Assistance Mission at Rafah
Eujust Themis	EU Rule of Law Mission in Georgia
EUPAT	EU Police Advisory Team in the FYR Macedonia
EUPM/BiH	EU Police Mission in Bosnia-Herzegovina
EUPOL COPPS	EU Police Mission in the Palestinian Territories
EUPOL Kinshasa	EU Police Mission in Kinshasa (DR Congo)
EURATOM	European Atomic Energy Community
EUSEC DR Congo	EU Security Sector Reform Mission in DR Congo
FAO	Food and Agriculture Organisation
FYR Macedonia	Former Yugoslav Republic of Macedonia
GAM	<i>Gerakan Aceh Merdeka</i> (Free Aceh Movement)
GDP	Gross Domestic Product
<i>Gegana</i>	The bomb disposal unit
HDC	Henry Dunant Center / Center for Humanitarian Dialogue
HR/CFSP	High Representative of Common Foreign and Security Policy
ICG	International Crisis Group
IGO	Inter-Governmental Organization

IMP	Initial Monitoring Presence
JDA	<i>Jaringan Demokrasi Aceh</i> (Aceh Democracy Network)
IOM	International Office of Migration
LITE	Liberations Tigers of Tamil Elam
LNG	Liquefied Natural Gas
LoGA	Law on Governing Aceh
LoN	League of Nations
<i>Kopassus</i>	Indonesian Army special forces
<i>Madrasah</i>	Islamic School
MILF	Moro Islamic Liberation Front
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
NII	<i>Negara Islam Indonesia</i> (Islamic State of Indonesia)
NU	<i>Nahdatul Ulama</i> (Awakening of the <i>Ulama</i>)
PSC	Political and Security Council
RRF	Rapid Reaction Force
RRM	Rapid Reaction Mechanism
<i>Pancasila</i>	The Five Principles foundation of the Indonesian State
<i>Paskhas</i>	Indonesian Air Force special forces
POLRI	Police of the Republic of Indonesia
Proxima	EU Police Mission in the Former Yugoslav Republic of Macedonia
PSC	Political and Security Committee

PUSA	<i>Persatuan Ulama Seluruh Aceh</i> (All Aceh Ulama Association)
<i>Qanun</i>	Arabic term and is used in Aceh to denote local law
SIG	Indonesian Tactical Intelligence Unit
<i>Sharia</i>	Islamic Law
SIRA	<i>Suara Independent Rakyat Aceh</i> (Acehnese Independent Vote)
SIRA	Aceh Referendum Information Center
TAM	Technical Assessment Mission
TEU	Treaty of European Union
TNA	<i>Tentara Nasional Aceh</i> (Aceh Military Forces)
TNI	<i>Tentara Nasional Indonesia</i> (Indonesian Military Forces)
UK	United Kingdom
<i>Ulama</i>	Clerics
<i>Uleebalang</i>	Aristocrat land owner
UN	United Nations
UNPROFOR	United Nations Protection Force
UNSCR	United Nations Security Council Resolution
US	United States
WEU	Western European Union
WW I	World War One
WW II	World War Two

MAPS OF ACEH – INDONESIA



CHAPTER ONE

INTRODUCTION

1.1 Motivations and Purposes

Conflict resolution in Aceh is a significant international development and it has wider ramifications in terms of international progress. After the end of the Cold War there is an opportunity to make a break with the way that international affairs had been conducted under bipolarity. This situation leads to greater inter-state dialogue and cooperation where peace has been given a greater chance.

Finally peace has come to Aceh. The Indonesian Province has suffered for three decades through the armed conflict. On August 15, 2005 in Helsinki, the Indonesian government and the Free Aceh Movement (*Gerakan Aceh Merdeka* – GAM) concluded a Memorandum of Understanding (MoU) pave the way for the resolution of the conflict that has lasted for nearly thirty years.

The MoU was facilitated by the Crisis Management Initiative (CMI) with backing from the European Union (EU). The EU also played an important role in overseeing the implementation of the agreement. In order to impartially implement the peace agreement, the Aceh Monitoring Mission (AMM) was established comprising the EU and five Association of South-East Asian Nations (ASEAN) member countries. Officially launched on 15 September 2005, the AMM presence is based on an official invitation from the Indonesian government and the support of GAM leadership.

The inclusion of ASEAN representation in the AMM was thought to appease members of the Indonesian government who insisted the initiative have a more local component. Indonesia's experience with the United Nations (UN) in East-Timor

made it virtually impossible to have direct UN involvement in the talks or the implementation process.¹ The government did not want to internationalize the Aceh problem because for them it was an internal matter. The EU in conjunction with the ASEAN both are acceptable actor to deal with the implementation of Aceh peace process.

The EU has been praised for its successful role as the guarantor of the peace process in Aceh, Indonesia. The United States mediation role has been a paramount, this EU-led monitoring mission cited as a model for future international peace operations. For the European Union the AMM represented a test case for the newly established civilian crisis management mechanisms within the framework of the European Security and Defense Policy (ESDP) and demonstrated the ability of the EU to live up to its vision of being a credible global actor in international politics as proclaimed in the European Security Strategy (ESS).

The EU monitoring mission in Aceh, Indonesia, marks a new step on the path of the Union to become a global player. Endowed with a robust mandate including monitoring demobilization, the decommissioning of arms, the withdrawal of government forces, the reintegration of former combatants and the launch of a new political process. This new ESDP mission has so far provided an effective contribution in ending years of fighting and paving the way to sustainable peace.

This thesis investigates the Aceh peace process and EU's role in overseeing the implementation of peace agreement. It led a civilian security mission on AMM in conjunction with some ASEAN member countries. The provisions of the peace agreement which leads to question about the role of EU-led monitoring mission and its approach to fulfilling its tasks. By examining the experiences of the AMM, this

¹ Scott Cunliffe et al., *Negotiating Peace in Indonesia: Prospects for Building Peace and Upholding Justice in Maluku and Aceh* (Brussels: Initiative for Peace Building, 2009), p. 18. http://www.initiativeforpeacebuilding.eu/pdf/Negotiating_Peace_in_Indonesia.pdf, accessed on 30-12-2011.

thesis argues that the AMM was a product of high-level diplomacy used as a tool to serve EU's strategic interests. The AMM's approach to conflict resolution both at the political and operational level resembled traditional peacekeeping operations prioritizing security related and cease-fire monitoring type of activities and focusing on the two former adversaries while showing little understanding towards peace-building aspects like dialogue with civil society or human rights monitoring.

The motivations of writing this thesis are:

- Based on the author's curiosity and interest about the EU-ASEAN relations, particularly its relations with Indonesia.
- Build upon considerations of the EU position in the world order. With its 27 Member States, it combines the population of almost 500 millions and producing a quarter of world's National Product (GNP). This makes the EU became a global player.
- To understand the dynamics of international politics and to know EU's foreign policy around the world. In this case, the ESDP mission in Aceh demonstrated the ability of the EU to become credible global actor in international politics.
- The unique civilian mission and the first ever ESDP mission to the Asia-Pacific region, makes the Aceh case as an interesting study to examine.
- For further research.

The objective of this thesis is to elucidate the peace process in Aceh, Indonesia and to analyse the role of the EU in monitoring the Aceh peace process. Furthermore, the author intends to explain why the EU involved in the Aceh peace process. Hence, the author formulated the aim of the thesis into the form of questions:

- What roles that has played by the EU in Aceh peace process?

- Why did EU want to take up the challenge of its first ever ESDP mission in Asia-Pacific region?
- What were the motives and interests behind the EU involvement in the Aceh Peace Process?

This thesis focuses on the Aceh peace process and the role of EU in implementing peace in Aceh region. The EU was an acceptable force to both sides of the Aceh conflict. The EU's role as a peacefully institution built on multilateralism and developing security instrument, is prominent in post-Cold War era. The development and importance of the EU's security dimension and how it impacts around the world will explain in chapter two. Within this context, EU serves as a force of 'good' to help bring the stability around the world.

1.2 Research Methodology

This thesis will be based upon a qualitative method to examine the EU role and motives in Aceh. "*Qualitative research is a research strategy that usually emphasizes words rather than quantification in the collection and analysis of data. As a research strategy, it is inductivist, constructionist, and interpretivist.*"² The research generated by the author mostly on library research, by collecting data, facts and information that assist the author to examine the content of the thesis. The research process was formulated with the use of both primary and secondary material. Wide ranges of sources were explored to explain the research purpose and provide materials to support the entire of this research.

The thesis analyses the documents and publications provided by EU official, governments and other agencies. The author approaches the problems within a historical context in order to provide a basic argument in explain the Aceh conflict

² Alan Bryman, *Social Research Method* (New York: Oxford University Press, 2001), p. 264.

and as a basic background for clarification of examined issues. However, the main discussion is on the current events that emphasize the role of the EU in Aceh and trends linking the historical context with more recent situation.

In this work, I use various books, journal, articles, newspaper and other relevant documents. The internet was widely used to search the relevant materials, especially for the recent update. The combination of EU primary documents and secondary material was draw upon in the writing of this thesis. The primary documents from the EU-based such as EU press releases, statements, policy documents, summit outcomes, treaties and legal basis. It provides an insight of policy from experts in the field. Secondary material on EU's roles as a global actor, EU's foreign policy and EU in general were also extensively used.

The author utilized the AMM official website in particularly to provide the information about Aceh Monitoring Mission; the purpose, the process, how it works and the outcome. In addition to AMM official website, the use of other sources was widely used to support the completeness of the thesis. This also included mission statements, internal EU research paper, articles on academic journal, academic or institution research, and several working papers. Wide range of sources were used and explored to explain research purpose and provide the comprehensive of the thesis.

1.3 Research Limitation

Although the research has reached its aims, there were some unavoidable limitations:

- This thesis focuses on the Aceh peace process and the role of the EU in Aceh, which is one of the provinces in Indonesia. Although the author is from Indonesia, but the author did not make direct observations to Aceh and/or

conduct interviews to the parties concerned, due to all the limitations that existed during the study in Taiwan.

- Peace talks in Aceh had taken place in early 2000s, before the Crisis Management Initiative facilitated dialogue that produces the Memorandum of Understanding. There was Henry Dunant Center, a Geneva-based NGO that brokered the peace talks, but it failed to bringing peace in Aceh. In this case, the author only focus on the peace talks facilitated by the CMI and did not provided a detailed explanation of the HDC and why it failed.
- Although efforts to restart the peace process began well before December 2004, the tragic devastation caused by Tsunami brought Aceh into the international spotlight, offered ways of linking the construction effort and the peace process. In this regard, the author limits the scope on the discussion of the EU's role in the process of reconstruction and rehabilitation post-tsunami Aceh.

1.4 Literature Review

There are a number of publications written on the EU involvement in Aceh, but mostly talked about EU's humanitarian aid in the Aceh post-Tsunami. In this thesis the author intends to explain the role of the EU in Aceh, particularly in conflict resolutions. The thesis conducted a literature review from wide sources such as official documents published by European Union, Aceh Monitoring Mission official website, to understand the EU's role and purposes in Aceh peace process. There is also the extensive used of books and articles to generated the comprehensive of the thesis.

To understand the EU's agenda in Aceh, there is one of the works published by European Union Institute for Security Studies that discuss about EU mission in

Aceh. Pierre-Antoine Braud and Giovanni Grevi (2005) stated that the EU Monitoring Mission in Aceh marks a new step on the path of the EU to becoming a global player and security provider. The AMM is the central component of a wider range of instruments and measures deployed by the EU in Aceh. The work of Braud and Grevi has supported the author in a further research of the EU's role in Aceh peace process and the motives behind. And this became a stepping stone to look for other sources relevant to the thesis.

This thesis also provides historical background of the Aceh conflict which runs about thirty years. There are several literatures on the Aceh history in general and Aceh conflict in particular that provide a good general overview. When selecting references for this thesis, the author has been chosen for the recognition within the field. In this regard, several works by Anthony Reid provides a general understanding of the history of Aceh and the existing problems. A compilation of Reid's essays on Aceh history from the pre-colonial era until the independence, gave the background to the Aceh conflict. This leads to problems that arose after the emergence of GAM, as a core of this thesis.

In the end, the use of other literatures related to the topic in this thesis is used extensively to support the completeness of the thesis. The author draw up the materials obtained into chapters which have characteristics of each and inter-related between the chapters.

1.5 Thesis Structure

This thesis was divided into six chapters. Each chapter has their own characteristics but inter-related chapters as a whole.

Chapter One: Introduction

The first chapter is an introduction. This is the beginning of the study, which introduces what the author wants to explain. It gives a brief summary of the main thesis and also introduces the research objectives. This part consists of: Motivations and Purposes, Research Methodology, Research Limitations, Literature Review, and Thesis Structure.

Chapter Two: EU's Security Developments in Post Cold-War Era

This chapter explains EU's security developments after the Cold War era. EU as a symbol of institutionally building after WW II was formalized into a political entity in 1993. Constellation of international politics after bipolarity brought the challenges and opportunity for EU as a global actor. In this part emphasize on the evolution and creation of the ESDP. The greater EU ambitions with renewed liberal ideals, the ESDP has become a formalized EU institution and has expanded the EU's external role. Several missions have been executed under ESDP such as in Western Balkans, Africa, Middle-East and to South-East Asia. The EU mission in Aceh was the first ever in Asia. The ESDP is not serve as a tools for EU to expand its position or seeking for power and prestige; most missions are civilian natured that largely focusing on civilian crisis management and not an attempt to execute large-scale military power. The case that the EU is predominantly liberal-driven strengthen by explored the key documents such as the European Security Strategy (ESS).

Chapter Three: An Overview: A Brief Exploration of Aceh

This chapter provides a historical background of the Aceh. It begins with brief introduction of Aceh including the location, geographical, population and the society. What follows is a discussion of Aceh history from the pre-colonial period to the independence. Why the author took this part so far in the past? Because Aceh is a unique region and to understand the Aceh rebellion we need to trace back the rich history before independence. The rebellion and violence had routinely taken place in Aceh's history long before the conflict between separatist GAM and Government of

Indonesia through Indonesian military. Aceh well-known for its political independence and resistance to outside control, whether former European colonist or by the Indonesian government.

Chapter Four: The Aceh Conflict and the Transition to Peace

This chapter describes the dynamics of conflict in Aceh and the transition to peace. It explains the causes of the emergence of the Free Aceh Movement (GAM) that began in 1976. But the first “Aceh problem” can be trace back since the uprising of Darul Islam (DI) in 1953. This part provides a timeline of the rebellions from 1953 until 2003. Various ways of conflict resolution have done by Indonesian government, but during the Soeharto regime most of settlements were military approach. The downfall of the Soeharto administration in 1998 marked the transition from military regime to democracy and brought a fresh air for Indonesian political scene. This also became a new hope for resolving Aceh problem that lead to the peace negotiations. The devastating Indian Ocean tsunami that hit Indonesia, especially in Aceh, on December 2004, that was like “change everything” in Aceh. This brought Aceh into international spotlight and created an opportunity for change, made it politically desirable for Indonesian government and GAM to work towards a peace settlement. These changed dynamic led directly to the Helsinki talks between Indonesian government and the GAM under the CMI, with the backing up of the EU. The negotiations were concluded in five rounds and produced a Memorandum of Understanding (MoU).

Chapter Five: The EU Mission in Aceh and Aceh Monitoring Mission

The EU engagement in Aceh peace process and the Aceh Monitoring Mission (AMM) is the focus of chapter five. As part of the Helsinki agreement, the EU-led AMM was set up. Along with the tsunami relief and reconstruction efforts, Aceh conflict resolution provided an opportunity for the EU to help realize its goals as an effective and responsive international mediator in crisis management. It has helped bring EU’s liberal values to sustained peace by delivering a list of institutional mechanism from

justice to human rights and democracy. This was EU first mission to the Asia-Pacific region and is one example of the EU external role around the world. This chapter identifies the EU's significant role in bringing peace come to Aceh. The mission has helped advance EU-ASEAN relations by the constructive engagement with Indonesia as jointly run mission and it has a wider implications. These are explained as key EU exports to Aceh, resting on peace and security, effective multilateralism and democratic institutionalism. These principles justify the EU's liberal agenda in Aceh with a key concentration on the ESDP and the ESS as driving forces behind EU actions. The EU exporting its values of peace and security, which is correspond to the optimistic post-Cold War forecast of international cooperation and conflict resolution. These also help explain the reason for the EU's involvement in Aceh, with greater ambitions and the emergence of EU's global role.

Chapter Six: Conclusion

This is the conclusion chapter. It summarized the thesis chapter by chapter and then concluded the aim of the thesis. This part answered the thesis question that arose before. The EU monitoring mission in Aceh, Indonesia, marks a new step on the path of the Union to becoming credible global actor. This reflects the use of 'soft power' to expand the EU's key export values to bringing peace, stability, multilateralism, democracy, human rights and the rule of law. The EU's role in Aceh peace process: as a facilitator of the peace monitoring, financing the peace process and humanitarian aid, and as a main guarantor of the Aceh peace process.

CHAPTER TWO

THE EU's SECURITY DEVELOPMENTS IN POST-COLD WAR ERA

The EU is not an island, it's a part of a global community. For large parts of the world, the world Europe itself has become associated with a philosophy of humanity, solidarity and integration. Therefore the EU has to play a bigger role to work for the 'global common good.'³

(Javier Solana, EU High Representative for the CFSP)

The European integration process is first and foremost a peace project. The EU has come along way since its establishment at the European Coal and Steel Community (ECSC) in 1951 by fifth founding member; Germany, Italy, France, Belgium, Netherland, and Luxemburg.⁴ The success that the EU has encountered by preventing violent conflicts from reoccurring within its borders rapidly leads one to the idea that the EU can also contribute to the prevention of conflicts outside its territory.⁵ This chapter analyses international outlook in the post-Cold War era, the EU's growing institutional capability, and in particular its security dimension. The chapter briefly explores EU history, identity and institutional form, and gives a framework of the EU's international role. What Followed, are the important post-Cold War developments and EU actions in the immediate post-Cold War era. The early missions were largely failures but they provided a catalyst to develop an effective EU response and security apparatus. The consequent development of the European Security and Defence Policy (ESDP) and a number of associated treaties and documents are then elucidated. Following, is a brief discussion on the ESDP

³ Javier Solana, 'The Future of the European Union as an International Actor', speech at Konrad Adenauer Foundation, Brussels, 24 January 2005. In Ole Elgstrom and Michael Smith (eds.), *The European Union's Roles in International Politics: Concepts and analysis* (Oxon, NY: Routledge, 2006), p. 11.

⁴ Peter N. Stearns (ed.), *Encyclopedia of European social history from 1350 to 2000* (New York: Charles Scribner's Sons, 2001), p. xxxiv.

⁵ Vincent Kronenberger and Jan Wouters (eds.), *The European Union and Conflict Prevention* (The Hague: T.M.C. Asser Press, 2004), p. XVII.

missions around the world. This introduces the AMM and its significance as the first mission to the Asia-Pacific and its status as a joint EU-ASEAN operation. There are a number of positive regional affects of the AMM that the chapter indentifies. It is expected that all these will provide an insight on prospects for further EU engagements that reflect its enhanced external role.

2.1 International Institutional Developments

The present-day international system is the product of a particular civilization – Western civilization, centered in Europe.⁶ Multilateralism is an important lens for liberal-advocated International Relations. It is when three or more actors engage in a broad range issues, which are characterized by rules, norms and decision making.⁷ Beyond multilateralism is the idea of a ‘political community’; this arrangement is best described by integration theory as an explanation to why states choose to integrate.⁸The creation of Inter-Governmental Organizations (IGO) are key multilateral developments that are formed at regional or international level. The EU as a regional and the UN as an international IGO are lead examples.

European multilateral engagement is centuries old. The Concert system, under the 1815 Treaty of Chaumont, brought together the four major victors of the Napoleonic wars (Austria, Great Britain, Prussia, and Russia). This system attempted to bring European stability by reducing inter-state confrontation.⁹ This development of the European Concert loosely coincides with classical liberal ideas on formalized inter-state cooperation. Important multilateral decision-making tools to advance common interests paved the way for this initiative. The beginning of the 20th century

⁶ Joshua S. Goldstein, *International Relations* (5th ed.) (Washington D.C.: Longman, 2003), p. 24.

⁷ James E. Dougherty and Robert L. Pfaltzgraff, *Contending Theories of International Relations: a Comprehensive Survey* (4th ed.) (New York: Longman, 1997), p. 420.

⁸ *Ibid*, p. 420-422.

⁹ Kees Bote Keizer, *Effective Engagement: the European Union, liberal theory and the Aceh peace process* (Christchurch: University of Canterbury, 2008), p. 42.

witnessed two crises that the Concert dealt with successfully: British and French territorial disputes in Egyptian Sudan and colonial disputes in Morocco. However, following these disputes was the 1908 Austrian annexation of Bosnia-Herzegovina which went unresolved; the four-year long WW I followed.¹⁰

While there were successes under the Concert system, overall it was largely ineffective. A major flaw was that to reach any decision, consensus among great powers was necessary. After WW I, there was hope for a renewed collective security system with an entirely new method to bring-about and uphold peace.¹¹ US President Woodrow Wilson lead the way by attempting to create a liberal-orientated international convention built on peace and prosperity. Point 14 of Wilson's famous 14-point speech in 1918 laid the foundation for a new diplomatic structure under the League of Nations (LoN), arguing that: "*A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike.*"¹²

However, the US failed to ratify the LoN, and along with the withdrawal of the Soviet Union, Italy, Germany and Japan, international order again broke down through two initial invasions: Japan in Manchuria and Italy in Ethiopia. These events destroyed the renewed hope for the collective security ideal as WW II followed.¹³

With the end of the WW II (1939-1945) – the defeat of Nazi Germany and Imperial Japan – a new hope for global security arose with the establishment of the UN.¹⁴ The next 15-20 years saw large-scale legal and institutional developments. Among them is the UN's role to facilitate international progress in the economic and social spheres, and in other aspects such as human rights. In addition, international

¹⁰ Evan Luard, *Basic Text in International Relations: the evolution of ideas about international society* (New York: St. Martin's Press, 1992), p. 453.

¹¹ Ibid, p. 460.

¹² Woodrow Wilson's Fourteen Points, http://avalon.law.yale.edu/20th_century/wilson14.asp, accessed on 31 January 2011.

¹³ Evan Luard, 1992, p. 462.

¹⁴ Ibid, p. 456.

law, democratization and the proliferation of other IGOs, were further liberal advancements.¹⁵

The European Union has been built through a series of a treaties that represent binding commitments by the Member States. This process began with three separate treaties dating from the 1950s; the ECSC Treaty, the European Atomic Energy Community Treaty (EURATOM), and the European Economic Community Treaty (EEC). The 1957 Treaty of Rome integrated the industries of six European countries: Belgium, France, Germany, Italy, Luxemburg and the Netherlands, to form the EEC. This development was in parallel to the post-WW II international system as described. The EEC aimed to unite its Member States' economies under a single market. Consolidation in 1967 gave rise to the European Community (EC). Expansion in 1973, 1981 and 1986 gave the EC six further members to a total of 12. The 1993 Treaty of European Union (TEU) gave rise to the EU as a political, supranational and intergovernmental institution. Since the TEU's signing in Maastricht, the EU expanded three more times: in 1995, 2004 and 2007 to give it 27 members. The EU, as a large supranational organization deals with a wide range of interstate cooperative mechanisms. Important aspects include the single market and trade policy.¹⁶

2.2 Early Post-Cold War Developments: The EU's Response

After the WW II, the world's configuration turned to a bipolar system. During the Cold War bipolar system, the US and the Soviet Union competed on a global scale and there was a perceived Soviet threat to Western Europe. Unity amongst Western European states was thus desirable and helped to progress the EU project. However, in terms of external action, the EC12¹⁷ were largely impeded to act

¹⁵ E. Keene, *Beyond the Anarchical Society: Grotius, Colonialism and Order in World Politics* (Cambridge: Cambridge University Press, 2002), p. 9.

¹⁶ For more information see <http://europa.eu>.

¹⁷ The 12 member EC at the time, which composed of the original six, Denmark, Greece, Ireland, Portugal, Spain and the UK.

militarily because of constraints imposed upon them by the two superpowers; the EC, thus, lacked in external capability and experience.

Until the collapse of the Soviet Union and the fall of the Berlin wall, the world was living in fear of a third world war but the bipolar configuration showed that it could lead the whole continent in peace-keeping. According to John J. Mearsheimer, “*Bipolarity is the power configuration that produces the least amount of fear among the great powers...Fear tends to be less acute in bipolarity, because there is usually a rough balance of power between the two major states in the system*”.¹⁸ The end of the Cold War brought important international structural changes, especially with new US-dominated unipolar world.

The end of the Cold War changed the international atmosphere and European security could not exist anymore under the US leadership. The collapse of the bipolar structure lead to new security concerns as the Soviet Union retreated from Central and Eastern Europe and war and instability broke out in Yugoslavia. These factors gave rise for both for challenges and opportunities for the EC. Importantly, the new post-Cold War global environment provided the EU with a ‘closer impetus’ for security cooperation.¹⁹ This drawing of a new map of Europe due to the integrating political process offers the possibility to achieve a political influence on the international arena to the EU.

There are several crises took place in the immediate post-Cold War era: the Gulf War and the security concerns of Iraqi Kurds in northern Iraq; the violent dissemination of Yugoslavia; and dual African crises in Somalia and Rwanda. These conflicts provided an opportunity for independent EC involvement, but shortcomings soon transpired. During the 1991 Gulf War, Peter Viggo Jakobsen describes the EC’s

¹⁸ John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York: W.W. Norton & Company, 2001), p. 45.

¹⁹ Seth G. Jones, *The Rise of European Security Cooperation* (Cambridge: Cambridge University Press, 2007), p. 8.

response as militarily, mentally and institutionally unprepared, while the former Belgian Foreign Minister, Mark Eysken, described the EC as “an economic giant, a political dwarf and a military worm.”²⁰ Most EC states (except for France and the UK) lacked in combat experience. The Gulf War demonstrated a major EC shortcoming; any initiative that it took was clearly ‘second fiddle’ to the US response.²¹

Following the Gulf War and despite the end of Iraqi-Coalition hostilities, an EC summit in Luxemburg responded to the plight of northern Iraqi Kurds in the face of Iraqi military aggression – known as the ‘Kurdish Crisis’. During the summit, the EC spoke with a single voice. Kurdish aid was pledged and an immediate agreement was reached for the EC to help create UN protected Kurd ‘safe havens’. The EC provided useful practical support and pressure, which prompted the US, UK and French led ‘Operation Provide Comfort’.²²

Despite times of disunity and periods of support deficiency, the EC showed important signs of crisis management initiative. The EC’s contribution was valuable. It wrote most of the mandate and the operational process, and it contributed much of the personnel and financial support. On the ground, unlike the US, the EC was steadfast in troop deployment until the safety of the Kurds was declared. This was highly important aspect of the operation.²³

The EC had proved its worth by responding to a crisis, which provided an important step for its external action capability. The operation was successful. General EC motives for the operation were described as *opportunistic*: to overcome the ineffective Gulf War response, and especially to prove that a common EC position is achievable. Moreover, since the nature of the operation was humanitarian

²⁰ Peter Viggo Jakobsen, *The Twelve and the Crises in the Gulf and Northern Iraq 1990-1991* (pp. 15-34). In Knud Erik Jorgensen (ed.), *European Approaches to Crisis Management* (The Hague; Boston: Kluwer Law International, 1997), p. 15.

²¹ Jorgensen, 1997, pp. 2-4.

²² Jakobsen, 1997, pp. 15, 26-27.

²³ *Ibid*, pp. 26-27.

rather than military, the need for justification was minimal; the perceived risk to the EC was also low.²⁴

The two crises in Iraq served as a platform for three important EC developments: it created a strong desire for member states to act as a single unit; it provided a catalyst to urge the Common Foreign and Security Policy's (CFSP) progress; and it led to reforms to help create a Rapid Reaction Force (RRF), for 'out-of-area' intervention. These developments reflected the EC's desire to have an advanced military capability able to deal with out-of-area crises.²⁵

The post-Cold War environments were calling for an 'ever closer union'. The violent break-up of Yugoslavia presented the EC/EU²⁶ with a new opportunity. The term 'hour of Europe', coined by the Luxemburg presidency in 1992, described the emotions running through the EU to effectively respond to the unfolding crisis. Following brief conflict in Slovenia, the calamity emerged in Croatia where succession incited clashes between ethnic Serbs living in Croatia and the newly established Croat Army, with the former being supported by the joint Yugoslav-Serb forces. The outcome was war; hundreds of thousands of refugees fled the scene. Thousands were killed either in battle or through 'ethnic cleansing'.²⁷ The conflict provided the next test for the EU.

While diplomacy advanced and a small EU force was deployed, a collective EU response was largely upheld. Crisis management leadership remained with the

²⁴ Jakobsen, op. cit., pp. 28-29.

²⁵ Ibid, pp. 16, 31.

²⁶ The Yugoslav conflict occurred between 1992-1995. The TEU, which established the EU, was signed in 1992 and came into force in 1993.

²⁷ The brief conflict in Slovenia was resolved through negotiations and truce as the Yugoslav army withdrew from Slovenia. The international conference on the Former Yugoslavia saw limited success (developments included UN supervision of Serb weapons handover, the opening of humanitarian relief lines and the creation of no-fly zone), see Sonia Lucarelli, Europe's Response to the Yugoslav Imbroglio. In Jorgensen (ed.), *European approaches to crisis management*, pp. 35-37.

EU but in 1992 a UN force, UNPROFOR²⁸, dealt with the deteriorating security. As war broke out in neighboring Bosnia-Herzegovina, UNPROFOR was extended. In addition NATO became involved as US-directed air strikes assisted the UN relief.²⁹ The EU-led crisis management operation seemed to be going reasonably well. However, the situation deteriorated following a Serb army massacre where and the EU could do little to prevent it. In addition, the US-led air strikes were growing in importance and then, NATO, again under US leadership, launched its own ground offensive. Increased US diplomacy followed, which marked the end of EU leadership. Following the violation of a US-directed ceasefire, NATO responded with a major air strike which finally led to Serb cooperation and the US-led Dayton Peace Accords of November 1995.³⁰

The EU was still regarded as too weak, lacking the capability and diplomatic initiative as well as military expertise to deal with the crisis – with the US taking over the leadership role. While the EU was very much ‘alive and kicking’ at the time – with a strong will to act – it simply lacked a prevention mechanism to stop the violent break-up of Yugoslavia. Sonia Lucarelli called the EU response ‘reactive-punitive rather than proactive.’³¹ Keohane and Hoffmann meanwhile considered the experiences as demonstrating a ‘limited institutional coherence’ of the EU and a lack of military capacity.³²

However, it is important to reflect upon what the EU had achieved as a collective unit, despite the diminished role of the EU towards the end of the crisis. The EU had largely upheld its united front, and French and British commitments that soldiers remain on the ground held (especially as the two powers had been in strong

²⁸ United Nations Protection Force, initially to Croatia.

²⁹ Sonia Lucarelli, Europe’s Response to the Yugoslav Imbroglio. In Jorgensen, op. cit., pp. 50-51.

³⁰ Ibid., pp. 51-58.

³¹ Ibid., pp. 35-36, 58-61.

³² Robert O. Keohane, Joseph S. Nye and Stanley Hoffmann, *After the Cold War International Institutions and State Strategies in Europe, 1989-1991* (Cambridge, Massachusetts: Harvard University Press, 1993), p. 404.

disagreement at the beginning of the operation).³³ Furthermore, the failure of the EU in the operations provided a ‘wake up call’ for the EU to improve its security and defense.³⁴ In terms of interests and motives, Lucarelli suggests that the EU (and the US) acted upon domestic matters: whilst the public did not want to see body bags coming home, it was general public (along with the media and intellectuals) reaction to the crisis that spurred governments into action.³⁵

In contrast to the Yugoslav response, the EU did not lead a separate initiative during the Somali humanitarian crises and the ill-fated UN intervention. Rather, it pledged full diplomatic, military and economic support to the UN. The crisis occurred prior to the signing of the Treaty European Union, thus the EU had no official foreign policy.³⁶ Furthermore, Somalia had ‘no collective strategic interest’, as in the 1992 Lisbon Summit, CFSP joint actions did not name Sub-Saharan Africa as areas of particular benefit for the EU’s objectives.³⁷

In parallel to the EU’s development contribution to Somalia, were the TEU’s objectives, which included international development cooperation, democracy promotion and strengthening governance and the rule of law, and respect for human rights and fundamental freedoms. These policy objectives progressed during the Somali assistance operation and very much applied to the country’s plight.³⁸

³³ Lucarelli, op. cit., pp. 62-63.

³⁴ ESDP newsletter: Africa-EU, 2007, Council of the European Union http://consilium.europa.eu/uedocs/cmsUpload/CEU_70400%20ESDP_%205_final301107.pdf, accessed on 31 January 2011.

³⁵ Lucarelli, op. cit., p. 62.

³⁶ See K. Von Hippel and A. Yannis, The European Response to State Collapse in Somalia, In Jorgensen (ed.), *European Approaches to crisis management* (The Hague; Boston: Kluwer Law International, 1997), pp. 65-66.

³⁷ Neill Nugent, *The Government and Politics of the European Union* (3rd ed.) (Durham, NC: Duke University Press, 1994), p. 398.

³⁸ Treaty on the European Union, 1992, *Official Journal C 191*. <http://europa.eu.int>, accessed on 17 January 2011.

Furthermore, the Somali conflict occurred during the advancement of the CFSP, which helped create a more assertive EU role. Consequently, a conflict management and rehabilitation obligation for Somalia was endorsed together with a special EU representative. The Somali experience was unique; it highlighted the need for humanitarianism, rehabilitation and development mechanisms. It also served as a catalyst for an institutional framework for Africa in the post-Cold War era of widespread fragile state institutions.³⁹ Although the EU was less willing to be involved in Somalia as the country had little interest for the EU, the case highlighted the need to set up an EU-African-centered institutional framework. Africa has since then become a priority area of engagement for the EU.⁴⁰ While there were different EU responses and outcomes, the crises in Kurdish northern Iraq, Yugoslavia and Somalia, provide EU post-Cold War crisis management initiatives and present wide implications for the EU's direction.⁴¹

2.3 EU Security Developments and the ESDP

This following section focuses on the development of the ESDP, which as suggested, largely came as a result of the operations described. Related to this chapter is the creation of EU foreign policy, which developed in the late 1990s and early 2000s. The TEU provided the framework for formal political integration and the blueprint for the EU. It was also the first EU document outlining its security responsibilities, including common defense policy delineation.

Under the TEU, the EU has three 'pillars' forming its basic structure:

- The Community pillar, corresponding to the three Communities: the European Community, the European Atomic Energy Community and the former ECSC

³⁹ Von Hippel and Yannis, *op. cit.*, pp. 66, 79.

⁴⁰ ESDP newsletter: Africa-EU, December 2007. http://consilium.europa.eu/uedocs/cmsUpload/CEU_70400%20ESDP_%205_final301107.pdf, accessed on 17-11-2011.

⁴¹ Keizer, 2008, p. 48.

- The pillar devoted to the Common Foreign and Security Policy, which comes under Title V of the EU Treaty
- The pillar devoted to police and judicial cooperation in criminal matters, which comes under Title VI of the EU Treaty.⁴²

The second pillar, the Common Foreign and Security Policy (CFSP), replaced the European Political Cooperation (EPC). The CFSP aims to create joint actions and common positions. First defined under the TEU, it was broadened in the 1997 Treaty of Amsterdam and finally came into effect in 1999. The Treaty of Amsterdam gave the EU the important new instrument of ‘common strategy’. Foreign policy principles and responsibilities aim to project EU values abroad, improvement its methods while protecting its interests.⁴³

The ESDP is an important component of the CFSP. Joylon Howorth identifies two variables that helped it come about. First, changes in the international structure in the post-Cold War as US attention turned away from Europe and towards Asia and the Middle East. This reflects the earlier argument of increased EU engagement since the end of the Cold War and the notion of international responsibility. After the Cold War, the EU realized that it needed to get ‘serious’ about its security domain, especially along its eastern border. Second is the desire of ‘actorness’. This term derives from developments in the 1980s and 1990s when questions were asked on how best to bind its core nations, how to continue the ideal of war as ‘unthinkable’, and how to expand its global influence.⁴⁴

⁴² Common Foreign and Security Policy (2002), European Commission External Relations, <http://ec.europa.eu>, accessed on 30-08-2010.

⁴³ The Treaty of Amsterdam (1997), In Eurotreaties, <http://www.eurotreaties.com/amsterdamtreaty>, accessed on 30-08-2010.

⁴⁴ Joylon Howorth, *From Security to Defence: the Evolution of the CSFP*. In Christopher Hill and Michael Smith (Eds.), *International relations and the European Union* (pp. 179-204) (Oxford; New York: Oxford University Press., 2005), pp. 183-185.

Preben Bonnen argued that to bring the influence in the world and to be considered as a credible global player, EU needs to complete the economic instruments with an effective security capability. In this regard, he emphasized that the Member States of the EU should have a common position in foreign policy and will have to accept that they have interest in and responsibilities for those part of the world that are susceptible to political turbulence or disturbances. The EU's role as a global player, particularly in security politics, foremost based on inter-state initiatives, which have a distinct limits from the Member States to show their capacity in the international politics.⁴⁵

As a lead foreign policy mechanism, the ESDP demonstrates a new focus for the EU, where policies – through the formal setting of committee meetings, ad hoc working parties and leadership – are officially produced.⁴⁶ To deal with external conflict, as a central aspect of the ESDP's purpose, the EU adopts a range of instruments: development and economic cooperation, external assistance, trade policy, humanitarian aid, social and environmental policies, diplomatic instruments such as political dialogue and mediation, as well as economic or other sanctions. Along with cooperation instruments, the ESDP became one of many EU foreign policy instruments. The new 'ultimate' instrument of the ESDP includes information gathering for anticipating potential conflicts situations and monitoring international agreements.⁴⁷ The development of ESDP initiatives, demonstrate a new focus for the EU.

The creation of ESDP has been a major step to realize the EU's global foreign policy objective. The description of the ESDP above shows that it has a

⁴⁵ Preben Bonnen, *Towards A Common European Defense and Security Policy: The Ways and Means of Making it a Reality* (Hamburg, London: Lit Verlag, 2003), p. 131.

⁴⁶ European Commission: External Relations, EU Security Policy and the Role of the European Commission, 2006. <http://ec.europa.eu>, accessed on 30-01-2011.

⁴⁷ Communication from the Commission on Conflict Prevention. (2001). European Commission. Brussels. http://ec.europa.eu/comm/external_relations/cfsp/news/com2001_211_en.pdf, accessed on 30-08-2010.

comprehensive scope. The many policy instruments developed by the EU, which the ESDP is part of, reflects the use of ‘soft power’ to expand the EU’s principles.

2.4 The Launch of the ESDP (1998-1999)

The EU underwent a rapid expansionary phase in terms of strategy and reach through the 1990s.⁴⁸ In terms of solidifying an EU-wide defense policy, the period between December 1998 and December 2000 was ‘almost revolutionary’. Following early EU failures in Yugoslavia, the allied military action in Kosovo on March-June 1999 again showed an inadequate response. This spurred key states (especially the UK) into action.⁴⁹ The aforementioned Treaty of Amsterdam entered into force in May called for an enhanced CFSP, as stated under Title 5, and a common defense policy (Article 17) of the TEU. For operational activities, the Western European Union (WEU) – the former seven-member European defense and security organization founded in 1948 – would be incorporated into the EU. Furthermore, the Petersberg Task (Article 17.2), formulated by the WEU in 1992, were also incorporated into the Treaty. The Tasks provide the foundation for the ESDP’s operational development:

The [CFSP] shall include all questions relating to the security of the [EU], including the progressive framing of a common defense policy, in accordance with the second subparagraph, which might lead to a common defense, should the European Council so decide. The [WEU] is an integral part of the development of the [EU] providing it with access to an operational capability The [EU] shall accordingly foster closer institutional relations with the WEU with a view to the possibility of integrating the WEU into the [EU], should the European Council so decide. Humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management,

⁴⁸ Jorgensen, 1997, p. 2.

⁴⁹ Rutten describes the UK government’s response as a U-turn, which led to the British-Franco St-Malo agreement. Maartje Rutten, *From St-Malo to Nice – European Defense: Core Documents*, Chaillot Paper 47 (Paris: ISS, 2001). <http://www.iss.europa.eu/uploads/media/cp047e.pdf>, accessed on 30-01-2011.

including peacemaking (known as the Petersberg tasks) [shall be included in this Article].⁵⁰

A combination of factors helped realize the EU's important new developments that paved the way for civilian and military operations abroad. First, Britain's changed attitude, the transformation towards a collective EU security and defense policy; second, the realization that the US needed to be assisted with international 'burden sharing'; third, the diminishing presence of the US in post-Cold War Europe gave the EU greater continental responsibility; and forth, the devastation caused by the crises in Bosnia-Herzegovina and Kosovo.⁵¹

During the December 1998 Franco-British St. Malo summit, major progress was made towards an autonomous EU defense capability as the joint declaration shows:⁵²

1. The European Union needs to be in a position to play its full role on the international stage. This means making a reality of the Treaty of Amsterdam, which will provide the essential basis for action by the [EU]. It will be important to achieve full and rapid implementation of the Amsterdam provisions on CFSP. [...]
2. To this end, the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises.

⁵⁰ European Commission: External Relations, EU Security Policy and the Role of the European Commission, 2006. <http://ec.europa.eu>, accessed on 30-01-2011; Agnieszka Nowak, Civilian Crisis Management within ESDP (pp. 15-38). In Agnieszka Nowak (ed.), *Civilian crisis management: the EU way*, Vol. 90, Chaillot Paper (Paris: Institute for Security Studies, 2006), p. 18.

⁵¹ For more information, see Jean-Yves Haine, *ESDP: an overview* (Paris: EU institute for Security Studies, 2004). http://www.eupt_kosovo.eu/training/material/docs/esdp/reading_material/ESDP_an_overview_by_JY-Haine_ISS.pdf, accessed on 03-02-2011.

⁵² Maartje Rutten, *From St-Malo to Nice – European Defense: Core Documents*, Chaillot Paper 47, (Paris: ISS, 2001), p. 8.

In pursuing our objective, the collective defense commitments to which member states subscribe (set out in Article 5 of the Washington Treaty⁵³, Article V of the Brussels Treaty⁵⁴) must be maintained. In strengthening the solidarity between the member states of the [EU], in order that Europe can make its voice heard in world affairs, while acting in conformity with our respective obligations in NATO, we are contributing to the vitality of a modernized Atlantic Alliance which is the foundation of the collective defense of its members.⁵⁵

St. Malo provided a strong initiative for an autonomous European defense mechanism. It presented a great willingness to create a strong military force able to respond international crises. The ‘solidarity’ notion among member states reinforces a full EU commitment to its military developments.⁵⁶ Six months after the St. Malo declaration was the 1999 Cologne Summit where the Petersberg Tasks were the central focus. Under the German Presidency, fifteen Heads of State or Governments and the President of the Commission declared:

In pursuit of our [CFSP], we are convinced that the Council should have the ability to take decisions on the full range of conflict prevention and crisis management tasks defined in the [TEU], the ‘Petersberg Tasks’. To this end, the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them and a readiness to do so, in order to respond to international crises without prejudice to actions by

⁵³ Article five of the Washington Treaty states: “The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all.” See The North Atlantic Treaty: article 5. e-Library: North Atlantic Treaty Organization. (last updated 9 December 2008). http://www.nato.int/cps/en/natolive/official_texts_17120.htm, accessed on 31-01-2011.

⁵⁴ Article V of the 1948 Brussels treaty, the WEU. If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the party so attacked all the military and other aid and assistance in their power. Text of the Modified Brussels Treaty. Western European Union, <http://www.weu.int/Treaty.htm>, accessed on 31-01-2011.

⁵⁵ Saint-Malo, France, 4 December, 1998, Franco-British summit: Joint Declaration on European Defense. Atlantic Community Initiative <http://www.atlanticcommunity.org/SAint-Malo%20Declaration%20Text.html>, accessed on 31-01-2011.

⁵⁶ Keizer, 2008, p. 52.

NATO. The EU will thereby increase its ability to contribute to international peace and security in accordance with the principles of the UN Charter.⁵⁷

The Cologne Summit laid out the ESDP's specifications before its official launch. Military and civilian forces composition, requirements and capabilities were carefully planned out as the ESDP's objectives were put into practice. Expertise in political, security and intelligence services were further implementations while security cooperation with NATO non-EU members was also fostered. A number of initiatives were taken to help realize these goals, among them: the development of the Political and Security Council (PSC) (where ambassadors of each member state would meet twice weekly) and the nomination of Javier Solana as High Representative for the CFSP (HR/CFSP).⁵⁸

The strong initiative expressed at Cologne demonstrated that the EU and its member states had sizeable experience and resources in areas such as civilian police, humanitarian assistance, administrative and legal administration, search and rescue and electoral and human rights monitoring.⁵⁹ Cologne set the guidelines for the next summit: the Helsinki European Council, scheduled for December 1999.

The Helsinki Summit, while focusing on the political and military necessities of its member states, expressed obligations to the principles of the UN Charter and primary role of the UN Security Council for maintaining peace and security. This was reinforced at the Feira European Council (June 2000), then at Nice (December 2000) when the ESDP was officially put into policy.⁶⁰

Maartje Rutten argued that the road from Cologne to Nice, which set up the ESDP, helped realize the EU's objectives for an enhanced security apparatus, to expand its global input and to become an effective and responsive institution engaged

⁵⁷ European Commission, *EU Security Policy and the Role of the European Commission: External Relations*, 2006. See <http://ec.europa.eu>, accessed on 17-05-2011.

⁵⁸ Ibid.

⁵⁹ Nowak, 2006, p. 18.

⁶⁰ European Commission, *EU Security Policy and the role of the European Commission*, 2006.

in international crises. Its new security direction as an ‘institutional change’, has led to an “... acquisition of strategic responsibility in post-Cold War crisis management.”⁶¹ However, it was strongly expressed that process will avoid unnecessary duplication and does not imply the creation of a European army.⁶² Rutten’s description of the ESDP as an ‘institutional change’, like the CFSP’s development, is a noteworthy development.

As a lead foreign policy mechanism, the ESDP demonstrates a new focus for the EU, where policies – through the formal setting of committee meetings, ad hoc working parties and leadership – are officially produced.⁶³ To deal with external conflict, as a central aspect of the ESDP’s purpose, the EU adopts a range of instruments: development and economic cooperation, external assistance, trade policy, humanitarian aid, social and environmental policies, diplomatic instruments such as political dialogue and mediation, as well as economic or other sanctions. Along with cooperation instruments, the ESDP became one of many EU foreign policy instruments. The new ‘ultimate’ instrument of the ESDP includes information gathering for anticipating potential conflicts situations and monitoring international agreements.⁶⁴ The development of ESDP initiatives, demonstrate a new focus for the EU.

The creation of the ESDP has been a major step to help realise the EU’s global foreign policy objective. The description of the ESDP above shows that it has a comprehensive scope. The many policy instruments developed by the EU, which the ESDP is part of, reflects the use of ‘soft power’ to expand the EU’s principles.

⁶¹ Maartje Rutten, 2001,

⁶² European Commission, *EU Security Policy and the role of the European Commission*, 2006.

⁶³ Ibid.

⁶⁴ Communication from the Commission on Conflict Prevention. (2001). European Commission, Brussels. http://ec.europa.eu/comm/external_relations/cfsp/news/com2001_211_en.pdf, accessed on 31-01-2011.

2.5 The European Security Strategy

The launch of the 2003 European Security Strategy (ESS) was coinciding with the ESDP's development, as proposed by Solana and approved by EU Head of States. The official document, 'Europe in a better world', focuses on the EU's global role, its strategic vision and security requirements, as well as its values and ideals. With a make up of 25 (now 27) states, a population of 450 (now about 500) million and a quarter of the world's Gross Domestic Product (GDP), the ESS describes the EU as an 'inevitable global player'. According to this official document, it addresses negative global factors. Since 1990 wars have caused about four million deaths (90% civilian), a further 18 million have lost their homes, while poverty, disease, deprivation and social order breakdown are commonplace. The ESS suggests that economic failure, political problems and violent conflict are often linked and that security is a precondition for development. In many countries there is a cycle of conflict, insecurity and poverty.⁶⁵

The ESS suggests that political solutions are the best means to prevent regional conflict, but that a combination of military action or policing may be required in the post-conflict phase. It specifies that civil-military interactions are becoming a crucial part of EU operations, therefore it is essential to have good coordination between the two. It also stresses that economic assistance and reconstruction help restore civil governance.⁶⁶ In further aspect to military component, and in line with the Civilian Headline Goal, is the call for 'close cooperation and coordination' with the military component throughout the phase of an operation.⁶⁷

The main conflicts areas identified are the Western Balkans, Afghanistan and the Democratic Republic of Congo (DR Congo) while the southern Caucasus, the

⁶⁵ Council of the European Union, *A Secure Europe in a Better World: European Security Strategy*. 2003. <http://consilium.europa.eu/uedocs/cmsUpload/78367.pdf>, accessed on 17-01-2011.

⁶⁶ Ibid.

⁶⁷ Radek Khol, *Civil-Military Co-ordination in EU Crisis Management*. In Nowak (ed.), 2006, p. 123.

Middle East and the Mediterranean area central neighborhood concerns. Building strong neighborhood security is of essence; crime, dysfunctional societies, violent conflict and weak states are the most alarming for the EU. The ESS describes these conflict areas as ‘multi-faced situations’, but confirms that the EU has the confidence, equipment and resolve to deal with them.⁶⁸

The ESS describes the EU as progressing towards both a coherent foreign policy and an effective conflict management response. While key instruments were used effectively in the Western Balkan conflicts, the EU needs to be more active in pursuing its strategic objectives. A ‘full spectrum’ of instruments is required at the EU’s disposal for both conflict management and conflict prevention. Political, diplomatic, military, trade and development activities are essentials. “We [the EU] need to develop a strategic culture that fosters early, rapid and when necessary, robust intervention.”⁶⁹ Consistent with a range of aforementioned EU foreign policy doctrines and treaties, and set in the post-Cold War context of an enhanced EU role, the ESS stresses that:

This is a world of new dangers but also of new opportunities. The [EU] has the potential to make a major contribution, both in dealing with the threats and in helping realize the opportunities. An active and capable [EU] would make an impact on a global scale. In doing so, it would contribute to an effective multilateral system leading to a fairer, safer and more united world.⁷⁰

The ESS identifies the need for peace and stability. The best means to deal with threats to peace and stability is to create an ‘international society’ that has ‘effective multilateralism’ at its core. Core liberal principles of democracy promotion, the spreading of good governance, supporting social and political reform, establishing the rule of law and protecting human rights, and countering corruption and abuse of power are the ‘best means’ to improve international order.⁷¹ The promotion of EU

⁶⁸ Council of the European Union, *A Secure Europe in Better World: European Security Strategy*, 2003.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

values through greater capabilities, stronger coherence and working together with partners are crucial.

Aligned to the ESS, a 2004 action plan ‘Ambition for the future- Horizontal and Integrated Approach’, outlined the need to enhance the EU’s aspirations by widening its role and taking a number of measures to improve its security yield. It states that:

... the EU should become more ambitious in the goals it sets for itself in civilian crisis management, the [European] Council set out an action plan, based on a comprehensive and integrated approach, covering: EU operational capabilities for civilian crisis management; strengthening synergies between civilian and other instruments; the development of a European security culture; and cooperation with partners, including both government organizations and [Non-Governmental Organizations (NGOs)].⁷²

The ESS is an important document that pushes for an enhanced EU role around the world. An active and capable European Union would make an impact on a global scale. Related to this thesis are its key principles based on: first, effective multilateralism, through international cooperation and strengthening regional partnerships; second, peace and security through political solutions and ongoing support; and third, societal improvement and internal reform by means of democracy, the rule of law and human rights.⁷³ These key export values provides an explanation of EU involvement in the Aceh peace process.

2.6 ESDP Missions

The number of military and civilian crisis management operations that have been conducted under the auspices of the ESDP has markedly increased in the last few years. To date, the majority of those operations have been in the sphere of

⁷² Nowak, 2006, p. 29.

⁷³ Kees Bote Keizer, *Effective Engagement: the European Union, liberal theory and the Aceh peace process* (Christchurch: University of Canterbury, 2008), p. 57.

civilian crisis management, an area which many analyst have considered to be less politically demanding in terms of force generation (both personnel and capabilities) and with regard to the expected operational tasks to be undertaken. Thus far the EU has undertaken, or is undertaking the following civilian crisis management operations.

- EU Police Mission in the Former Yugoslav Republic of Macedonia (Proxima)
- EU Rule of Law Mission in Georgia (Eujust Themis)
- EU Police Mission in Bosnia-Herzegovina (EUPM/BiH)
- EU Police Advisory Team in the Former Yugoslav Republic of Macedonia (EUPAT)
- EU Police Mission in the Palestinian Territories (EUPOL COPPS)
- EU Border Assistance Mission at Rafah Crossing Point in the Palestinian Territories (EU BAM Rafah)
- EU Integrated Rule of Law Mission for Iraq (Eujust Lex)
- EU Police Mission in Kinshasa (DRC) (EUPOL Kinshasa)
- EU Security Sector Reform Mission in the Democratic Republic of Congo (EUSEC DR Congo)
- EU Monitoring Mission in Aceh (AMM)
- EU Border Assistance Mission to Moldova and Ukraine.⁷⁴

In early 2003, the first mission was the EU Police Mission in Bosnia and Herzegovina (EUPM/BiH) – after a Council Joint Action assessment in March 2002. EUPM/BiH marked the first attempt of an EU crisis management operation, which suggested that rapid ESDP progress had been made since 1999.⁷⁵ Set to expire in 2005, on request by the Bosnian authorities the mission was refocused with a new

⁷⁴ Claire Taylor. *European Security and Defense Policy: Developments Since 2003*, Research Paper 06/32, (London: House of Commons Library, 2006), pp. 49-50.

⁷⁵ Nowak, 2006, p. 24.

expiry date for the end of 2008.⁷⁶ As a civilian mission, EUPM/BiH was followed up to include a military operation, EU force in Bosnia and Herzegovina (or EUFOR *Althea*) in 2004. Initially designed for one year, *Althea* was reconfigured and scaled down in 2007; it has an ongoing task of maintaining stability in the country.⁷⁷ *Althea* had taken over NATO's Stabilization Force, which had been in operation since December 1996. Furthermore, *Althea* was carried under the Berlin-Plus agreement to coordinate EU-NATO operations.⁷⁸ With an initial force of 6,500, the mission has been the largest of the ESDP's operations in terms of personnel. EUPM/BiH, meanwhile, is the largest in terms of cost and duration, with an annual budget of €38 million and has so far lasted for six years. Prior to EUFOR, were two missions to FYR Macedonia.⁷⁹

The EU Military Operation in FYR Macedonia, *Concordia*, marked an important development as the EU's first use of the RRF (Rapid Reaction Force).⁸⁰ EU Police Mission (EUPOL) *Proxima*, meanwhile, was essentially a police mission to support, monitor and mentor the consolidation of the state's law and order.⁸¹ Organized crime through criminal networks (especially drug trafficking and the sex trade), along with the need for better policing, border management and cooperation with bordering countries are identified as the key requirements to advance stability in the FYR Macedonia.⁸² EU missions to the Western Balkans highlight the important

⁷⁶ The Council of the European Union, *European Security and Defence Policy operations*, Brussels, 2008. <http://www.consilium.europa.eu>, accessed on 17-01-2011.

⁷⁷ European Council, *EU military operation in Bosnia and Herzegovina (Operation EUFOR – Althea)*, 2008. <http://www.consilium.europa.eu/uedocs/cmsUpload/080220Altheaupdate10.pdf>, accessed on 03-11-2010.

⁷⁸ The Council of the European Union, *European Security and Defence Policy operations*, 2008.

⁷⁹ Former Yugoslav Republic of Macedonia.

⁸⁰ Formally established in November 2004, the RRF (or ERRF) is designed as a transnational military force managed by the EU. Aiming to have 60,000 soldiers deployable for a year, the tasks available to the RRF are those of the standard Petersberg tasks – humanitarian, rescue, peacekeeping and peacemaking – as well as encompassing the areas of joint disarmament operations, military advice and assistance tasks and post-conflict stabilization, Haine, 2004.

⁸¹ Nowak, 2006, p. 141.

⁸² Jones, 2007, p. 202.

ongoing role that the EU's plays in the volatile region. Both *Concordia* and *Proxima* are ongoing.

In 2003, the military operation *Artemis* to the DR Congo was the first mission to Africa. The short mission, which worked alongside an established UN operation, consisted of 1,800 personnel aiming to bring stability and to improve the humanitarian situation in the country. The French-led force, and the first outside of Europe, centered on bringing security and stability to the unstable Ituri district. It became the first mission that did not rely on NATO.⁸³ As described earlier in this chapter, the EU's focus to deliver stability to Africa has become a priority. In the Caucasus, the first law implementation assistance mission: Rule of Law Mission to Georgia (EUJUST *Themis*), was launched to Georgia in July 2004. The team of nine legal experts operated for twelve months. *Themis* focuses on countering criminal activity, judicial reform, corruption and international and regional cooperation.

The years 2005-2006 saw a further nine missions: civilian, military or combination of both. Two operations to the DR Congo: a civilian police and security sector reform mission; and a military mission in support of the UN operation during the country's elections. Missions were also executed to Iraq, Indonesia (Aceh), Sudan (Darfur), Palestine, a third mission to FYR Macedonia and one to the Egypt-Palestine border (at the Rafah Crossing). The ongoing EU Integrated Rule of Law Mission for Iraq (EUJUST LEX) aims to improve the country's judicial, police and penitentiary systems. In Sudan, operation EU support to the African Union Mission in Darfur (AMIS) was the fourth mission to Africa and first outside of the DR Congo. AMIS was a unique mission that combined civilian with military tasks to provide support to an existing AU mission.⁸⁴ The dual missions to the Palestine Territories were civilian. EU Border Assistance Mission (EU BAM) Rafah was a response to an Israeli and

⁸³ Fraser Cameron, *An Introduction to European Foreign Policy* (Abingdon, Oxon; New York: Routledge, 2007), p. 83.

⁸⁴ Nowak, 2006, p. 142.

Palestinian request for the EU to play a third party mediation role on the volatile border to help facilitate closer border relations amongst the authorities of Israel, Egypt and Palestine, and to supervise the border's traffic flow. EUPOL to the Palestinian Territories dealt with police reform and has a wider strategy for law improvement in the territory.⁸⁵ Both missions to Palestine are still in operation but EU BAM's status is a temporary suspension due to the obstructive political situation.⁸⁶

In 2007, there were three undertakings: two police missions; EUPOL Afghanistan and EUPOL RD Congo; and a security sector reform mission (EUSEC RD Congo). The first sought to create an effective civilian policing arrangement under Afghan control,⁸⁷ while the second provided a temporary control measure in the city of Kinshasa during the elections. EUSEC RD Congo, meanwhile, provided an assistance measure to the Congolese defence unit and promoted principles such as the rule of law and human rights. The two DR Congo missions have expired, while EUPOL to Afghanistan remains in operation.⁸⁸

The more recent (and ongoing) missions are EU mission in support of Security Sector Reform in Guinea-Bissau (EU SSR) and EUFOR Tchad/RCA.⁸⁹ The former is helping to improve the country's security sector, while the latter is part of the joint EU-UN force to facilitate aid delivery, to support civilians, refugees and displaced persons and to protect, and to assist a UN force. Finally, EULEX to Kosovo is a rule of law assistance operation that followed Kosovo's independence declaration. It centers on police, civilian and planning purposes.⁹⁰

⁸⁵ Jones, p. 207

⁸⁶ The Council of the European Union, *European Security and Defence Policy operations*, 2008.

⁸⁷ Ibid.

⁸⁸ Keizer, 2008, p. 59.

⁸⁹ Chad and the Central African Republic.

⁹⁰ Council of the European Union, *European and Security Policy operations*, 2008.

To summarize the AMM as the focus of this thesis, the civilian mission, launched in May 2005 is the first to the Asia-Pacific region. Its initial six-month operation was extended to 15-month while its initial force of 226 monitors was reduced to 36 by the last stages of the operation; its budget was €9.0 million. The AMM, along with EUJUST LEX to Iraq, were the ESDP missions to use ‘packages’ of experts for mission assessment prior to its launch. Following the Aceh mission assessment, the EU, along with five ASEAN contributing countries, and Norway and Switzerland, investigated the AMM.⁹¹ The Successful mission, regarded as the most successful, expired following Acehnese elections in December 2006.

An additional consideration that the EU use a ‘soft power’. As identified, the EU can deploy a the range of external assistance instruments and policies ranging from developmental, economic and trade to humanitarian, social and environmental to deal with international problems. Diplomatic instruments include political dialogue and mediation and the use of economic or other sanctions.⁹²

These considerations, based on EU foreign policy impacts, EU principles (especially multilateralism), the use of soft power, along with the ESS-based EU premises, are key factors to suggest that the EU has good intensions around the world. The case of engagement in the Aceh peace process is a central example. A final noteworthy point is Solana’s justification that the expanded EU’s role is not about militarizing the EU. Rather, it is about effective crisis management: to increase the role of the EU as an advocate of ‘stability and security’ – to act as a ‘good’ force in

⁹¹ Nowak, A. *Civilian Crisis Management within the ESDP*. In Nowak, 2006, p. 24.

⁹² Nuno Severiano Teixeira, *European Crisis Management Policy. Capabilities, Political Implications for Employment of European Forces in Crisis*, Ministro da Defesa Nacional; National Defence Institute (Portugal), 2007. http://www.mdn.gov.pt/NR/rdonlyres/08F497FF-7BDD-4227-9DA9-B81C28ED6275/0/IDN_Out07final.pdf, accessed on 06-01-2011.

the world.⁹³ Solana's liberal description of ESDP engagement also suggests that effective crisis management is a necessity, rather than a choice.⁹⁴

This chapter's focus on EU's security developments post-Cold War, has provided an insight to how EU has become credible player and an alternative of security provider in the world. The EU's foreign policy evolution and the various factors that have helped institutionalize the CFSP and ESDP, have been summarized. From the post-Cold War order, through to EU institutional arrangements and ESDP missions, it has evolved into an important international player. Within this new milieu, the EU has motivations to bring their values of peace and security, multilateralism, democracy, human rights and the rule of law are key frameworks for discussion. The EU's role in the AMM is the primary focus on this thesis, is an excellent example of EU capacity in the post-Cold War and ESDP contexts.

⁹³ Javier Solana, EU High Representative for the Common Foreign and Security Policy at the 40th Commanders Conference of the German Bundeswehr, Council of the European Union, 2005. http://ue.eu.int/ueDocs/cms_Data/docs/pressdata/EN/declarations/86245.pdf, accessed on 03-02-2011.

⁹⁴ Council of the European Union, *A Secure Europe in a Better World: European Security Strategy*, 2003.

CHAPTER THREE

AN OVERVIEW: A BRIEF EXPLORATION OF ACEH

Aceh is strategically located on the northern tip of the island of Sumatra, between Indian Ocean and the Straits of Malacca, which is now one of the provinces of the Republic of Indonesia. It is a region which covers an area of 182,828 square miles, including more than a hundred small islands stretching along its western coast.⁹⁵ Sumatra as a whole is the sixth longest island in the world. At present Aceh's population is 4,486,570 people by results from the 2010 census,⁹⁶ and the population of Sumatra is approximately 50 million. Almost all Acehnese are Muslims, and they have a reputation for Islamic piety. Much of the population is employed in agriculture and fishing, though Aceh is also rich in natural resources, especially natural gas and oil.⁹⁷ Aceh is home to a giant liquefied natural gas (LNG) field operated by one of the largest corporations in the world, ExxonMobil. This field generated two billion to three billion dollars in annual revenues,⁹⁸ but the poverty rate in the province is 35%.⁹⁹

The following is a brief exploration on Aceh's history which explains the mix of factors that led Aceh into "war of national liberation". Before the armed rebels began attacking the soldiers of the government Indonesia in 1989, rebellion and

⁹⁵ Lukman Thaib, *The Roots of Acehnese Struggle*, (Bangi: Department of Political Science-University Kebangsaan Malaysia, 1998), p. 154.

⁹⁶ See http://www.waspada.co.id/index.php?option=com_content&view=article&id=137106:jumlah-penduduk-aceh-4486570-jiwa&catid=13:aceh&Itemid=26, accessed on 14 October 2010.

⁹⁷ Adam Burke and Afnan, *Aceh: Reconstruction in a Conflict Environment: Views from Civil Society, Donors and NGOs*, Indonesian Social Development Paper No. 8, (Jakarta: Decentralization Support Facility, 2005), p. 2.

⁹⁸ Michael L. Ross, "Resources and Rebellion in Aceh, Indonesia." In Paul Collier, and Nicholas Sambanis (eds.), *Understanding Civil War. Volume II: Europe, Central Asia, and other Region* (Washington D.C.: World Bank, 2005), pp. 35-58.

⁹⁹ Achim Wennmann and Jana Krause, *Managing the Economic Dimensions of Peace Process: Resource Wealth, Autonomy, and Peace in Aceh*, CCDP Working Paper Number 3, (Geneva: Centre on Conflict, Development and Peacebuilding, 2009), p. 6.

violence had routinely taken place in Aceh's history. Aceh experienced its 'golden age' when Sultan Iskandar Muda came to power (1607-1636). During his reign, the Aceh sultanate achieved its largest territorial reach; it was the most powerful state in the region and became known as an international center of Islamic commerce and education. In the colonial era, Aceh was famous for its long war against the Dutch at the end of nineteenth century.¹⁰⁰ To understand the Aceh rebellion, this chapter will be explored the history of Aceh from the pre-colonial period to the independence.

In the course of history, several Islamic sultanates such as Pasai, Pidie, Daya, Lamuri and Aceh emerged in this area. They each played important roles in the development of religion, economics and politics in the region.¹⁰¹ G. P. Tolson writes that "Acheh is a correct name of that part of Sumatra extending from Tamiang point on the east to Trumon on the west coast, though it is commonly, not erroneously, known to Europeans as Acheen."¹⁰² The people, who "occupy the land bordering the sea as far inland as the high ranges of hills,"¹⁰³ have a long history. Many modern Acehnese are conscious of their multinational origins, and current piece of folklore claims that the name Aceh is an acronym of Arabia, China, Europe and Hindia.¹⁰⁴

Tome Pires' description of Sumatra in the early sixteenth century mentions some kingdoms in the region, namely Aceh, Lamuri, Pidie, Peudada, Pasai, Meulaboh and Daya.¹⁰⁵ Pasai, Pidie, Daya, Lamuri and Aceh were the key components forming the kingdom of Aceh. Peureulak, Teumieng (Beuna)¹⁰⁶ and Lingga combined to form the federation of Pasai. Pasai represents the earliest Islamic

¹⁰⁰ Joko P. Putranto, *Aceh Conflict Resolution: Lessons Learned and the Future of Aceh* (California: Naval Postgraduate School, 2009), p. 10.

¹⁰¹ Amirul Hadi, *Aceh and the Portuguese: A Study of the Struggle of Islam in Southeast Asia 1500-1579* (Montreal: Institute of Islamic Studies McGill University, 1992), p. 9.

¹⁰² G. P. Tolson, "Acheh, Commonly Called Acheen," *JSBRAS* No. 5, June 1880, p. 37.

¹⁰³ *Ibid.*, p. 39.

¹⁰⁴ Su-Yhen Quan and Anne Palmer, *A Guide To Aceh* (Banda Aceh: unknown publisher, 1982), p. 4.

¹⁰⁵ Tome Pires, *The Suma Oriental of Tome Pires*, trans. And ed. By Armando Cortesao, vol. 1 (London: The Hakluyt Society, 1944), pp. 135-136.

¹⁰⁶ A. Hasjmy, *Sejarah Kebudayaan Islam di Indonesia* (Jakarta: Bulan Bintang, 1990), p. 12.

sultanate in the Indonesian archipelago. The accounts of Marco Polo and Ibn Battuta regarding this kingdom give us some of the information on which later historians rely for their studies. Marco Polo stopped at Perlak in 1292 on his way to Venice.¹⁰⁷ Regarding this kingdom he mentions that “Its inhabitants are for the most part idolaters, but many of those who dwell in the seaport towns have been converted to the religion of Mahomet (Islam), by the Saracen merchants who constantly frequent them.”¹⁰⁸ About five decades later, in 1347, Ibn Battuta, a famous Muslim traveler from Morocco, visited Samudra and found that Islam (Shafi’I school) had been established for about a century. Ibn Battuta also describes some royal court ceremonies that he witnessed.¹⁰⁹

3.1 Pre-Colonial Period (1524-1873)

Many historians believe that Islam first came to Indonesia through Aceh, in northern Sumatra, around 700 AD.¹¹⁰ In the early 16th century, Aceh played an important role in developing the prominent religion of Islam, and was the most powerful North Sumatra state. Aceh has had a distinct and unique history dating back to the 15th century. It is often assumed that because Aceh is situated at the northern end of the island of Sumatra that it must have been trading with the seafaring port states of southern Sumatra, Java, Borneo, Sulawesi and other coastal capitals of Southeast Asia. This would be a mistake. Prior to the Dutch invasion in 1873, Aceh’s economic and foreign affairs were orientated to the north and west, toward the Indian Ocean, the Arabian Sea, the Red Sea, the Ottoman Empire and immediately south

¹⁰⁷ Amirul Hadi, *op. cit.*, pp. 10-11.

¹⁰⁸ Marco Polo, *The Travel of Marco Polo*, trans. By W. Marsden and Intr. By John Masefield (London: J.M. Dent and Sons Limited, 1926), p. 338.

¹⁰⁹ Ibn Battuta, *Ibn Battuta Travels in Asia and Africa 1325-1354*, trans. And select. By H. A. R. Gibb (London: Routledge & Kegan Paul, 1963), pp. 272-276.

¹¹⁰ Florence Lamoureux, *Indonesia: a global studies handbook* (Santa Barbara: ABC-CLIO, 2003), p. 69.

within the Strait of Malacca from southwest Siam along the coast of the western Malay peninsula to Singapore.¹¹¹

This orientation toward Indian Ocean ports and contacts dates back as far as the 14th century. When the Portuguese controlled the southern Strait of Malacca and the north Indian sea lanes, Acehnese prized peppers and spices still found their way to European cities via a more western route through the Maldives Islands and the Red Sea. By the 1560s Aceh's trade ships rivaled their Portuguese enemies in the spice trade. Furthermore, because of its strategic geographical position Aceh had established itself as center of commerce, Islamic study and port of embarkation for Muslim pilgrims traveling to Ottoman controlled Mecca.¹¹² In economics, Aceh was the Southeast Asian trading hub, and the Acehnese depicted their land as the "Serambi Mekkah" (the verandah of Mecca) of Southeast Asia.¹¹³

Aceh's Sultanate appears to have begun around 1496 and effectively continued until the Dutch invasion of 1873. The Sultanate of Aceh experienced several powerful rulers during its 377 years who expanded territory, increased foreign involvement and made Aceh religiously significant. The first Aceh sultan was Sultan Ali Mughayat Shah (1514-1530). One of Aceh's greatest sultans was Sultan Alauddin Riayat Shah al-Kahar (1537-1571). Under his administration, Aceh progress both commercially and ideologically. Besides two previous sultans, Sultan Alauddin Riayat Shah al-Mukammil (1589-1604) and Sultan Iskandar Muda (1607-1636) were a few of Aceh's remarkable rulers out of a total of 35 sultans. During this pre modern period, until about 1790, the Acehnese Sultanate was courted by European envoys from England, Holland, and France as well as ambassadors from India, Malaya, and

¹¹¹ Lee Kam Hing, "Aceh at the Time of the 1824 Treaty," in Antony Reid (ed.), *Verandah of Violence: The Background to the Aceh Problem* (Singapore: Singapore University Press, 2006), p. 74.

¹¹² Anthony Reid, *Verandah of Violence The Background to the Aceh Problem* (Singapore: Singapore University Press, 2006), p. 55-57.

¹¹³ *Ibid.*, p. 56.

Siam who sought trade rights, diplomatic relations and potential military outposts on the northern tip of Sumatra.¹¹⁴

3.1.1 An Early Acehnese Empire (1524)

In the early 15th century, Europe was not the most highly developed area of the world, nor was it the most vibrant. As Ricklefs argues, the greatest player in the world was Islam, which was reaching Indonesia and the Philippines after the Ottoman Turks occupied Constantinople, the imperial capital of the Roman Empire in 1453.¹¹⁵ Islam was the predominant religion in Aceh since the thirteenth century, brought by Muslim merchants from the Middle East and India before the appearance of Europeans in this region. In the fourteenth century, Lhokseumawe in North Aceh was a port of the Pasai Kingdom and an important center of trade and Islamic education.¹¹⁶ The Portuguese, on the other hand, made technological advances through the development of geography and astronomy making them the greatest navigators of all time. They built durable, larger and faster ships that were strong enough to carry heavy guns and that allowed them to challenge Muslim domination.¹¹⁷ The Portuguese also had economical motives, such as searching for spices, one of the most highly sought commodities anywhere in the world. For that reason, the Portuguese began attempting to find the “Spice Island”.¹¹⁸ The northern coast of Aceh was recognized as the largest producer of pepper when Alfonso de Albuquerque (1459-1415), a general officer and Portuguese nobleman, conquered the Malacca strait in 1511.

¹¹⁴ Ibid., p. 62.

¹¹⁵ Merle Calvin Ricklefs, *A History of Modern Indonesia Since c.1300* (Stanford: Stanford University Press, 1993), p. 22.

¹¹⁶ Anthony Reid, *The Contest of North Sumatra; Atjeh, the Netherlands, and Britain, 1858-1898* (Kuala Lumpur, Singapore: Oxford University Press, University of Malaya Press, 1969), p. 1.

¹¹⁷ Jeremy Black, *Cambridge Illustrated Atlas, Warfare: Renaissance to Revolution, 1492-1792* (Cambridge: Cambridge University Press, 1996), p. 15.

¹¹⁸ Ricklefs, op. cit., p. 23.

The first Acehese Sultan, Ali Mughayat Shah (1514-1530) declared Aceh an Independent state that controlled the trading hub in the peninsula and challenged the Portuguese domination.¹¹⁹ Sultan Ali Mughayat Shah defeated a Portuguese fleet at sea, with the support from the local population, and at the same time, conquered Pidie and Pasai in 1524 after conquering Deli.¹²⁰ This period marked the integration of the conquered areas into the Aceh Besar (Greater Aceh) region and the people became acculturated as Acehese.¹²¹ During the administration of Sultan Aladuddin Riayat Shah al-Kahar (1537-1571), the Aceh Kingdom also expanded its territory, and Aceh remained the powerful military force in the Malacca strait.¹²² Kahar was the second of Aceh's greatest sultans, and its territory expanded to Aru (known today as Deli, North Sumatra)¹²³ and Pariaman before subsequently declining in power on the west coast up to Barus (present day North Sumatra).¹²⁴ Aceh experienced a "golden age" during the reign of Sultan Iskandar Muda (1607-1636) and became an important regional power that made Aceh the most influential state that controlled the Malacca Strait.¹²⁵ His achievement were largely based on remarkable military power. Iskandar's power reached as far as Deli, Inderapura, and claimed most of the important ports as far south as Asahan (North Sumatra). In the 1620s, He also conquered Pahang, Johor, Kedah, and Perak on the Malay Peninsula as well as Nias. In this period Aceh was identified not only as a major center of Islamic learning and trade, but it was also recognized as an Islamic state.¹²⁶ And yet it did not last long as the power of Sultan Iskandar Muda suffered a decline after the Portuguese destroyed

¹¹⁹ Tim Kell, *The Root of Acehese Rebellion 1989-1992* (New York: Cornell Modern Indonesia Project, 1995), p. 33.

¹²⁰ Ricklefs, 1993, p. 33.

¹²¹ Reid, 1969, p.2.

¹²² Ricklefs, 1993, p. 33.

¹²³ A. C. Milner, E. Edwards McKinnon, and Tengku Luckman Sinar, *A Note on Aru Kota Cina*, (Ithaca: Southeast Asia Program Publication at Cornell University, 1978), p. 5.

¹²⁴ Kell, 1995, p. 4.

¹²⁵ Ibid, p. 5.

¹²⁶ Ibid, p. 4.

hundreds of his ships and some 19,000 of his men in 1629.¹²⁷ The decline was also due to internal conflicts such as the movements of *uleebalang*¹²⁸ against the Iskandar's oppressive measures, and the competition between the Dutch and the British colonial powers over Aceh's abundant natural resources.¹²⁹

The influence of the Aceh sultanate was undermined in terms of its economic and political power, since the Dutch gained control of the Malay Peninsula in 1641. The sultanate authority was subsequently limited to approximately those areas that the province covers today. In 1666 and 1667, the Dutch managed to take over Malacca and put an end to the Aceh sultanate's control of the region. The downfall of the Sultan of Aceh led to the reduction of its territory, and from then on he only controlled Banda Aceh and its ports. The demise of Iskandar led to a change in the political patterns of Aceh. Iskandar then gave an opportunity to the *uleebalang* to control the trade in their respective territory and remain politically independent from the sultanate. Reid suggests who were rewarded with grants of land in the area conquered by the sultans.¹³⁰ The sultanate became a weak symbolic institution after Aceh entered long episode of internal disunion at the end of 17th century.¹³¹

3.1.2 The Impact of the London Treaty (1824)

The early 1800s witnessed a revival in Aceh's commercial significance as well as the Sultanate's perceived weakness. The British continued to be the most active trading partner and interested in Aceh's ports, which resulted in a negotiated mutual defense treaty with Britain in 1819. This treaty guaranteed Acehnese independence in the region and the support of the British should any power attempt to

¹²⁷ Ricklefs, 1993, p. 34.

¹²⁸ Uleebalang is Acehnese language that refer to the traditional nobility, which also known as aristocratic land owners.

¹²⁹ Ricklefs, 1993, p. 35.

¹³⁰ Antony Reid, *An Indonesian Frontier: Acehnese and Other History of Sumatra* (Singapore: Singapore University Press, 2005), p. 142.

¹³¹ Ricklefs, 1993, p. 36.

colonize it.¹³² In the 17th century, Acehnese power began to decline, and the great European powers, the Dutch and the British, fought for control.¹³³ The 1819 treaty was the negotiation between the sultanate and the British, and as a result, the British obtained exclusive commercial privileges with the Acehnese.¹³⁴ The British promised to support the sultanate military, and the sultanate agreed to make no foreign alliances without British approval.¹³⁵

However, just five years later, immediately following the Napoleonic Wars, the British and the Dutch negotiated the London Treaty of 1824 that demarcated each country's sphere of influence in Southeast Asia. Aceh had been consigned to the Dutch sphere of influence in exchange for the British retention of Singapore. While the British insisted that the independence treaty of 1819 be noted clearly in the London Treaty of 1824, several years prior to the Dutch invasion, it became apparent that Aceh's independence had been subordinated to larger British interests and that the sphere of influence agreement outweighed the 1819 treaty between Aceh and Britain.¹³⁶ The London treaty of 1824, also known as the Anglo-Dutch Treaty, created the states of Malaysia and Indonesia by partitioning the sphere of interest between the Dutch and British along the straits of Singapore and Malacca.¹³⁷ The 1824 treaty was not only designed to resolve some issues regarding the Napoleonic war (1803-1805) in Europe, but also to guarantee that the British would continue trade in Malay Peninsula.¹³⁸ An article of the 1824 treaty also stated that the two powers recognized

¹³² Mark R. Mason, *The Panarchy of Peace* (Ohio: The Center for International Studies Ohio University, 2008), p. 28.

¹³³ Anthony Reid, "Economic and Social Change c. 1400-1800," in Nicholas Tarling (ed.) *The Cambridge History of Southeast Asia* (Cambridge, New York: Cambridge University Press, 1999), pp. 460-507.

¹³⁴ Elizabeth F. Drexler, *Aceh, Indonesia: Securing the Insecure State* (Philadelphia: University of Philadelphia Press, 2008), p. 58.

¹³⁵ Reid, 1999, p. 96.

¹³⁶ Lee Kam Hing, 2006, pp. 74-91.

¹³⁷ *Ibid.*, p. 89.

¹³⁸ Keat Gin Ooi, *Southeast Asia: A Historical Encyclopedia from Angkor Wat to East Timor* (Santa Barbara: ABC-CLIO, 2004), p. 871.

the independence of Aceh.¹³⁹ The agreement authorized the Dutch to gain full control of Sumatra. Although the treaty marked the end of the British permanent presence in Aceh, the commercial relations with the sultanate of Aceh was continued, and in fact, the trading expanded to British areas of influence such as Penang, Thailand and Burma.¹⁴⁰

Over the next five decades Aceh remained politically stable, economically vibrant, its capital cosmopolitan and territorially resilient, it even experienced a resurgence in the pepper trade from 1823-1838 and again in the 1850s.¹⁴¹ Aceh contributed over half of the world pepper production by the 1820s. When Aceh was under Sultan Muhammad Syah (1823-1838), the pepper production continued to grow and the production increased 13 million pounds (5,800 tons) in 1839 due to the opening of new plantations in some regions of Aceh.¹⁴² However, by the late 1840s the Acehnese Sultanate recognizing the growing threat of Dutch power as Holland continued to make advances into Sumatran ports. Sultan Ali Alauddin Mansyur Syah's (1838-1870) reign was characterized by resistance to Dutch activities on the east and west coast of Sumatra. To gain Turkish protection Sultan Mansyur desperately sought to reestablished Aceh's position within the Ottoman Empire as a vassal state. Mansyur also attempted military support guarantees from France in the period from 1840-1852 and the United States in 1873.¹⁴³

In addition, the sultanate of Aceh under sultan Ali Alauddin Mansyur Syah remained powerful and enjoyed impressive economic development, which forced the Dutch to continue to respect Aceh as independent state. However, the fierce rivalries between *uleebalang* and the sultanate led Acehnese sultan to grant trading rights, land and a degree of autonomy to the *uleebalang*, especially for those who were loyal to

¹³⁹ Ricklefs, 1993, p. 143.

¹⁴⁰ Reid, 1999, p. 90.

¹⁴¹ Lee Kam Hing, 2006, pp. 89-92.

¹⁴² Reid, 1999, p. 90

¹⁴³ Mark, R. Mason, 2008, p. 29.

the ruler, to increase pepper production.¹⁴⁴ The booming pepper production drew pepper traders from Europe and America, but the profit did not go to the sultan, the benefit went to the local *uleebalang*, who controlled particular ports. The pepper wealth generated powerful and independent-minded *uleebalang*, and as a result, the sultan's power became less important in commercial and political affairs.¹⁴⁵

As described before, the London Treaty of 1824 created the states of Indonesia and Malaysia, and also the establishment of Singapore. Moreover, the establishment of Singapore led to an economic downturn for the Aceh sultanate, as the British was now served by Singapore, and this made Aceh less important for British strategic and commercial interests in the region.¹⁴⁶ In the last quarter of the 19th century, the world pepper price and production gradually declined due to soil exhaustion and the weakening Aceh economy in general.¹⁴⁷ In the 1819 treaty, the British agreed to protect Aceh military, and in the 1824 treaty, they recognized the independence of Aceh, But then the policy changed. The British no longer considered Aceh's independence to be feasible, and finally let the Dutch have Aceh. The Dutch were subsequently involved in the Aceh War of 1873.

In 1871 the British agreed to relinquish their guarantee on Aceh independence in exchange for the acquisition of a fort and effective control of the Gold Coast (Ghana). That same year the Dutch began to pressure Aceh into signing an unequal treaty. Aceh chose to continue to seek military support and its discussions with the US were reason enough for the Dutch to invade Aceh in 1873.¹⁴⁸ This leads to the Dutch-Aceh War that will be described hereinafter.

¹⁴⁴ Reid, 1999, p. 90.

¹⁴⁵ Lee Kam Hing, 2006, p. 73

¹⁴⁶ Ibid., p. 92.

¹⁴⁷ Ibid., p. 91.

¹⁴⁸ Reid, 2006, p. 97.

3.2 The Colonial Period (1873-1945)

3.2.1 The Dutch-Aceh War (1873-1903)

Aceh is known for its resistance against outsiders since a long time. It was evident from the stiff resistance that given by Acehnese against the Dutch during the period of thirty years of war from 1873-1903. The Dutch did little more than militarily occupy the capital of Banda Aceh. Acehnese resistance was fierce and the Dutch suffered extremely heavy losses, though mostly from disease. Eventually they were able to control Banda and co-opt the *uleebelang*, who then further oppressed the common Acehnese. Just prior to the Japanese invasion of 1941, the Acehnese rose up and forced the Dutch out of Banda.¹⁴⁹

The beginning of Aceh's war against the Dutch was marked on March 26, 1873, when the Dutch fleets began an attack on Banda Aceh. The Dutch forces were comprised of some 3,000 strong under the leadership of Maj. Gen. J.H.R. Kohler. The first attacks failed to gain their strategic objective; instead, the Dutch suffered defeat at the hands of the Acehnese.¹⁵⁰ The Dutch suffered many casualties and even the commander himself, Kohler, was killed.¹⁵¹ The second attack, which took place in November 1873, was led by Lieutenant General J. Van Swieten, with a larger number of troops, some 13,000, who stormed the sultanate and seized Sultan Mahmud Syah (1870-1874) and ended the succession of the last of Aceh's sultanate dynasty.¹⁵² The Acehnese, however, were ready to defend their land and the Dutch's military operation to capture Aceh became the longest and bloodiest colonial campaign. The Dutch suffered many casualties over time due to combat and non-combat causes, such as cholera and other diseases. This bad situation forced the Dutch to conclude with a

¹⁴⁹ Ibid., pp. 103-105.

¹⁵⁰ Anthony Reid, "Colonial Transformation: a Bitter Legacy," in Anthony Reid (ed.), *Verandah of Violence* (Singapore: University of Singapore, 2006), p. 97.

¹⁵¹ Teuku Ibrahim Alfian, "Aceh and the Holy War (*Prang Sabil*)," in *Verandah of Violence* ed by Anthony Reid, Singapore: University of Singapore, 2006, p. 111.

¹⁵² Lee Kam Hing, 2006, p. 72.

treaty to finalize their dominance, which was impossible, as the sultanate had been abolished when the Dutch claimed victory over Aceh in January 1874.¹⁵³ Nevertheless, the Dutch lost some 7,000 of their troops by the end of 1878. According some estimates, the Dutch-Aceh War lasted for more than 30 years (until 1914) and claimed no less than 17,500 on the Dutch side, and around 70,000 lives on Aceh's side.¹⁵⁴ When Sultan Mahmud died of cholera, Tuanku Muhammad Daud Syah was declared by the Acehnese to be Sultan Ibrahim Mansyur Syah (1875-1907). The Acehnese refused to give up. After recognizing the tough Acehnese resistance, the Dutch ultimately announced that the war was over in 1881. This made the Aceh resistance Southeast Asia's first successful guerilla strategy against any European power.¹⁵⁵

Ironically, in order to safeguard its own commercial interests, the relationship of the *uleebalang* with the external forces during the Dutch-Aceh War grew more cooperative. While the commercial activities in this region were growing, the seeds of disunity among the Acehnese became apparent since the *uleebalang* themselves were divided by political and economic rivalry. For this reason the *uleebalang* could not provide the unity necessary for resistance to the Dutch. This situation led to the emergence of the *ulama* (clerics or religious leaders) to lead the struggle against the Dutch and galvanize anti-colonial sentiment among the society. Tengku Sheik Saman di Tiro, a charismatic religious leader of Pidie emerged in this period (1863-1891). He inspired the guerilla resistance by popularizing an Acehnese epic poem, *Hikayat Perang Sabil* (The Epic of the Holy War), an important religious-based struggle that turned the battle into a holy war for the faith.¹⁵⁶ In this period, *Ulama* gained an important position during the Dutch occupation, since the escalating *uleebalang*'s

¹⁵³ Ricklefs, 1993, p. 145.

¹⁵⁴ Alfian, 2006, p. 111.

¹⁵⁵ Reid, 2006, p. 99; Ricklefs, 1993, p. 145.

¹⁵⁶ Reid, 2006, p. 99.

dependence on the Dutch, and subsequently increased alienation from the Aceh society.¹⁵⁷

Aceh was no longer an important hub of the Malay Peninsula by the 1890s. The situation deteriorated after the death of Tengku Sheikh Saman di Tiro in 1891 and led to the gradual conquest of Aceh by the Dutch. The presence of Dr. Christian Snouck Hurgronje (1857-1936), the most prominent Dutch scholar of Islam, and Joannes Benedictus van Heutsz (1851-1924) deteriorated the Aceh position. Both advised the colonial government on Islamic matters to undertake a costly policy to crush the fanatical resistance of the *ulama* by relying upon the *uleebalang* who were seen as secular chiefs.¹⁵⁸ This strategy made the resistance of the Acehnese recede drastically when the death toll of the Acehnese reached 20,000 within ten years.¹⁵⁹ In 1903, the last Aceh sultan, Muhammad Daud Syah was surrendered, and showed that the Aceh conquest had been achieved by the Dutch.¹⁶⁰ But it was not until 1910 that the Dutch were ultimately able to integrate Aceh into the Dutch East Indies.¹⁶¹ The *ulama* led guerilla remained tough up until 1913. All Tengku di Tiro's seven sons were killed, including Tengku Mahyuddin, the grandfather of Hasan Tiro, the leader of the latter Free Aceh Movement (GAM).¹⁶² The Dutch has crushed the resistance and installed an administration headed by the *uleebalang*.¹⁶³ However, until Indonesia declared independence in 1945, the Acehnese resistance was never completely put down. Afterward, the only region the Dutch did not want to re-enter was Aceh.¹⁶⁴ The

¹⁵⁷ Putranto, 2009, p. 16.

¹⁵⁸ Ricklefs, 1993, p. 188.

¹⁵⁹ Reid, 2006, p. 101.

¹⁶⁰ Reid, 1969, p. 282.

¹⁶¹ Edward Aspinall, *Sovereignty, The Successor State, and Universal Human Rights: History and the International Structuring of Acehnese Nationalism*, Indonesia 73 (Ithaca: Southeast Asia Program Publications at Cornell University, 2002), p. 3.

¹⁶² Reid, 2006, p. 101.

¹⁶³ Robert B. Cribb and Audrey Kahin, *Historical dictionary of Indonesia* (Lanham: Scarecrow Press, 2004), p. 4.

¹⁶⁴ Ricklefs, 1993, p. 146.

absence of the Dutch led to the assassination and imprisonment of the prominent *uleebalang* by pro-independence forces led by the religious leadership of *ulama*.¹⁶⁵

3.2.2 The Japanese Occupation Period (1942-1945)

The Japanese invasion marked one of the most important events of Indonesian history, as before the invasion, no serious confrontations with the Dutch had emerged. Under the Japanese occupation, there were so many significant changes that led to the Indonesian revolution, that in fact, under the *ulama* leadership, Islamic-based education such as *madrrasah* (Islamic school) developed significantly. PUSA (All Aceh Ulama Association) was established in this period (1939), and the first chairman of this organization was one of the most prominent religious figures, Teungku M Daud Beureuh of Pidie, who later became an important figure in the revolution against Dutch rule in Aceh. Under his leadership PUSA became a significant organization, particularly during the Japanese occupation period. All the revolutionary movements, therefore, gradually integrated themselves into PUSA, transforming it into political organization.¹⁶⁶

On February 19, 1942, weeks before the Japanese arrived in Aceh, and knowing that they were about to come, the *ulama* took the lead to organize a general revolt against the Dutch. Enthusiastically greeting the Japanese, and in the hopes of driving the Dutch out of Aceh, many PUSA supported the Japanese invasion.¹⁶⁷ The violence escalated between the *uleebalang* and the Acehnese-backed *ulama* in the final years of the Dutch occupation. When Aceh was under the Dutch administration, the Dutch successfully implemented the well-known tactic of *divide et impera* (divide and rule) to break the Acehnese ruling class into two groups, the *ulama* and

¹⁶⁵ Theodore Friend, *Indonesian Destinies* (Cambridge: Belknap Press of Harvard University, 2003), p. 269.

¹⁶⁶ Kell, 1995, p. 9.

¹⁶⁷ Jacques Bertrand, *Nationalism and Ethnic Conflict in Indonesia* (Cambridge, New York: Cambridge University Press, 2004), p. 164.

the *uleebalang*. This policy indirectly recognized Islamic law, and contributed to the strengthening of the authority of the *ulama*.¹⁶⁸ The Japanese made the revolution possible by recruiting, indoctrinating, arming, and training the younger generation in *Giyugun* military units.¹⁶⁹ These actions stimulated nationalism among the society, and as a consequence, the Dutch became the target of looting and personal violence and even deadly attacks. After defeating the Dutch and taking over the administration, the Japanese continued to use *uleebalang*, as the Dutch previously had, to run the government, and as a consequence, increased hatred toward *uleebalang*.

In 1945, the sudden collapse of the Japanese drew the youth movements to join the struggle for Indonesian independence. In October 1945, the older *ulama* supported their struggle by signing the so-called “Declaration of *Ulama* throughout Aceh,” and four prominent *ulama* signed the declaration including Daud Berueuh. He himself pronounced the struggle to be a “holy war.” Anthony Reid depicted Daud Beureuh as the first of the prominent religious leaders to speak up for the Republic.¹⁷⁰ However, the emergence of the nationalism seeds did not come from the new republican leaders, but from a coalition of PUSA, the *madrrasah*-educated youths, and subsequently transformed them into social revolutionaries to challenge the *uleebalang*. They formed a militia and declared a social revolution that was popularly known as *Perang Cumbok* (Cumbok War) to eradicate the *uleebalang* and confiscate their property.¹⁷¹ As a result, hundreds of *uleebalang* lost their lives in the battle for government control. In 1946, the PUSA and the forces associated with them took control of Aceh, after the *uleebalang* were finally eliminated. The vacant positions that had been held by the *uleebalang* in the past were filled by the PUSA leaders and

¹⁶⁸ Ibid., p. 165.

¹⁶⁹ David Brown, *The State and Ethnic Politic in Southeast Asia* (New York: Routledge, 1994), p. 95.

¹⁷⁰ Kell, 1995, p. 9.

¹⁷¹ Jacqueline Aquino Siapno, *Gender, Islam, Nationalism and the State in Aceh: The Paradox of Power, Co-operation and Resistance* (New York: Routledge, 2002), p. 159.

made Daud Beureuh a military governor on August 26, 1947, under the direction of Vice-President Muhammad Hatta.¹⁷²

Since the time when Aceh was under the reign of the sultanate, it has played a key role in shaping faith-identity on the world's Islamic stage by depicting itself as a *Serambi Mekkah* (Verandah of Mecca). During that period, Aceh also faced extensive foreign entities either in peaceful trade with merchants of many nationalities, or hostile encounters with the European powers. During the pre-colonial era, Aceh was legendary for its long history of devout Islam and resistance to external rules. An 1824 Anglo-Dutch treaty placed Aceh in the Dutch sphere of influence, and then the Dutch quickly took control of Sumatra. In the subsequent four decades of bloody war with the Dutch, the *uleebalang* who gradually became supporters of Dutch colonialism, had created a crucial change in Acehnese society. The tension between *uleebalang* and the *ulama* escalated before the invasion by the Japanese in 1942, and months after the Japanese surrender in August 1945. The emergence of *ulama* belonged to the All-Aceh Union of *Ulama* (PUSA) led by Daud Bereuh as Acehnese leadership through social revolution resulted in the Acehnese becoming increasingly Islamic in their resistance ever since.

As Priyambudi Sulistiyanto described, these are the early historical keys to the feeling among Acehnese that their status is different from that of Indonesia's other provinces.¹⁷³ First, Aceh resisted colonization for longer than almost any other part of Indonesia, and the period during which Aceh was eventually colonized was very short. Second, the social revolution of December 1945–March 1946 permanently changed the social structure of Aceh, setting it apart from the rest of the nation on the grounds of religion and class. When in the early years of independence the national leaders of

¹⁷² M. Isa Sulaiman, "From Autonomy to Periphery: A Critical Evaluation of the Acehnese Nationalist Movement," in Anthony Reid (ed.), *Verandah of Violence* (Singapore: Singapore University Press, 2006), p. 128.

¹⁷³ Priyambudi Sulistiyanto, "Whither Aceh?", *Third World Quarterly*, Vol. 22, No. 3, (pp 437-452), 2001, p. 438.

Indonesia were to argue about whether or not Indonesia should become an Islamic state, in Aceh the population was already united under Islam. Social revolution did not take place in the same extent in other parts of Indonesia, where the independence leaders were drawn almost exclusively from the ranks of the Dutch-speaking and Dutch-educated traditional nobility. Third, during the revolution for independence the Dutch left Aceh alone, and Aceh regarded itself initially as having returned to its pre-colonial independent status. However, in 1947 President Sukarno persuaded Aceh to join the Republic of Indonesia, promising that Aceh would be given autonomy within Indonesia, and allowed to implement Islamic law. Fourth, on the basis of these promises, Aceh made substantial contributions to the young republic. It financed the purchase of Indonesia's first aircraft, funded the establishment of diplomatic outposts in Singapore, India and United Nations, and contributed generously to the Indonesian government coffers at a time when the new republic was almost bankrupt.¹⁷⁴

Aceh long history from the pre-colonial period to the independence provided the comprehension of Aceh problem in further. It has a rich history of defending its identity and interest against 'outsiders'. These historical background used as a framework to understanding the Aceh conflict with the Indonesian government that will be describe on chapter four.

¹⁷⁴ H. M. Nur El Ibrahimy, "Federasi Merupakan Solusi Paling Tepat untuk Aceh", *Tempo*, 26 December 1999.

CHAPTER FOUR

THE ACEH CONFLICT AND THE TRANSITION TO PEACE

Aceh is well-known for its political independence and resistance to outside control, whether by former European colonists or by the Indonesian government. Although it is part of the unitary state of Indonesia and has been under direct rule from Jakarta since 1959, Aceh – like some other parts of Indonesia, especially on the ‘outlying’ regions – lacks a ‘common destiny’ with Jakarta.¹⁷⁵ For geographical, historical, cultural and religious reasons, among others, Aceh is unique and different. It has a rich history of defending its identity and interests against ‘outsiders’, especially against the incursion of post-independence Indonesia.

Some scholars attempted to find out the causes of the emergence of the Free Aceh movement (GAM = *Gerakan Aceh Merdeka*), led by Hasan Tiro. The government was unable to suppress GAM permanently; GAM had the ability to make a comeback at a later date. Many believed that the secessionist movement that began in October 1976 was the result of several causes such as the exploitation of Aceh’s natural resources, the brutal military actions, as well as the imposition of various unjust policies toward Aceh that led to the alienation of the Acehnese by the Republic. Why did the Acehnese, who since the revolutionary era had stood firm behind the new Republic and shared ideals and values to mobilize the population against the Dutch now rebel against the Republican government? The transformation

¹⁷⁵ Hasan di Tiro, 1984, in Tim Kell & Cornell University, *The Roots of Acehnese Rebellion, 1989-1992*, (Ithaca, N.Y.: Cornell Modern Indonesia Project, Southeast Asia Program Cornell University, 1995), p. 62.

of the Acehnese preference from a strong proponent of Indonesia to its most rebellious entity needs an explanation.¹⁷⁶

The first hallmark of the “Aceh problem” was the Darul Islam (DI) uprising in 1953, which demanded the establishment of an Islamic state of Indonesia. The DI rebellion ended in 1961 with Jakarta’s promise of special autonomy status for Aceh. When the promise and the region were neglected, another rebellion broke out in 1976, in the form of a secessionist movement led by the Free Aceh Movement (GAM) that directly challenged the ‘territorial integrity of the republic’. Despite the success of Indonesian security operation to defeat GAM in 1977, GAM rebelled again in 1989 and swiftly diffused by another military crackdown.¹⁷⁷

Daud Beureuh declared the revolt in September 1953, and demanded that all Muslims work to establish a government based on Syariah law (Islamic law) following the bloody social revolution to overthrow the political power of *uleebalang*. Some believed that the emergence of GAM was linked to the first revolt. This was understandable since the initial leaders of the first GAM rebellion were former Darul Islam (DI) figures. There was, however, one main difference between the Darul Islam movement and GAM in terms of their goals. To address this issue and understand the differences between the two, I will discuss the emergence of the first rebellion that was inspired by the Darul Islam movement. Darul Islam leaders justified violence primarily in terms of the obligation for all Muslims to create a government based on God’s law and demanded that the Indonesian state be based on Islamic law.¹⁷⁸ Unlike

¹⁷⁶ Joko P. Putranto, 2009, p. 20.

¹⁷⁷ Christine Susanna Tjhin, *Post Tsunami Reconstruction and Peace Building in Aceh: Political Impacts and Potential Risks*, CSIS Working Paper Series, WPS 053 (Jakarta: Centre for Strategic and International Studies, 2005), p.3.

¹⁷⁸ Edward Aspinall, “Violence and Identity Formation in Aceh under Indonesian Rule,” in *Verandah of Violence*. Ed. By Anthony Reid, (Singapore: Singapore University Press, 2006), p. 153.

the Darul Islam rebellion, GAM was obviously pro-independence in nature, secular, and demanded separation from the Republic of Indonesia.¹⁷⁹

4.1 The Rebellions

4.1.1 The Darul Islam Rebellion (1953-1962): the Creation of an Islamic State

The incorporation of Aceh into the Indonesian Republic demonstrated the significant loyalty of Acehnese leaders to the concept of the Indonesian state. The combination of an exclusive sense of unity of Aceh's glorious past as a regional power, their never-give-up attitude to the Dutch, and their strong Islamic identity, brought them into the new Republic. Acehnese elites and the population struggled against the Dutch through social revolution, and shared their common values and ideals to support the Indonesian nationalist movement, which took place throughout almost the entire country. They also showed their strong position when the Dutch returned and fought against the new Republic in 1947–1948. The Acehnese consolidated their resources and became one of the Republic's strongholds.¹⁸⁰ When the Dutch subsequently regained control of the main cities in Java, they did not return to Aceh.¹⁸¹ Under the PUSA administration, Aceh refused the Dutch offer to establish Aceh as a state in a Dutch-led federal system. At that time, Aceh enjoyed a relatively healthy financial condition due to the export of various commodities such as pepper, rubber, tea and coffee to the neighboring countries.¹⁸² When President Soekarno visited Aceh on June 17, 1948, Aceh provided two airplanes to the Republic, and named *Seulawah* RI 01 and *Seulawah* RI 02. In addition, Aceh also contributed a sum of money for supporting Indonesian diplomats in their efforts to persuade the

¹⁷⁹ Kell, 1995, p. 64

¹⁸⁰ Jacques Bertrand, "Democratization and Religious, and National Conflict in Post-Suharto Indonesia." In Susan J. Henders, *Democratization and Identity: Regime and Ethnicity in East and Southeast Asia* (Lanham: Rowman & Littlefield Publisher Inc, 2007), p. 165.

¹⁸¹ Ibid.

¹⁸² Ibid.

international public to recognize the existence of the newly-formed Republic.¹⁸³ In exchange for that, the Acehnese wanted the new Republic to adopt Islamic values.

Before the Japanese surrender, on 22 June 1945, Indonesian Muslims asserted their political will by drafting a preamble to the constitution that was also known as the “*Piagam Jakarta*” (Jakarta Charter). The controversial assertion was on the first principle of *Pancasila*, which states “the belief in one God, with the obligation for adherents of Islam to practice *Syariah* (Islamic law).” After the “*Panitia Sembilan*” (Nine Member of Soekarno’s Advisory Council) achieved a compromise, instead of an Islamic state, Indonesia became secular based on *Pancasila* with freedom of religion guaranteed. The second clause was excluded as a concession to the non-Muslim populations of the eastern archipelago.¹⁸⁴ Some Muslims viewed this as a betrayal of their aspirations. The vast majority of the Muslims, the non-Muslim organizations, and the military, however, agreed with this idea.¹⁸⁵ This issue produced the polarization of several groups from the Republic, and led to the emergence of rebellion under the banner of Islam. There were three Islamic resistance movements in post-independence Indonesia inspired by the wish for an Islamic State, and all either under the banner of the fundamentalist Darul Islam movement or Masyumi.¹⁸⁶ As a result, Islam in this period became linked with the rebellions that opposed secular central government.

¹⁸³ Ahmad Zaini, “The Darul Islam Movement in Aceh from the Perspective of Western Scholarship,” <http://www.geocities.com/HotSprings/6774/zaini.html>, accessed on 07-01-2011.

¹⁸⁴ R. Michael Feener, *Muslim Legal Thought in Modern Indonesia* (Cambridge: Cambridge University Press, 2007), p. 56.

¹⁸⁵ Allan A. Samson, “Army and Islam in Indonesia,” *Pacific Affairs* Vo. XLIV, University of British Columbia, 1971-1972, p. 552.

¹⁸⁶ Samson, “Army and Islam in Indonesia,” p. 549. Howard M. Federspiel, “The Military and Islam in Sukarno’s Indonesia,” *Pacific Affairs* Vol. 46 No.3, University of Columbia, 1973, p. 409. Federspiel noted that the major Islamic movements can be qualified as doctrinaire since each seeks to preserve values of orthodox Islam as developed in the Middle East. Doctrinaire Muslims comprise 30 to 40 percent of the population of Indonesia while syncretic Muslims, who were mostly opposed to the idea of Islamic state, constitute 40 to 60 percent.

There had been important events in this period, including the agreements that implied sovereignty over the whole territory of the Republic of Indonesia as we know it today. The coming into being of the Republic could be tracked from agreements between the Netherlands and Indonesia. The Linggardjati Agreement was finally signed by both sides on March 25, 1947 after being initiated in November 1946. The agreement provided for the de facto recognition of the sovereignty of the Republic over the Islands of Java, Sumatra, and Madura.¹⁸⁷ This agreement was clearly a violation of Indonesia's independence proclamation of August 17, 1945, which implied sovereignty over the entire territory of the Republic and led to disapproval by the people. As a consequence, guerilla fighting continued to expel the Dutch troops. The offensive was, however, put to an end by the signing of the Renville agreement on January 17, 1948. This truce agreement was subsequently violated by the Dutch before the end of December 1948. The Dutch armed forces carried out their second military operation within the Republican-controlled territory. They arrested President Soekarno and Vice President Muhammad Hatta, as well as other national leaders.

On January 28, 1949, the UN Security Council issued a resolution to establish a cease-fire, and demanded the release of Indonesia's leaders. After a series of negotiation efforts to end the hostilities, the Republican Government and the Dutch signed an agreement on the Round Table conference in The Hague on November 2, 1949, under the auspices of the UN. The Dutch now recognized the sovereignty of the Republic of Indonesia. On December 27, 1949 the Dutch East Indies became the sovereign Federal Republic of Indonesia with a federal constitution.¹⁸⁸ Aceh was

¹⁸⁷ Charles Cheney Hyde, "The Status of the Republic of Indonesia in International Law," *Columbia Law Review* 49, Columbia Review Association Inc., 1949, pp. 957-966.

¹⁸⁸ Ministry of Foreign Affairs of Indonesia, "Indonesia in Perspective," in William C. Younce (ed.), *Indonesia: Issues, Historical Background, and Bibliography* (New York: Nova Science Publisher, 2001), p. 111.

included in this agreement as a part of the Dutch colonial possession and as a valid sovereignty over territory that was then incorporated into the Dutch East Indies.¹⁸⁹

On the other side, Acehese Islamist leaders realized that the nationalist leaders of the Republic did not share their goals, and they felt betrayed due to the rejection of Islam as the ideology of the state. The PUSA leaders who ran the Aceh administration tried to negotiate with the central government to win provincial status for Aceh. The government, through Deputy Minister Syarifuddin Prawiranegara, responded to the Acehese aspiration by issuing the *Peraturan Pemerintah* (Governmental Regulation) No.8/Des/WKPM/1949 on January 1, 1950, which granted Aceh full autonomy as a separate province under Daud Beureuh's leadership. The autonomy allowed the local government to control natural resources. The central government, however, changed its decision after transforming the country from a federal into a unitary state in August 1950, and integrated the region of Aceh into the province of North Sumatra. This decision, of course, led to dissatisfaction among the Acehese. The abolition of Aceh's provincial status and the transfer of authority to a non-Acehnese administrator, which was controlled by Christian Bataks in Medan, the capital city of north Sumatra, created various political and economic implications.¹⁹⁰ The government tried to persuade the PUSA leaders to accept this change, and yet never fully achieved compromise. Daud Beureuh and other *ulama* insisted on the establishment of an Islamic Indonesia as their initial moral-based struggle by utilizing another approach, joining the Darul Islam movement.

Daud Beureuh declared Aceh part of the Islamic State of Indonesia (NII: *Negara Islam Indonesia*) on 21 September 1953, and linked to the Darul Islam (DI) rebellions that began in 1948 in West Java under the leadership of S.M Kartosuwiryo. Daud Beureuh mobilized his followers to resist the central government by ordering

¹⁸⁹ Charles Cheney Hyde, *The Status of the Republic of Indonesia in International Law* (Columbia Review Association Inc, 1949), pp. 957-966.

¹⁹⁰ Aspinall, 2006, p. 152.

his armed units to attack government offices and security posts to confiscate arms.¹⁹¹ His actions, however, were opposed by some *ulama* who stated that Daud Beureuh's movement was *bughat* (forbidden), due to the legality of the Soekarno presidency.¹⁹² The government then launched a military operation to suppress the resistance to restore order. The initial military operation, however, failed to curb armed rebellion as the rebels employed a guerilla strategy. Daud Beureuh agreed to negotiate only if the government would give Aceh status on the basis of Islam. Beureuh's statement made it clear that the Acehnese had aspired from the beginning to establish a state with a constitution based on Islam.

It was apparent that the first Acehnese rebellion sought to convert Indonesia to an Islamic state, but it was not a separatist movement in nature since Aceh remained an integral part of the Republic of Indonesia. The DI revolt confronted the Indonesian government that implemented a secularist concept instead of the Islamic option. To justify their violence, DI leaders depicted their enemy as *kafir* (infidel), indeed, Islamic values became the ideological backbone of almost every political movement in this period. And yet, under the Soekarno administration, the original Acehnese grievances had gradually grown since the government became more and more centralist and repressive in responding to regional aspirations. The proponents of this movement believed that Islamic law should have been implemented for the Indonesian state. In 1945, the *Nahdatul Ulama* (NU, Awakening of the Ulama) joined with the Masyumi in advocating the establishment of an Islamic state for Indonesia.¹⁹³ The NU split off from Masyumi in 1952, and in 1960, Masyumi was disbanded and its leaders arrested and imprisoned. The NU was, however, able to maintain political and tactical flexibility by accepting Soekarno's authority and suspended the ultimate goal of an Islamic state in exchange for control over the

¹⁹¹ M. Isa Sulaeman, 2006, p. 130.

¹⁹² *Ibid.*, p. 131.

¹⁹³ Robert W. Hefner, *Civil Islam: Muslim and Democratization in Indonesia* (Princeton: Princeton University Press, 2000), p. 87.

Ministry of Religion and the protection of its political position in the Javanese countryside.¹⁹⁴ Under the pre-1965 Soekarno administration, the department was dominated by officials from the NU.¹⁹⁵ Its leadership finally agreed that, in the interest of national unity, it was acceptable for Indonesia not to be organized as an Islamic state following some disagreement about what the nature of the Indonesian state should be.¹⁹⁶ While Masyumi was considered a traitor to the nation, the NU presented itself as a loyal ally to the president and the armed forces.¹⁹⁷ The main reason for this was that Pancasila could accommodate the diversity of ethnic, regional and religious elements that formed Indonesia. Under Pancasila the state had an obligation to promote religiosity without any religion in particular.¹⁹⁸

4.1.2 The First GAM Rebellion (1976-1979): an Ethno-nationalist Separation Movement

The debate and movement in favor of an Islamic state, whether in Aceh or throughout the country, were no longer accepted after the country returned to the 1945 Constitution following the imposition of “*Dekret Presiden*” (Presidential Decree) in June 1959. Soekarno’s authoritarian rule under Guided Democracy reaffirmed that the state’s ideology was Pancasila and ended the debate on the state’s ideology. Here, as Bertrand argues, the centralization of political, economic and military power as the nature of Guided Democracy and subsequent to the New Order, gradually reduced Aceh’s special status. The regime became centralized and tended to utilize military

¹⁹⁴ Ira M. Lapidus, *A History of Islamic Societies* (Cambridge, New York: Cambridge University Press, 2002), p. 670.

¹⁹⁵ Charles F. Keyes, Laurel Kendall, and Helen Hardacre, *Asian Visions of Authority: Religion and the Modern States of East and Southeast Asia* (Honolulu: University of Hawaii Press, 1994), p. 88.

¹⁹⁶ Angel Rabasa, Cheryl Benard, and Peter Chalk, *The Muslim World after 9/11* (Santa Monica: RAND, 2004), p. 370.

¹⁹⁷ Robert W. Hefner, *Civil Islam: Muslim and Democratization in Indonesia* (Princeton: Princeton University Press, 2000), p. 86.

¹⁹⁸ Jacques Bertrand, 2007, p. 195.

power to put down resistance movements, especially those that were separatist in nature.¹⁹⁹

After the downfall of the Soekarno regime, and following the abortive Indonesian Communist Party in September 1965, the New Order regime, which was dominated by the armed forces led by President Soeharto emerged. The new administration became more centralized than the previous government especially in controlling economic resources.²⁰⁰ After almost a decade of little center-periphery conflict, Acehese dissatisfaction reemerged in the early 1970s. The discovery of a huge oil and natural gas reserve in North Aceh by Exxon Mobil Oil Indonesia triggered the regional sentiment as if all of the Aceh's wealth were transferred to Jakarta.²⁰¹ The establishment of the Lhokseumawe Industrial Development Zone (ZILS) in 1977 drew the arrival of non-Acehnese workers, and at the same time, increased the presence of armed forces to secure the profitable national asset.²⁰² By the end of the 1980s, Aceh was contributing 30 percent of the country's total oil and gas export, making Aceh one of the main sources of the government's revenue.²⁰³

The centralized fiscal system allowed the revenues from these investments to move directly to foreign investors, Indonesian partners, and the central government. According to this centralized budgetary system, the local government received its annual budget from the central government. The concept of a unitary state allowed the natural resources found in any province to be used to subsidize the poorer regions. In other words, Aceh would support the central government as well as the other provinces' expenditures. The provincial government had no rights to tax the oil and gas revenue, and as a result, the provincial budget only received a small amount of

¹⁹⁹ Ibid., p. 168.

²⁰⁰ Hefner, 2000, p. 58.

²⁰¹ John Bresnan, *Indonesia: the great transition* (Lanham: Rowman & Littlefield Publisher, 2005), p. 40.

²⁰² Michelle Ann Miller, "What's Special about Special Autonomy in Aceh." In Reid, *Verandah of Violence* (292-314) (Singapore: Singapore University Press, 2004), p. 295.

²⁰³ Cribb and Kahin, p. 5.

the total revenue that was produced in the province.²⁰⁴ Ironically, the vast majority of the Acehnese remained at work in the agricultural sectors and enjoyed no significant benefits from the industrial complex. The local population continued to rely on traditional agriculture and fishery, and their lack of education and required skills meant that most Acehnese lacked the ability to compete with non-Acehnese in getting jobs in the modern industrial compound. The booming production of natural resources failed to increase the living standard of the average Acehnese. The centralization of state power that characterized the New Order regime was unable to enhance Aceh's economy in general. As a consequence, the local population did not benefit from the fast-growing industrial zone generated by Aceh's natural resources.

The first GAM rebellion broke out in October 1976 under the leadership of Hasan Tiro who created the Aceh Sumatra National Liberation Front (ASNLF), which was also well-known as GAM. Hasan Tiro is the son of the hero of Aceh's struggle against the Dutch, Tengku Cik di Tiro who was linked to the Darul Islam (DI) movement in the 1950s. But unlike the Darul Islam rebellion, the GAM opposition clearly took the form of an ethno-nationalist movement, seeking separation from the Republic of Indonesia. When Tiro declared the independence of Aceh-Sumatra in December 1976, he did not mention an Islamic state as the GAM's primary goal as had been previously demanded by the Darul Islam; he changed the argument by exercising an ethnic-based propaganda to provoke Acehnese sentiment against "Javanese colonialism" (which he refers to as Indonesia) in which the Javanese replace the Dutchmen as emperors.²⁰⁵ He also paid more attention to Aceh's natural wealth and said that the Acehnese should have benefited from its resources like in Brunei Darussalam.²⁰⁶ Acehnese nationalists frequently depicted Indonesian rule as colonial, and as an extension of Dutch rule. For that reason, the GAM struggle was a

²⁰⁴ Kell, 1995, p. 15.

²⁰⁵ Ibid., p. 62.

²⁰⁶ Anthony Bebbington, *Institutional pathway to equity: addressing inequality traps* (Washington D.C.: World Bank, 2008), p. 204.

continuation of opposition to the Dutch. As Aspinall noted, the independence of Aceh, which was declared in 1976, was a successor state to the nineteenth-century sultanate.²⁰⁷

Many Acehnese argued that Aceh was never conquered by the Dutch. It became clear that the Acehnese people found themselves in a complicated dilemma when they dealt with history that was difficult to forget. Aceh was, of course, conquered by the Dutch and included in Indonesia when the country became independent.²⁰⁸ Some scholars also believe that the GAM leaders' views reflected past romanticism as well as frustration in seeking international support and recognition, and was aimed at propaganda purposes. The bases of Tiro's arguments were apparently to construct national identity and target the Acehnese people. Tiro effectively employed rhetoric as though Aceh had been exploited by the Javanese neo-colonialism, and at the same time, he promoted Acehnese ethnic nationalism:

We, the people of Aceh, Sumatra, exercising our right to self-determination, and protecting our historic right of eminent domain to our fatherland, do hereby declare ourselves free and independent from all political control of the foreign regime of Jakarta and the alien people of the island of Java ... The Javanese, nevertheless, are attempting to perpetuate colonialism which all the Western colonial powers had abandoned and all the world had condemned. During the last thirty years the people of Aceh, Sumatra have witnessed how our fatherland has been exploited and driven into ruinous conditions by the Javanese neo-colonialist: they have abused the education of our children; they have put our people in chains of tyranny, poverty and neglect.²⁰⁹

Unfortunately, the government responded by relying heavily on military force as a primary tool to maintain the national integrity that had been characterized by the New Order regime. There could be no compromise with separatists as the unity and

²⁰⁷ Aspinall, "Sovereignty, the Successor State," p. 11-12.

²⁰⁸ Stefan Wolff, *Ethnic Conflict: a Global Perspective* (Oxford, New York: Oxford University Press, 2006), p. 197.

²⁰⁹ Hasan Muhammad Tiro, *The Price of Freedom: the Unfinished Diary* (Norsborg: Informational Department National Liberation Front Aceh Sumatra, 1981), p. 24-26.

integrity of the state was at stake.²¹⁰ The rebellion had no capability to challenge the government's military forces, and this led to the defeat of the rebellion. Not only was the first rebellion defeated in a relatively short period of time, but it also failed to gain popular support especially among the Acehnese *ulama*, since GAM heavily promoted the secular platform. The lack of the popular support, as Kell argues, was in sharp contrast to movements in the past, when the *ulama* played an important role as a distinctive and cohesive social group who had the capacity to challenge the state power. Under the New Order regime, in contrast, they had no significant political influence due to the extreme centralization of state power.²¹¹ As a result, the *ulama* were no longer considered the main leaders of the Acehnese. Although the Indonesian military operation managed to crush GAM, it failed to capture Hasan Tiro. Tiro, who at that time was a local businessman, and in 1950s had been the representative of Darul Islam at the United Nations, left Aceh in 1979. He established a government in exile in Sweden and continued his struggle from there.

4.1.3 The Second GAM Rebellion (1989-1991): turn to the use of violence

The rapid development of Aceh due to the boom of Liquefied Natural Gas (LNG) between 1978 and 1989 increased Aceh's income per capita some 69.5 percent.²¹² This, ironically, generated social tension when tens of thousands of infrastructure workers and job-seekers from outside Aceh came to the province. The influx of non-Acehnese workers led to competition for jobs, which became fierce and contributed to grievances that encouraged the 1989 reemergence of GAM.

The second GAM, a decade after the first rebellion, began attacking military and police posts across the region. This time, GAM returned in a larger force and

²¹⁰ Robert Cribb, "Indonesia: History," in Eur (ed.), *The Far East and Australasia 2003* 34th edition, Europa Publication Staff: Routledge, 2003, p. 533.

²¹¹ Kell, *The Root*, p. 60.

²¹² Michael L. Ross, 2005, p. 42.

with better equipment than the previous time. According to some estimates, the number of active members was about 750, and some 250 received military training in Libya.²¹³ GAM military wings obtained arms from the international route that supply it, such as from Thailand, Malaysia, Kazakhstan, as well as Afghanistan and Libya.²¹⁴ They also get the arms from Indonesian security forces whose installations they raided.²¹⁵ Its leadership was safe in exile where it continued its struggle for independence. Acehese communities also contributed funds and safe havens in neighboring countries like Malaysia.²¹⁶ The new generations of GAM came from the families' victims in Pidie, North Aceh and East Aceh.²¹⁷

In 1990, the military responded with heavy-handed security measures by launching counterinsurgency operations to curb the renewed challenge. At this time, Aceh was regarded as a "military operation area" (DOM, *Daerah Operasi Militer*) where the government was able to launch military operations at will. Many of GAM's military commanders had been captured or killed. The government's action was successful in a short period of time. By 1991, GAM had been defeated by the military.²¹⁸ However, this operation proved counter-productive as the casualties were largely civilian. Many believe that the prolonged use of violence failed to address the main problem, and in fact, the Acehese turned against the military and the Indonesian government. During ten years of military operations, thousands of Acehese lost their lives. According to a Human Rights Watch (HRW) report published in 2001, in late 1998, the group documented 871 people killed by the army and 387 missing who were later reported dead. More than 500 were under the status

²¹³ Michael L. Ross, "How Do Natural Resources Influence Civil War? Evidence from Thirteen Cases," *International Organization* 58, no. 1 (pp. 35-67) 2004, p. 43.

²¹⁴ Sejarah Asal Mula GAM. <http://www.acehforum.or.id/archive/index.php/t-10943.html>, accessed on 18-10-2011.

²¹⁵ Kell, *The Root*, p. 73.

²¹⁶ Rizal Sukma, *Security Operation in Aceh: Goal, Consequences, and Lessons* (Washington D.C.: East-West Center Washington, 2004), p. 6.

²¹⁷ Kirsten E. Schulze, *The Free Aceh Movement (GAM): Anatomy of a Separatist Organization* (Washington: East-West Center Washington, 2004), p. 5.

²¹⁸ *Ibid.*

“disappeared” and were never found. Tens of thousands of Acehnese were imprisoned and tortured in military camps. In addition, hundreds of documented rape cases and various human rights violations affected many Acehnese until the end of the military operations (DOM) in August 1998.²¹⁹ This was clear evidence that the brutal military operations only increased extreme dislike for the government and the military, and contributed directly to the third GAM emergence in 1999.

4.1.4 The Third GAM Rebellion (1999-2003): Cessation of Hostilities Agreement

The downfall of the Soeharto administration in 1998 marked the transition from authoritarian regime to democracy. Soeharto’s successor, President Habibie, launched a breakthrough by offering the East Timorese a choice between separation from or integration into the Republic, and Timorese ultimately managed to gain total separation from Indonesia through referendum in 1999. Habibie’s decision increased secessionist activities in Aceh, and also brought a response from student groups in Aceh that established organizations such as SIRA (Suara Independen Rakyat Aceh)²²⁰ that demanded a similar referendum. When East Timor eventually separated from Indonesia, it created a massive demonstration across Aceh, and according to some estimates, more than 500,000 Acehnese gathered in the capital city of Banda Aceh in 1999 to support the referendum. To pacify the tension in Aceh, Jakarta responded by admitting that serious human rights had taken place in Aceh in the previous decade. President Habibie and Armed Forces Chief Wiranto separately admitted the wrongdoings committed by the military and apologized for the military’s human rights violations. Some senior military officers disagreed with the idea of the military

²¹⁹ Human Right Watch (HRW) Report Vol. 13 No. 4, (C), “Indonesia: The War in Aceh,” 2001, p. 8.

²²⁰ Acronym of the Independent Voters of Aceh.

asking for forgiveness.²²¹ Nevertheless, General Wiranto finally declared a withdrawal of the military and marked the end of the DOM era in 1998.

President Abdurrahman Wahid, after assuming power through election in 1999, continued the political dialogue, and promoted the Aceh conflict as an international issue. An agreement for a Humanitarian Pause was signed on 12 May 2000 in Geneva, and officially ended in February 2001. This policy, however, did not impact GAM's activity; in fact, GAM used this agreement to increase its strength. The agreement failed to stop the violence, and according to an International Crisis Group (ICG) report, by mid-2001, the number of GAM fighters had increased dramatically to about 3,000 with more assault rifles and grenade launchers, and controlled 80 percent of Aceh's village.²²² GAM's arsenal had grown both in quality and quantity since the start of the Humanitarian Pause. GAM also successfully recruited its member by force initially, but over time it also persuaded the children of people who had been killed or tortured by military under the DOM to avenge their parents. Ross cited from the Jakarta Post reported on July 30, 2000, the GAM's new recruits were children of the DOM victims.²²³ Rebel attacks in Aceh escalated toward the end of Wahid's presidency and forced him to authorize harsher military action against the rebels.²²⁴

In July 2001, President Wahid was impeached and replaced by his vice president, Megawati Soekarnoputri. She took a harsher approach by forcing GAM to accept autonomy as a framework before proceeding to further talks; otherwise the military would launch operations on the village of Cot Trieng, one of the GAM

²²¹ Adam Schwarz, *A Nation in Waiting: Indonesia's search for stability* (Boulder, Colorado: Westview Press, 2000), p. 399.

²²² Ross, p. 47.

²²³ *Ibid.*, p. 48.

²²⁴ Karen Guttieri and Jessica Piombo, *Interim Government: institutional bridges to peace and democracy?* (Washington D.C.: United States Institute of Peace Press, 2007), p. 166.

strongholds, in November 2002.²²⁵ On 9 December 2002, as a result GAM agreed to conclude a Cessation of Hostilities Agreement (COHA) with the government. However, the agreement failed to lead to a compromise. GAM wanted independence while the government offered an autonomy which was considered “the least desirable option,” by GAM, and led to the collapse of the agreement in May 2003.²²⁶

4.2 The Long and Winding Road to Negotiations: Peace Settlement by-product of changes in Indonesia

4.2.1 Peace Settlement in the First Rebellion

Many scholars agree that the initial diagnosis of Aceh’s problem put the blame on the central government rather than on Acehnese society itself. The Aceh conflict was based on a sense that Aceh was the hero of the revolutionary war, and had been marginalized. The central government also disregarded the Acehnese identity as devout Muslims who proudly referred to their province as *Serambi Mekah* (Verandah of Mecca). There were open demands in Aceh for the creation of an Islamic state, and by 1953, Daud Beureuh established a paramilitary organization and contacted Kartosuwiryo, the Darul Islam leader in West Java. On September 21, 1953, Daud Beureuh formally linked Aceh to the Islamic Indonesian State (NII, Negara Islam Indonesia) and joined the DI rebellion. For the DI rebels in Aceh, Islam was fundamental and indivisible for Indonesia; therefore, the DI rejected the idea of the Pancasila principles of the Indonesian Republic. Islam covers all aspects of public and private life. From this DI perspective, Islam was not merely faith but also ideology, therefore, establishing the Islamic state of Indonesia was an obligation for all Muslims. The conflict escalated because Daud Beureuh tended to favor forceful resistance to achieve his goal.

²²⁵ Damien Kingsbury, *Peace in Aceh: a personal account of the Helsinki peace process* (Jakarta: Equinox Publisher, 2006), p. 13.

²²⁶ Schulze, 2004, p. 265

In order to reduce the tension between Aceh and the central government, the government employed the non-military method of granting Aceh the status of Special Province in 1959, with autonomy in terms of religion, *hukum adat* (customary law) and education. Daud Beureuh agreed to negotiate his goal, from the implementation of Islamic law for the Indonesian state, in general, to be Islamic law in Aceh, in particular.²²⁷ Although peace was reached in Aceh as Daud Beureuh's ideological stance softened, Masyumi, DI and other Islamists failed to achieve an Islamic state in Indonesia. At that time, Islamic radical movements were considered part of the problem that hampered unity in the nation. By 1960, Islamist movements had been marginalized; the Soekarno administration with the so-called *Demokrasi Terpimpin* (Guided Democracy) (1957-1965) employed the Indonesian armed forces effectively to overcome various national problems including Islamic-based revolts. The military leaderships, on the other hand, favored a secular idea and gave their support to Soekarno's Pancasila doctrine. This was reasonable since members of the Indonesian armed forces came from different backgrounds, and tended to reflect the sub-cultural background of those areas.²²⁸ The Indonesian army had an important role in curbing the Darul Islam-inspired rebellions by employing counter-insurgency campaigns. Aceh's first rebellion, however, ended peacefully through negotiation instead of military defeat. The armed rebellion as DI's method to establish an Islamic state as its goal was brought to an end in 1962. Daud Beureuh was not killed in the military campaign or executed, but surrendered and was granted amnesty.²²⁹

²²⁷ Michelle Ann Miller, 2004, p. 295.

²²⁸ Howard M. Fedespiel, *The Military and Islam in Sukarno's Indonesia* (University of Columbia, 1973), p. 410.

²²⁹ Cornelis Van Dijk, *Rebellion under the Banner of Islam: the Darul Islam in Indonesia* (The Hague: Martinus Nijhoff, 1981), p. 269.

4.2.2 Peace Settlement under President Habibie

The collapse of the Soeharto administration in May 1998 marked the emergence of the popular movement to eradicate corruption, collusion and nepotism (KKN), promote democratization and renew civil-military relations. At the same time, the provinces demanded greater autonomy and a larger share of the natural resources revenue. B.J Habibie, Soeharto's Vice President assumed the presidency in August 1998. He then launched a phenomenal decision for the status of East Timor. As Jemadu put it, Habibie's decision as part of his own political calculations, in the hopes of distancing himself from the authoritarian image of the Soeharto regime, promoted some democratic styles in his policies such as freedom of the press, the establishment of independent political parties, the imposition of new regional autonomy laws, the release of political prisoners, and the promise of a fair and democratic general election in 1999 to address the Acehese grievances.²³⁰ In term of the secessionist movements, he offered two choices to the East Timorese, either integration or separation from the Indonesian state a referendum. His decision intensified the ethno-nationalist struggles against the Indonesian state, including Aceh's secessionist movement. East Timor had a clearly distinctive history of forced incorporation into the Indonesian nation. Aceh, however, has always been an integral part of the Republic as the Acehese indicated when they joined their fellow nationalist youth organizations to drive the Dutch out of the archipelago. President Habibie attempted to resolve Aceh's conflict through different methods such as sending human rights investigators, and releasing hundreds of Acehese political prisoners, as well as reducing the military presence in the province by withdrawing non-organic security forces. The military leaders also wanted to pacify the Acehese as was demonstrated by the Chief of the Indonesian Armed Forces (TNI) General Wiranto in August 1998. He went to Aceh to apologize for what the TNI had done in

²³⁰ Aleksius Jemadu, "Democratization, the Indonesian Armed Forces and the Resolving of the Aceh Conflict," in *Verandah of Violence*, ed. By Anthony Reid (Singapore: Singapore University Press, 2004), p. 277.

Aceh in the past, especially during the period of the enactment of Military Operation Zone.

In addition to de-escalating the center-periphery tensions, Habibie's administration also used non-coercive means, and the use of violence was greatly limited. He launched a decentralization policy by introducing various autonomy laws. The most important of the laws, which was only applied to Aceh, was Law No. 44 of 1999 that was also known as "Special Status of the Province of Aceh Special Region." This law was undoubtedly similar to the previous one, which was granted in 1959 as a part of the Darul Islam settlement, allowing Aceh autonomy in terms of its religious, cultural and educational affairs. As Gibbon and Miller pointed out, the implementation of this law was based on the assumption that the 1959 law failed to satisfy the Acehnese.²³¹ The government believed that Law No. 44 of 1999 was the key to reducing the discontent between Aceh and Jakarta and affected popular support for GAM. The implementation of Islamic law alone, however, failed to deal with the primary issue. Acehnese were, indeed, happy to welcome Islamic law as they demanded for so long, but they needed more than that; human rights and profit-sharing as well as independence were more crucial issues among Acehnese society. Many criticized the government decision to implement Islamic law as a poor strategy as GAM leaders, *ulama* and student groups no longer pursued the Islamic state as they had in 1950s and 1960s. GAM used Islam merely as a symbol and to gain popular support to create basic ethno-nationalist feelings which helped it deliver its message of referendum and independence. Although Habibie tried to implement various democratic methods, he failed to convince the Acehnese to remain part of the Indonesian state. GAM, on the other hand, demanded a referendum and was inspired by Habibie's approval of a referendum for East Timor.

²³¹ Miller, p. 298; Rodd McGibbon, "Local Leadership and the Aceh Conflict," in *Verandah of Violence*, ed. By Anthony Reid (Singapore: Singapore University Press, 2004), p. 332.

4.2.3 Peace Settlement under President Abdurrahman Wahid

Habibie's successor, Abdurrahman Wahid, was the first elected President of Indonesia after the fall of the Soeharto regime in 1998. Many expected that the Wahid administration would settle the separatism issue in Aceh, Papua and East Timor with a more constructive resolution as before being elected president, Wahid was a prominent democratic figure. He was also known to be a longstanding opponent of the Soeharto regime. Like Habibie's move, Wahid made a statement supporting a referendum for Aceh. His decision, however, had little support from the military due to the bitter lessons of internationalization from the East Timor conflict leading to its separation from Indonesia. The People's Representative Council (DPR) also expressed disagreement by removing all references to a referendum for resolving the Aceh conflict. For these reasons, Wahid then turned his decision to initiate dialogue with GAM. His conciliatory approach in 2000, which was brokered by the newly-established Henry Dunant Center (HDC)²³², lasted a relatively short period of time.

The GAM representatives in the negotiations insisted on their goal of total independence, but the Indonesian representatives believed that the peace talks could only be achieved within the framework of a unitary state. The HDC expected that the dialogues focus on the humanitarian issues since the conflict claimed a large number of human casualties. The HDC initiative was supported by the international community in general, and by the United States as well as the European Union in particular. In the talks, both sides acknowledged that the government could not crush GAM militarily, and that GAM had no prospects for defeating the military.²³³ From GAM's perspective, regardless of the outcome, it had managed to internationalize the issue in the hopes that the United States and the European Union would put pressure

²³² Henry Dunant Center (now become The Center of Humanitarian Dialogue) is an independent mediation organization, based in Geneva, Switzerland, dedicated to improving the global response to armed conflict. For more information see their official website in <http://www.hdcentre.org/>.

²³³ Edward Aspinall and Harold Crouch, *The Aceh Peace Process: Why it Failed* (Washington, D.C: East-West Center Washington, 2003), p. 11.

on Indonesia to grant independence to Aceh. GAM leaders had long sought this opportunity to internationally disclose the human right abuses that were taking place in Aceh. For the government, this was also the opportunity to show, internationally, that it was serious about handling human rights issues and internal conflicts at a time when its reputation was badly damaged by the East Timor case.

In May 2000, the government and GAM representatives signed a “Joint Understanding on Humanitarian Pause for Aceh,” to promote “confidence-building” measure toward a peaceful solution to the conflict situation in Aceh. The Humanitarian pause was a ceasefire, a three-month accord designed to halt the fighting and to allow the distribution of humanitarian assistance to the Acehnese. The government representative was Hasan Wirajuda, who was an Indonesian ambassador to the UN, and Hasan Tiro for the GAM. Many Indonesians, especially the military, expressed disagreement with the negotiation because they believed that GAM should not be treated as equal to the TNI Polri (Indonesian National Police). The reason was that it could create a precedent that might implicitly recognize GAM as an “international actor,” and would invite “international forces to intervene.”²³⁴ The widespread criticisms of the Humanitarian Pause were not baseless as there were many reports on the ground that GAM used the pause to expand recruitment and training as well as collect taxes in the areas under its control.²³⁵ The reality was that GAM used this opportunity to regroup and rearm.²³⁶ This was a clear indication that GAM wanted to escalate the conflict deliberately, and resulted in a series of clashes between Indonesian security forces and GAM combatants that took place soon after the Humanitarian Pause began.

The situation deteriorated as assassination became common, and this agreement failed to de-escalate the violence in Aceh. In response, Wahid issued

²³⁴ Aspinall and Crouch, 2003, p. 16.

²³⁵ Ibid., p. 17.

²³⁶ Stephen Sherlock, *Conflict in Aceh: A Military Solution?*, Foreign Affairs, Defense and Trade Group, 2003, p. 4.

Presidential Instruction No. 4/2001, the so-called *Operasi Pemulihan Keamanan dan Penegakan Hukum* (Operation for the Restoration of Security and Enforcement of the Law), and passed the law for “Special Autonomy” for Aceh in July 2001. The Special Autonomy law gained little support in Aceh because it did not provide for immediate provincial and gubernatorial elections, and did not clarify how Sharia law would be implemented in the province. Moreover, the law did not allow for the establishment of local political parties.²³⁷ Wahid, therefore, failed to achieve a peaceful conflict resolution, and in fact the violence escalated. On July 23, 2001, President Abdurrahman Wahid had to step down due to his impeachment by the National Assembly (MPR), and allowed his vice president, Megawati Soekarnoputri, to succeed him.

4.2.4 Peace Settlement under President Megawati Sukarnoputri

Megawati took a different step to address Aceh conflict; she signed Law No. 18/2001 on Aceh’s special autonomy in the hope that GAM would accept that, and abandon its demand for independence. Megawati also continued efforts to settle the conflict through negotiation, and on December 9, 2002, the Indonesian representatives and GAM finally managed to sign the Cessation of Hostilities agreement. The main intention of the COHA was to bring about another ceasefire and at the same time to evaluate the law on Special Autonomy. But the agreement failed to put an end to the conflict; GAM refused to abandon their primary goal for full independence as indicated and resisted being disarmed. As a subsequent response to the failure of the peaceful settlement, the government enacted Presidential Decree No. 28/2003 on the Declaration of a State Emergency with the Status of Martial Law in Nanggroe Aceh Darussalam Province on 19 May 2003. The military operations in this period were accompanied by increasing allegations of human rights abuses. This was due to the fact that the operations still focused on the elimination of GAM. Again,

²³⁷ Ibid.

the Megawati administration also failed to address the Acehese grievances and bring lasting peace to Aceh.

4.2.5 Peace Settlement under President Susilo Bambang Yudhoyono

The 2004 general election brought Susilo Bambang Yudhoyono (also known as SBY) to power as the fifth Indonesian president. As the Coordinating Minister for Political and Security affairs in President Megawati's cabinet, he had worked to find ways to settle the conflict peacefully. On December 26, 2004, however, the tsunami that hit Aceh killed hundreds of thousands of people. Many believed that the massive disaster led the government of Indonesia and GAM back to the negotiating table to seek peace through non-violent methods. In addition to the tsunami, President SBY and Vice-President Jusuf Kalla, since their election in September 2004, had demonstrated a strong commitment to settle the Aceh conflict through a negotiated solution and with international support. GAM, on the other side, had shown its sincerity to conclude the armed struggle throughout the process. On August 15, 2005, in Helsinki, Finland, the government of Indonesia and GAM representative took a constructive initiative to sign a Memorandum of Understanding (MoU), and brought an end to nearly three decades of armed conflict in Aceh.

The peace agreement, brokered by the Crisis Management Initiative (CMI) led by Finland's former president, Martti Ahtisaari, and was monitored by the member states of the European Union (EU) as well as five Association of Southeast Asian Nations (ASEAN) countries. With strong support from the EU and five participating ASEAN countries, peace now returned to Aceh, and the Acehese could exercise authority over its own affairs within the Unitary State of the Republic of Indonesia. The agreement included a series of requirements of both parties to maintain peace. In exchange, the Indonesian government promised broad autonomy, the right to form local political parties, and local control over the revenues from Aceh's natural resources. GAM had to give up its armed struggle and hand over all its weapons.

GAM committed itself publicly to becoming a local political party within six months of the enactment and dismantling as a rebel movement shortly thereafter. In July 2007, *Partai* GAM (GAM Party) was established by former GAM combatants, with the GAM flag as the party symbol. And yet, in spite of being protested as a violation of the Helsinki agreement, *Partai* GAM officially changed its name. In April 2008, *Partai* GAM became *Partai* Aceh (Aceh Party), and along with the other local parties, the Acehnese were now able to channel their political aspirations.²³⁸

4.3 Post-Tsunami Aceh situation: EU Financial Support

The Indonesian province of Aceh was hit the international headlines on 26 December 2004, due to the huge oceanic earthquake, with a magnitude of 9.0 Richter scale. It followed by a tsunami that killed some 200,000 peoples, left another 550,000 peoples homeless, and destroyed 22 percent of the infrastructure, and wreaked havoc in this northern province of Sumatra, Indonesia, as well as many other parts of the Southeast Asia region.²³⁹ According to the UN Food and Agriculture Organization (FAO) 2,900 hectares of land were ‘lost forever’ since destroyed by the tsunami.²⁴⁰ Some 78 percent of private livelihoods – trade, farming, fisheries – were destroyed. The overall damage in Aceh was estimated at \$4.5 billion dollars, equivalent to 97 percent of the entire gross domestic product of the province.²⁴¹ This shows how the Indian Ocean tsunami devastated the Aceh region and caused huge loss of life and material.

²³⁸ Joko P. Putranto, pp. 78-79.

²³⁹ Caroline Bivar, “Emerging from the shadows: the EU’s role in conflict resolution in Indonesia,” *EPC Issue paper* No. 44, 2005, p. 17.

²⁴⁰ *Agence France Presse (AFP)*, 13 May 2005. In Kirsten E. Schulze, *Between Conflict and Peace: Tsunami Aid and Reconstruction in Aceh*, November 2005, p. 2. see http://www.aceh-eye.org/data_files/english_format/analisis/analysis_others/analysis_others_2005_11_00.pdf, accessed on 16-02-2011.

²⁴¹ Kirsten E. Schulze, 2005, p. 2.

This circumstances (tragic devastation caused by tsunami) forced Indonesian government to open its Acehese border for the outside assistance. Then various kinds of assistance began to arrive from multilateral and bilateral agencies, local and international NGOs, emergency terms, universities, trade unions and individual volunteers. There were also hundreds of journalist from around the world, and more significant was the fact that foreign military forces²⁴² were allowed into Aceh, to help with water purification, medical care, food distribution, the supply of tents, the cleaning out and rehabilitation of hospitals, and repair work on roads and bridges.²⁴³

As described before, peace talks in Aceh had taken place in the early 2000s and a level of progress under COHA was made. However, it was not until the Crisis Management Initiative instigated talks that real progress took place. With EU financial support, the first two rounds of negotiations were held in Helsinki in late January 2005. Subsequent meetings were held in February, April and May. Following the five rounds of negotiations, the break-through MoU was signed on 15 August 2005.²⁴⁴ European Commission support for the implementation of the peace agreement is integrated into the more general efforts to support post-tsunami reconstruction in Aceh, where the European Commission is a lead donor. In January 2005, it promised a 207 million euros reconstruction package for Indonesia, including 7 million euros under the Rapid Reaction Mechanism (RRM) to kick-start long-term reconstruction work.²⁴⁵

Although efforts to restart the peace process began well before December 2004, as already mentioned, the tragic devastation caused by tsunami brought Aceh into the international spotlight, made it politically desirable for both sides to work towards a settlement, offered ways of linking the construction effort and the peace

²⁴² The troops including from Australia, Germany, Singapore and the US.

²⁴³ Caroline Bivar, 2005, p. 17

²⁴⁴ Keizer, 2008, p. 76

²⁴⁵ Caroline Bivar, 2005, p. 27.

process, and ensured the availability of major donor funding outside the government budget.²⁴⁶

The tragic devastation caused by tsunami that swept through the region led to great exposure of Aceh's plight. A lot of international attention turned towards the humanitarian response and also to the conflict. Prior to the catastrophe, secret negotiations between GAM and newly elected President Susilo Bambang Yudhoyono had taken place but the terrible impact of the tsunami drove the two sides to set aside their differences and negotiate publicly to find a solution to the three decade long conflict.²⁴⁷ As a result, the devastating Indian Ocean tsunami of 26 December 2004 created an opportunity for change.

These circumstances and changed dynamic led directly to the Helsinki talks between the Government of Indonesia and the GAM under the CMI, an NGO chaired by former Finnish President Martti Ahtisaari. The negotiations were concluded in five rounds and produced a Memorandum of Understanding, which will be described later.

4.4 Helsinki Peace Process 2005

In September 2004, the second round of Indonesia's first ever direct presidential election took place. The winning ticket featured retired general Susilo Bambang Yudhoyono and former coordinating minister for people's welfare Jusuf Kalla. Previously, both of them had been associated personally with the Aceh peace talks, and they were generally sympathetic to the idea that negotiations were the ideal

²⁴⁶ Ibid., pp. 20-21.

²⁴⁷ M. Glasius, "Human Security, EU Policy and the response to the tsunami," 2006, p. 361. <http://www.Ise.ac.uk/Depts/global/humansecttsunami.htm>, accessed on 09-05-2011.

means to resolve conflicts. It was Vice President Jusuf Kalla, however, who became the most active government advocate of the talks.²⁴⁸

The public announcement that negotiations between the government and GAM would begin was made in press release by the Finnish non-governmental organization, the CMI, on January 23, 2005. The negotiators met on January 27 for the first of what were eventually five rounds of negotiations over the next seven months. The important role in creating the breakthrough for a peace talks was founder and head of CMI, Martti Ahtisaari. He served as both the convener and facilitator of the negotiations. Although the government of Finland provided both the venue for the talks and security for the delegations, he actively managed the negotiations process.²⁴⁹

Martti Ahtisaari was a former president of Finland who had played a prominent role representing the EU in the negotiations with Serbia's president Slobodan Milosevic that brought an end to the Kosovo conflict in 1999, a role that won him a Nobel Peace Prize nomination.²⁵⁰ He had a long distinguished career in the United Nations and as a diplomat, including a role in the peace processes in Bosnia, Iraq, Northern Ireland, and Namibia.

As a former head of state, Ahtisaari brought international calibre to the talks. He brought external resources, advice and expertise to the peace process. In particular, it was relatively easy for Ahtisaari to have access to high-level authorities such as the UN secretary general, Kofi Annan, and the European Union high representative for foreign and security policy, Javier Solana, which proved invaluable at crucial phases

²⁴⁸ Edward Aspinall, *The Helsinki Agreement: A More Promising Basis for Peace in Aceh?*, Policy Studies 20, (Washington D.C.: East-West Center, 2005), p. 14

²⁴⁹ Michael Morfit, "The Road To Helsinki: The Aceh Agreement and Indonesia's Democratic Development", *International Negotiation 12 (111-143)* (Washington, DC, 2007), pp. 115-116.

²⁵⁰ Ahtisaari also nominated for the 2007 Nobel Peace Prize for brokering the Aceh peace agreement. He had been nominated several times in recent years and noted for his international peace work.

of the talks.²⁵¹ Through this association – his close personal contact with Solana – then EU became involved.²⁵² Interestingly, Ahtisaari had in fact first been approached to act as mediator in the Aceh conflict in late 1999, even before HDC became involved, although that early approach came to nothing.²⁵³

The basic procedures governing the negotiations were established by Ahtisaari, who was very active in enforcing them throughout the talks. First, the flow of information to the press was to be carefully monitored and controlled. For example, all press statements were to be issued by CMI, and these provided only the barest detail about the progress of the talks. Second, unlike earlier efforts by the HDC to negotiate the Humanitarian Pause and the COHA, these would be direct talks. Only in the period immediately prior to the first round did Ahtisaari hold ‘proximity talks’²⁵⁴ Third, Ahtisaari insisted that ‘nothing was agreed until everything was agreed.’ This prevented either side from attempting to ‘spin’ agreements on specific points until an overall comprehensive settlement was reached.²⁵⁵ This also forced both sides to look for a comprehensive settlement that included even the most difficult issues rather than seeking quick agreement on individual issues but evading some of the core problems that separated the two sides.²⁵⁶

The first talks began on January 27 in Helsinki. On the Indonesian side, the key negotiators at this and later rounds included Justice and Human Rights Minister Hamid Awaluddin and Deputy Minister of People’s Welfare Farid Husain, both from South Sulawesi and close to Jusuf Kalla, and State Minister for Communication and

²⁵¹ Personal communication from President Ahtisaari, October 18, 2005. In Edward Aspinall, 2005, p. 19.

²⁵² Allene Masters, *The Aceh Peace Accords: one year later and still holding*, *Japanese Institute of Global Communications*, 2006. <http://www.glocom.org/>, accessed on 21-01-2011.

²⁵³ Konrad Hubber, *The HDC in Aceh: Promises and Pitfalls of NGO Mediation and Implementation*, Policy Studies 9, (Washington, D.C.: East-West Center Washington, 2004), p. 23.

²⁵⁴ ‘Proximity talks’ is when the two parties were located in the same venue but spoke only to the convener and never directly to each other).

²⁵⁵ Michael Morfit, 2007, p. 116.

²⁵⁶ Kingsbury, 2006, p. 26, in Morfit, p. 138.

Information Sofyan Djalil, an Acehnese. On the GAM side, the negotiators included senior leaders like “Prime Minister” Malik Mahmud and “Foreign Minister” Zaini Abdullah as well as prominent members of the Acehnese diaspora and foreign advisors. The GAM founder and titular head, Hasan di Tiro, did not attend the negotiations: his health had deteriorated to such an extent that he was no longer able to play a guiding role in the organization.²⁵⁷

Following are the Helsinki negotiations that were concluded in five rounds start from January until July 2005, with the EU financial support. This negotiations produced MoU that signing on 15 August 2005.

- Round 1 (January 27-29) was described only as an effort to restore communications and dialogue between the two sides;
- Round 2 (February 21-23) had a more ambitious goal and was focused on exploring the possibility of a comprehensive solution within the framework of the Indonesian state;
- Round 3 (April 12-16) suggested progress was being made when the CMI announcement specifically cited that the question of monitoring any peace agreement by ‘regional bodies’ was being considered;
- Round 4 (may 26-31) clearly marked significant progress and the prospect of agreement when it was stated that CMI had been asked to prepare draft documents that might serve as the basis for an agreement;
- Round 5 (July 12-17) saw a joint Government of Indonesia and GAM press statement that an agreement had been initialed by both sides and a full MoU would be signed in August.²⁵⁸

After five rounds of tough bargaining between January and July, the two sides eventually agreed on the Helsinki MoU. When the start of negotiations in Helsinki

²⁵⁷ Edward Aspinall, 2005, pp. 21-22.

²⁵⁸ Michael Morfit, 2007, p. 116.

was publicly announced in January 2005, and with the growing realization that the discussions were both serious and that a successful outcome was a distinct possibility, Morfit identifies a number of factors were commonly as to why the peace talks were successful. He gives several different explanations among them is five internal and four external factors.²⁵⁹

Focusing on internal developments, first, are early intentions of Yudhoyono to find a peaceful solution to the conflict. Under his leadership, Indonesia is argued to be coming right in political and security matters, which well set the precedent for a similar settlement in Papua.²⁶⁰ Second, and linked to the previous point, is the greater will of the Indonesian government to resolve the conflict. During CoHA, Indonesia stood firmly against a strong international role because it represented diminutive sovereignty and a symbol of internationalization.²⁶¹ This coincides with Indonesia's 'openness' in the post-Suharto era, where the problem of Aceh was fully exposed to the outside world. The Indonesian government showed a determination to end the conflict with coherent policies and good governance.²⁶²

Along with the previous two points, a third factor leading to the government's realisation that a military response was no longer the best option to deal with GAM. Yudhoyono emphasized the important of negotiations and he also suggested that peace or resolve of Indonesia's internal conflicts can be settled within the democratic context.²⁶³ The fourth explanation is the 'Kalla factor.' Vice President Jusuf Kalla, with his energetic and entrepreneurial style, was actively involved in Aceh issues long before the formal Helsinki process was launched, and was prominent throughout

²⁵⁹ Ibid, p. 117.

²⁶⁰ Aceh's peace agreement: Will it hold?, *Strategic Comments: International Institute for Strategic Studies*, Vol. 11, 2005, p. 1-2.

²⁶¹ Edward Aspinall, The Helsinki Agreement: A More Promising Basis for Peace in Aceh?, p. 76.

²⁶² Keizer, 2008, pp. 76-77.

²⁶³ Susilo Bambang Yudhoyono, "Governance, Reforms and Democratic Transformation in Indonesia", *At the presentation of Doctor Honoris Causa in Media and Governance*, 26 November 2006, Tokyo: Keio University. Situs Web Resmi Presiden Republik Indonesia <http://www.presidentri.go.id/index.php/eng/pidato/2006/11/27/496.html>, accessed on 20-05-2011.

the negotiations.²⁶⁴ Kalla became the most active government advocate of the peace talks. He had a strong philosophical commitment to dialogue as a means of resolving disputes.²⁶⁵ As he told one newspaper as the Aceh negotiations neared their conclusion in June 2005, “In our history, resolving problems must always be achieved through dialogue.” He reminded the public that during the earlier Daud Beureuh revolt in the 1950s, President Sukarno had even come to Aceh and gone into the mountains to talk to the rebel leader.²⁶⁶ Kalla also brought his sense as a businessman to negotiations. As one newspaper later put it: “With his background as a big businessman, the Vice President is of course also very clever at spotting a golden opportunity. For a businessman, as soon as you see a golden opportunity, you think only one thing: don’t waste it. Who knows, it might not come again.”²⁶⁷

The fifth internal factor can be traced back from the collapse of CoHA and subsequent 2003 TNI military action in Aceh. This explanation often mentioned might be called the ‘TNI factor’. The CoHA collapsed in May 2003 had a significant impact on the political existence and also its financial means and military capabilities of GAM. It is even argued that GAM was largely defeated and that it had little choice but to negotiate a peaceful settlement.²⁶⁸ Political and military position of GAM weakened, its lack of international support, and incompetent organization skills had left them isolated and very vulnerable to the TNI. In this case, the tsunami acted as a ‘face-saving’ phenomenon for the organization and let them to accept special autonomy for Aceh, resigning their independence assertion. Indonesian negotiators were meanwhile less coherent, but better organized than previous administrations.²⁶⁹

²⁶⁴ Morfit, 2007, p. 117.

²⁶⁵ For further explanations about Kalla’s role in negotiations see for example, Aspinall, 2005. Also Report from International Crisis Group, 2005. In morfit, p. 117.

²⁶⁶ *Media Indonesia*, June 29, 2005.

²⁶⁷ *Jawa Pos*, August 16, 2005.

²⁶⁸ Morfit, 2007, p. 117.

²⁶⁹ Keizer, 2008 p. 78.

Concurrent with the internal factors above, Morfit identifies four external reasons that contributed to the success of peace talks. First, is the impact of the 2004 devastated Indian Ocean tsunami, as already mentioned before. It had a large political impact and fundamentally changed many aspects in Aceh. These new circumstances led the both sides to begin new talks and negotiations. Second, the chronology of events that led up to the first round of negotiations in January 2005. Concrete plans were already well underway to convene the first round of negotiations in Helsinki by mid-December 2004. Prior to the tsunami, Martti Ahtisaari was seeking confirmation from both sides on basic understandings prior to agreeing to take on the role of facilitating negotiations in Helsinki. On December 23, 2004 – three days before the devastating tsunami unexpectedly hit Aceh – Martti Ahtisaari eventually received confirmation that the two sides had agreed to meet in late December 2004.²⁷⁰ That was also a formal invitation actually made to Indonesian government and GAM. The formal invitations were the product of eighteen months of continuous efforts from June 2003, to establish a basis for direct negotiations. In short, the road to Helsinki started long before December 2004.²⁷¹

As described before, the Ahtisaari could draw upon an exceptionally wide personal network and had convinced the Finnish government and Javier Solana to support the negotiations and through this association the EU became involved. This brings the third and also the important external factor: the role of the EU. Ahtisaari described the EU as a viable alternative mediation force to ASEAN knowing that the UN would not be accepted as the conflict was an internal Indonesian matter.²⁷² He also used his connections with the EU to persuade them to send observers to the final rounds of negotiations, and then to expand that involvement to the EU participation in

²⁷⁰ Edward Aspinall, 2005, p. 19.

²⁷¹ Morfit, 2007, pp. 117-118.

²⁷² Personal communication from President Ahtisaari, October 18, 2005. In Edward Aspinall, 2006. In Keizer, 2008, p. 79

the Aceh Monitoring Mission (AMM).²⁷³ Ahtisaari was able to bring in the EU as a counterweight to ASEAN, which provided a level of international involvement in and support for the peace agreement that was critically important to both GAM and the government. It was also through his personal network that Peter Feith, an experienced international civil servant who had mediated conflicts in the Balkans in the 1990s, became the head of the AMM.²⁷⁴

The fourth factor and final point is the strength of the MoU as very valuable asset to the peace process. The MoU's signatory ceremony in August 2005, by Hamid Awaludin (Indonesia's Minister of Law and Human Rights) and Malik Mahmud (GAM leadership), was witnessed by Ahtisaari. The six-chapter agreement consists of governing of Aceh, human rights, amnesty and reintegration, security arrangements, establishing the AMM and dispute settlement. This will explain further in chapter five. In contrast to CoHA, the MoU's design gave greater strength to the AMM and significantly increased the likelihood of sustained peace. In their joint statement after the fifth round negotiations, Indonesian government and GAM stated that they

“confirm their commitment to a peaceful, comprehensive and sustainable solution to the conflict in Aceh with dignity for all. The parties are committed to creating conditions within which the government of the Acehnese people can be manifested through a fair and democratic process within the unitary state and constitution of the Republic of Indonesia. The parties are deeply convinced that only the peaceful settlement of the conflict will enable the rebuilding of Aceh after the tsunami disaster on 26 December 2004 to progress and succeed. The parties to the conflict commit themselves to building mutual confidence and trust.”²⁷⁵

The combination of factors listed gives a wide explanation of the reason for the prevalence of peace in Aceh, both internal and external factors help explain the

²⁷³ Interview with Martti Ahtisaari and Meeri-Maria Jaarva, June 21, 2006 by Michael Morfit. In Morfit, 2007, p. 138.

²⁷⁴ Morfit, 2007, p. 139.

²⁷⁵ Aceh Negotiations in 2005. Crisis Management Initiative. <http://www.cmi.fi/activities/aceh.html>, accessed on 17-07-2011.

positive outcome. Peter Feith during the mission described that despite the failed CoHA agreement, the atmosphere in Aceh is cheerful for a positive outcome. He identifies key aspects that differentiated it from CoHA: AMM is made up of the EU and ASEAN monitors and has the important backing of the international community that gives it greater drive. He also praised the ‘invaluable’ work of Ahtisaari, the new direction taken by Jakarta through the negotiation process and the tsunami effect. Overall, there was a great impetus for a peaceful outcome to the conflict.²⁷⁶

²⁷⁶ Peter Feith, Beyond the Tsunami from Recovery to Peace: the Aceh Monitoring Mission Experience (seminar). Paper presented for the Centre of European Studies, University of Indonesia. *Aceh Monitoring Mission*. <http://www.aceh-mm.org/download/english/The%20AMM%20Experience.pdf>, accessed on 17-07-2011.

CHAPTER FIVE

THE EU MISSION IN ACEH AND THE ACEH MONITORING MISSION

The EU wants to support Indonesia and the people of Aceh on the path to peace, security and prosperity. It wants in particular to help the Aceh region, which has been devastated both by conflict and by the consequences of the tsunami.²⁷⁷

(Javier Solana, High Representative of CFSP)

The EU's involvement began with helping the implementation of a peace agreement which produce Memorandum of Understanding between the Indonesian government and GAM. The European Union received an official invitation by the Indonesian government and support by the GAM leadership. The government had clearly expressed its preference for the EU and for a regional context.

The Indonesian government and GAM signed the MoU in Helsinki, Finland, on August the 15, 2005, to end nearly three decades of fighting. Peace facilitator and head of Crisis Management Initiative (CMI) Martti Ahtisaari, after shaking hand with the signatories, called the MoU the "...beginning of a new era for Aceh ..."²⁷⁸ Following the signing he said that "it is of utmost importance that the parties honour the commitments they have made in the agreement."²⁷⁹ The EU-led mission to Aceh is the first such mission to the Asia-Pacific region. A team of 200 to 250 monitors from the EU and five ASEAN countries are to supervise the remarkable MoU. The team's most important tasks are to oversee the agreed disarmament of separatist rebels and the withdrawal of the TNI from the province.

²⁷⁷ Javier Solana, *A New Era for Peace in Aceh*, 2005. <http://www.aceh-mm.org/download/english/061215%20Aceh%20Article.pdf>, accessed on 27-11-2011.

²⁷⁸ Ahtisaari, quoted in Indonesia, GA Sign Peace Treaty, 2005. Indonesia Tsunami Relief Portal. <http://www.indonesia-relief.org>, accessed on 01-10-2010.

²⁷⁹ Ibid.

This chapter provides an analysis for the role that EU has played in the AMM and the interests behind. The important mediating role that the EU has played between the two sides that helped end the war. Major focus of this chapter is on EU role in the monitoring mission in Aceh, to supporting the peace process in the Indonesian province of Aceh. The chapter also explained the purpose of the EU engaged itself in Aceh peace process. Finally, it will be explored the works of AMM to implementing peace. The successful mission, one of many operations carried out by the ESDP, expired following Acehese election of August 2006.

The failures of the previous attempts to reach a sustainable solution to the prolonged conflict had inflicted deep pessimism and skepticism among the people in Aceh as well as among international observers towards the chances of the peace process to succeed. Brussels-based International Crisis Group reflected these cautious sentiments in its assessment of the MoU that was published on the day of its signing. The report reminded that peace was not a done deal and identified a number of pitfalls and potential spoilers. At the same time the report notes that the inclusion of a credible international monitoring presence in the MoU is a crucial element for the success of the process and the fact that the Government of Indonesia agreed to the establishment of the Aceh Monitoring Mission was a sign of political will in Jakarta.²⁸⁰

The role as the main guarantor of the MoU assumed at by the European Union was central for the implementation of the agreement. Although the peace talks were mediated by private diplomacy of former President Ahtisaari, the talks were financially supported by the European Commission and the progress was closely followed in Brussels. When the question of international monitors was brought up in the course of the negotiations it was clear that the European Union was the most obvious entity to provide them. Grevi et al. described the EU as the top candidate for

²⁸⁰ “*Aceh: A New Change for Peace.*” International Crisis Group.

the task in Aceh.²⁸¹ Masters describes the EU as “more effective than ASEAN and more trusted than the UN.”²⁸² An EU Official in the commission regarded the EU as the best placed force for conducting such mission: the US, as an alternative, was caught up in Iraq, while GAM, suspicious of ASEAN, favored an EU force.²⁸³ With these central factors in mind, further observer describe that the EU’s ‘almost unique mission’²⁸⁴ gave it incomparable advantages over others, which enabled it to be an acceptable mediator to both sides.²⁸⁵

The referendum in East Timor, organized by the United Nations in 1999 and its violent aftermath that led to the launching of a UN peacekeeping operation and independence for East Timor, had left many members of the Indonesian military and political elite with hostility towards international involvement in general and the United Nations in particular. According to their view East Timor was “lost” because of international conspiracy assisted with human rights and other NGOs.²⁸⁶ Thus involving the UN was unacceptable to the Indonesian Government and an idea of peacekeepers was out of the question. Giovanni Grevi notes that there was not much enthusiasm at the EU Political and Security Committee (PSC) for a monitoring operation in Aceh. The majority didn’t consider Aceh a priority for a European Union Security and Defense Policy (ESDP) mission despite its potential advantages from

²⁸¹ Giovanni Grevi, Lynch D., & Missiroli A., *ESDP operations*, (Paris: Institute for Strategic Studies, 2005). <http://www.iss-eu.org/esdp/09-dvl-am.pdf>, accessed on 17-01-2011.

²⁸² Allene Masters, *The Aceh Peace Accords: one year later and still holding*, *Japanese Institute of Global Communications*, 2006. http://www.glocom.org/debates/200609014_masters_aceh/index.html, accessed on 21-01-2011.

²⁸³ European Commission Official (2007). In Keizer, 2008, p. 82.

²⁸⁴ Marlies Glasius (2006), *Human Security, EU policy and the response to the Tsunami*. <http://www.Ise.ac.uk/Depts/global/humansectsunami.htm>, accessed on 21-01-2011.

²⁸⁵ Pieter Feith, quoted in: *Could EU’s global sway be rising as US clout ebbs?*, 2007. *International Herald Tribunal*. <http://www.iht.com/articles/ap/2007/01/16/europe/EU-GEN-EU-Soft-Power.php>, accessed on 27-11-2010.

²⁸⁶ State Intelligence Chief Hendropriyono, who played an important role as transmigration minister during the East Timor events in 1999 commented the deportation of Sydney Jones from ICG by saying that “...certain NGO people who betrayed their own people so we then lost East Timor. I believe Indonesian patriots still do remember just who the Indonesians are that sold out their own people.” *Tempo* magazine, June 7, 2004, p. 20.

the ESDP perspective. Grevi identifies three advantages to the EU for undertaking the monitoring task, namely demonstrating the strength of ESDP after the setback caused by the rejection of the Constitutional Treaty and the budgetary deadlock; showing the ability of the EU to function as a global player; and testing the capabilities of the ESDP civilian crisis management structures.²⁸⁷ The European Union had adopted its first common security strategy in December 2003 and the strategy stressed the EU's global role as a credible and effective actor that "should be ready to share in the responsibility for global security and in building a better world."²⁸⁸ The Aceh Monitoring Mission provided an opportunity to put the words of the strategy into practice.

5.1 How the European Union Got Involved in the AMM

The recent phase of the conflict in Aceh, Indonesia, started in 1976 after the establishment of the Free Aceh Movement (GAM, Gerakan Aceh Merdeka). During the last decade, there have been two peacebuilding efforts in Aceh: the one under the aegis of the Henri Dunant Centre (HDC) between 1999-2003 and the other one led by Crisis Management Initiative (CMI) and its chairman the former Finnish President Martti Ahtisaari from January-August 2005. CMI organized five rounds of negotiations between GAM and the Government of Indonesia and the final agreement (Memorandum of Understanding) was signed on 15 August in Helsinki, Finland.²⁸⁹

The CMI conducted the peace process autonomously from EU structures and actors although, as reported, the Commission provided funding for the pursuit of

²⁸⁷ Giovanni Grevi, "The Aceh Monitoring Mission: towards integrated crisis management", in Piere-Antoine Braude and Giovanni Grevi, *The EU Mission in Aceh: implementing peace*. Occasional Paper Vol. 61 (Paris: EU Institute for Security Studies, 2005). p. 22-23.

²⁸⁸ "A Secure Europe in a Better World" European Security Strategy. Brussels, 12 December 2003. <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>, accessed on 27-11-2010.

²⁸⁹ Sami Lahdensuo, "Building Peace in Aceh: observations on the work of the Aceh Monitoring Mission (AMM) and its liaison with local civil society", Discussion paper by Crisis Management Initiative, Ministry for Foreign Affairs of Finland, 2006, p. 10. www.cmi.fi, accessed 26-11-2010.

negotiations. As the end of the talks approached, however, the question of monitoring the peace agreement came to the forefront. The EU was the top candidate for the job of monitoring mission, in partnership with ASEAN. Following contacts between Martti Ahtisaari and High Representatives Javier Solana, and with the consent of the conflicting parties, the EU sent an ‘assessment mission’ to Aceh at the end of June 2005.²⁹⁰

At that early stage, EU officials encountered difficulties in carrying out fully-fledged planning because the terms of the agreement were kept secret and not disclosed until the official signature on 15 August 2005. Uncomfortable with not being involved in a process likely to lead to a European commitment on the ground, officials from the Council and the Commission went to Helsinki at the time of the last round of talks in mid-July, where they met some of the participants in the negotiations without actually taking part in meetings. The EU was also briefed on the state of play through informal meetings with the representatives of the CMI in Brussels.²⁹¹

As described, Ahtisaari’s close contact with Solana, paved the way for EU involvement. Within the competent bodies, notably the Political and Security Committee (PSC), there was little enthusiasm for the launch of the envisaged operation. The countries that expressed most enthusiasm for the AMM were Finland, France, the Netherlands and Sweden, and later the UK.²⁹² This ‘silent majority’ around the table conveyed the feeling that many Member States did not see the Aceh mission as a priority. Similar disapproval came from the EU Parliament. Critique was that the AMM fell too far from the EU’s traditional zones of influence, while the mission’s virtues were also questioned, especially the perceived costs of the mission versus the

²⁹⁰ Grevi, 2005, p. 21.

²⁹¹ Ibid.

²⁹² Keizer, 2008, p. 82.

minimal gains that would be made.²⁹³ It was to be the first ESDP mission in Asia, at 10,000 km from home, in a region that most Europeans, with the exception of the Dutch, knew very little about. Some felt that the Union would do better to concentrate its efforts closer to home, the EU should be concentrating in areas of proximity.²⁹⁴ In the end, an ‘assertive intervention’ by Solana, which outlined the mission’s worth, broke the impasse.²⁹⁵ It is also argued that the small scale and the perceived success of the mission alleviated the earlier concerns.²⁹⁶

In addition, specific national interest came from the Netherlands and Sweden. Both countries were eager to improve their relations with Indonesia. The Netherlands, as the former colonial ruler, which Indonesia fought against during the War of Independence, and Sweden’s role of harbouring GAM, had restrained relations with Indonesia. The UK meanwhile, as holding EU Presidency at the time, provided further weight behind the mission.²⁹⁷

On 15 December 2006, the EU-led Aceh Monitoring Mission (AMM) successfully completed its mandate in monitoring and supporting the peace process in the Indonesian province of Aceh. The AMM was a civilian mission within the framework of the European Security and Defense Policy (ESDP).²⁹⁸ Understanding the reasons for the success of the peace process is an important factor in the context of the AMM. Although the monitoring mission represents the next concrete step in building peace in Aceh, it has to be underlined that the spirit, and therefore the opportunity, for the AMM to do its job, was initiated during the confidence building

²⁹³ EU Mission to Aceh, 2006. Defence-Europe. <http://www.wsibrussels.org/aceh.htm>, accessed on 07-04-2011.

²⁹⁴ Grevi, 2005a, p. 83.

²⁹⁵ Ibid.

²⁹⁶ EU Mission to Aceh, 2006. Defense-Europe.

²⁹⁷ Keizer, 2008, p. 82.

²⁹⁸ EU Monitoring Mission in Aceh (Indonesia), see on <http://www.consilium.europa.eu/aceh>, accessed on 26-11-2010.

in Helsinki.²⁹⁹ The Government of Indonesia and GAM delegations committed themselves to the peacebuilding process and also to the presence of an external monitor.

After the first round of peace talks, the monitoring of potential peace process was already considered by facilitator. A key lesson from the previous peace process was that if it is not possible to efficiently implement the monitoring, the prospects for sustainable peace are not promising.³⁰⁰ Given that both the Government of Indonesia and the GAM have indicated that they would like to see a monitoring presence in Aceh immediately after the signature of the MoU. Following a brief Interim Monitoring Presence (IMP) since the signing of the MoU, which consisted of 80 monitors from EU and ASEAN countries, covered a month period between the signing of the MoU and the full deployment of the AMM.³⁰¹ The AMM was officially launched on 15 September 2005, six days after the Council Joint Action, covering an initial period of six months. Since then, the mission has been extended three times, first until 15 June, then until 15 September and finally until 15 December 2006.³⁰² The IMP provided an early demonstration of the EU and ASEAN contributing countries' commitment to monitoring the peace process while contributing to confidence-building amongst the population of Aceh during the early stage of the implementation of the MoU.³⁰³

The presence of AMM was based on an official invitation from the Government of Indonesia and supported by GAM's leadership. Without the political vision of the Indonesian Government and of GAM, who respected the undertakings

²⁹⁹ See for example "Staying on the Road to Helsinki: why the Aceh Agreement was possible in August 2005". Conference Paper by Michael Morfit, Indonesian Council for World Affairs, August 2006.

³⁰⁰ Sami Lahdensuo, 2006, p. 10.

³⁰¹ EU Monitoring Mission in Aceh. EU Council Secretariat: Factsheet, 22 May 2006. <http://www.consilium.europa.eu/aceh>, accessed on 26-11-2010.

³⁰² Sami Lahdensuo, 2006, p. 10.

³⁰³ EU Council Secretariat: Factsheet, 22 May 2006.

given in Helsinki since the beginning, and the support of the people of Aceh, the AMM would not have been so successful.

The AMM has monitored the implementation of various aspects of the peace agreement set out in the Memorandum of Understanding signed by the Government of Indonesia and GAM in Helsinki. The European Union, together with five contributing countries from ASEAN (Thailand, Malaysia, Brunei, Philippines and Singapore), as well as Norway and Switzerland, provided monitors for the peace process in Aceh. The AMM was headed since the beginning by Pieter Fieth.³⁰⁴ From the beginning it was clear that the potential monitoring mission had to be an effort that combines actors for governments, regional organizations and civil society and to include both civilian and military expertise. During the negotiations it also became evident to the peace process participants that a wide range of crisis management instruments had to be utilized.

The objective of the AMM was to contribute to a peaceful, comprehensive and sustainable solution to the conflict in Aceh. This had been made all the more important by terrible tsunami disaster of 26 December 2004 and the suffering it inflicted on the Acehnese people. The EU and ASEAN have consistently underlined their full respect for the territorial integrity of Indonesia. AMM was completely impartial by nature and did not represent or favour any of the parties.³⁰⁵

5. 2 The MoU and Role of the AMM

The MoU comprises five sections:³⁰⁶

First, the governing of Aceh: This section addresses political participation, the economy, and the rule of law. It stipulates that a new law will be promulgated to enter

³⁰⁴ EU Monitoring Mission in Aceh. EU Council Secretariat: Background, 15 December 2006. See <http://www.consilium.europa.eu/aceh>, accessed on 26-11-2010.

³⁰⁵ Ibid.

³⁰⁶ Memorandum of Understanding

into force no later than 31 March 2006. Everything except foreign affairs, external defense, national security and fiscal matters will be devolved to Aceh. Aceh will be consulted with respect to international agreements and has the right to use regional symbols including a flag, a crest and a hymn. The Indonesian government would facilitate the establishment of Aceh-based political parties within 18 months from the signing of the MoU. All Acehnese would be issued with new identity cards.³⁰⁷

With respect to the economy, the MOU grants Aceh the right to raise funds with external loans and to set interest rates beyond those set by the Central Bank. Aceh can raise taxes and seek foreign direct investment. It also has jurisdiction over living natural resources in its territorial sea as well as being entitled to retain 70 per cent of the revenue from all current and future hydrocarbon deposits and other natural resources. GAM would nominate representatives to participate fully in the commission established to conduct the post-tsunami reconstruction.³⁰⁸

Second, human rights: The legal code for Aceh will be redrafted on the basis of the universal principles of human rights and Aceh will receive its own independent court system. The appointment of the regional police chief and prosecutors will require the consent of the Aceh administration. Moreover, all civilian crimes committed by military personnel in Aceh will be tried in Acehnese civil courts. Aceh will receive a human rights court as well as a truth and reconciliation commission.

Third, amnesty: GAM members will be granted amnesty and those imprisoned will be released within 15 days of the signing of the MOU. The subsequent use of weapons by GAM personnel would be regarded as a violation and would lead to a disqualification from the amnesty. Former prisoners, ex-combatants, and civilians who suffered a demonstrable loss due to the conflict will have all political, economic and social rights and their reintegration into society will be

³⁰⁷ Ibid., Sections 1.1, Law on the Governing of Aceh, and Section 1.2, Political Participation.

³⁰⁸ Ibid, Section 1.3, Economy.

facilitated including receiving farming land, employment or adequate social security. Ex-combatants also have the right to seek employment with the organic (i.e. locally recruited) police and military.

Fourth, security arrangements: As for security arrangements, hostilities will end with the signing of the MOU. GAM is required to demobilize all its 3,000 troops and to decommission 840 weapons between 15 September and 31 December 2005. Indonesia, in turn, is required to withdraw all non-organic military and police during the same period. The number of organic forces to remain is 14,700 Indonesian military TNI (Tentara Nasional Indonesia) and 9,100 police.

Fifth, the establishment of the Aceh Monitoring Mission: the MOU sets out the establishment of the Aceh Monitoring Mission comprising EU and ASEAN countries to monitor the demobilization of GAM and the decommissioning of its weapons, to monitor the redeployment of non-organic military and police, to monitor the reintegration of GAM and the human rights situation as well as the legislative change, to rule on disputed cases including amnesty, and to investigate violations of the MOU.

5.3 EU's Role on the Monitoring Mission in Aceh

5.3.1 Organiser: Setting up the AMM

EU engagement in monitoring the agreement was imperative. It presented a force of 'good' and fund carried out as a valuable and well-presented operation. For both the Indonesian government and GAM, mistrust and failure from previous peace agreements could have persisted. A robust monitoring mechanism was therefore

centrally important to alleviate the uncertainty; a level of international involvement and support for the peace agreement.³⁰⁹

The preparations for the AMM began with the Technical Assessment Mission (TAM), which visited Jakarta and Aceh in August 2005. It comprised civilians and military personnel from a mixture of EU member states. The Assessment Mission went to Indonesia and met in Jakarta with the Indonesian government as well as ASEAN contributors. It was assumed that ASEAN countries would be part of the monitoring mission as the Indonesian government objected to a purely European monitoring force, but until then little had actually been done about this. The members of TAM had received little background information on the Aceh conflict, no external briefings and very little information on why the previous COHA collapsed. Many of them felt that this part of the mission could have been better prepared.³¹⁰

On 1 and 2 August, planners from the EU and Association of Southeast Asian Nations (ASEAN) met in Jakarta in order to clarify the respective tasks, in the context of the joint mandate received from the MoU.³¹¹ It was agreed that the EU would take the lead and that ASEAN would appoint the Principal Deputy Head of Mission.³¹² The mission Led by Mr. Pieter Feith (EU Council Secretariat) and General Nipat Thonglek (Thailand, ASEAN) as a Principal Deputy. The AMM comprises around 230 unarmed personnel drawn for the participating countries, 130 from the Europe and 100 from ASEAN, and distributed in mixed teams throughout eleven District Offices (six are headed by ASEAN and five by the EU) and four Mobile

³⁰⁹ Keizer, 2008, pp, 80-81.

³¹⁰ Kirsten E. Schulze, *Mission Not So Impossible: The Aceh Monitoring Mission and Lessons learned for the EU*, International Policy Analysis, (Berlin: Friedrich Ebert Stiftung, July 2007), p. 4.

³¹¹ At that time the MoU is not to be signed yet, the MoU was signed on 15 August 2005.

³¹² Grevi, 2005a, p. 23.

Decommissioning Teams. The AMM is impartial by nature and does not represent on favor any of the parties.³¹³

At district level, the AMM was initially divided into 10 and later 11 district offices, covering all of Aceh. They were based in Sigli, Bireun, Lhokseumawe, Langsa, Lamno/Calang, Meulaboh, Blang Pidie, Tapaktuan, Kutacane and Takengon.³¹⁴

Figures 5.1 AMM DISTRICT OFFICES



Source: AMM Website. www.aceh-mm.org

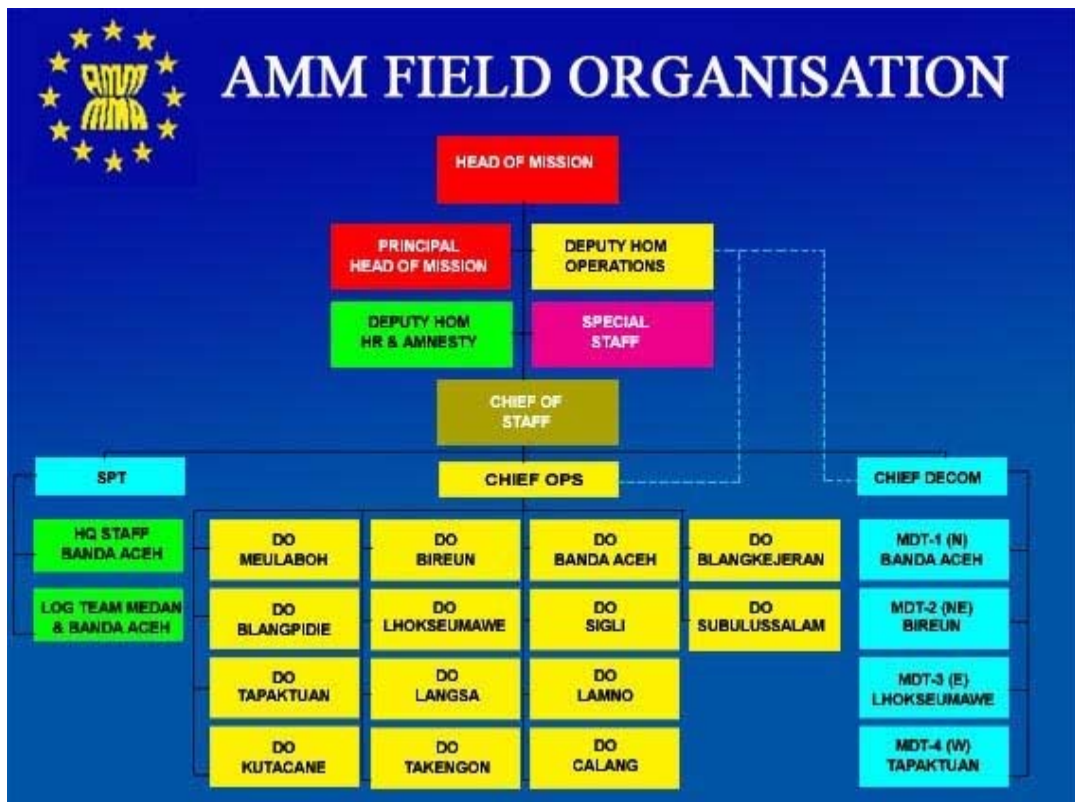
The AMM has been organized in such a way as to ensure both a capillary presence on the ground and mobility across the region to ensure the implementation

³¹³ Supporting the Peace Process: the Aceh Monitoring Mission. See <http://www.aceh-mm.org>, accessed on 26-11-2010.

³¹⁴ Kirsten E. Schulze, *Mission Not So Impossible: The AMM and the Transition from Conflict to Peace in Aceh, 2005-2006*, (Singapore: S. Rajaratnam School of International Studies, 2007a), p. 10.

of the MoU. The Head of Mission is assisted by three deputies: the principal deputy is a Thai General, while the other two come from the EU, respectively Finnish and Italian. Likewise, the Chief of Staff is European but his deputy is from the Philippines. More generally, all the departments and units belonging to the Headquarters are led by an EU national, with a deputy from ASEAN. This repartition of the leading posts shows both the respective commitments and the good cooperation between EU and ASEAN.³¹⁵

Figures 5.2 AMM Field Organisation



Source: AMM website. www.aceh-mm.org

The Technical Assessment Mission also deployed to Aceh, where it conducted a number of field assessment and established the Interim Monitoring

³¹⁵ Grevi, 2005a, p. 28.

Presence (IMP) headquarters, including identifying sites for district offices. On 13 August, the technical experts of the TAM returned to Brussels, leaving a core of six behind. At the same time, the first members of the 82-strong IMP arrived. It was tasked with bridging the gap between the signing of the MoU on 15 August and the starting date for the AMM on 15 September. The first AMM monitors arrived in Indonesia on 9 September and they underwent a three-day training programme. The training of the AMM was conducted in two phases. This was partly the result of offers for monitors by member states coming in very slowly as some states were not convinced that the process would hold.³¹⁶

The AMM was set up as a civilian mission with its headquarters in the provincial capital of Banda Aceh. It was led by the head of mission, Pieter Feith, as mentioned before, who reported to the European Council and directly to Secretary General Javier Solana. It comprised monitors from the EU, Norway and Switzerland as well as five ASEAN countries. The AMM's first mandate period was six months, after which it was extended three times, until 15 December 2006.³¹⁷ During this time the number of monitors was progressively decreased as the security situation improved. From 15 September to 31 December, the AMM had 125 EU and 93 ASEAN monitors on the ground. From 31 December 2005 to 15 March 2006, there were 100 EU and 93 ASEAN monitors. During the third period from 15 March to 15 June 2006, the number was reduced to 54 EU and 32 ASEAN monitors. From 15 June to 15 September, there were 54 EU and 32 ASEAN monitors, and from 15 September to 15 December there were only 29 EU and 7 ASEAN monitors left on the ground.³¹⁸

³¹⁶ Schulze, 2007a, p. 8.

³¹⁷ Schulze, 2007, p. 4.

³¹⁸ Schulze, 2007a, p. 8.

5.3.2 Financer: Providing the Funding

The EU framework for dealing with conflict at the first time did not include explicit provision for mediation, but emanated from the ESDP and assistance schemes focused on conflict prevention and crisis management. In addition, there was the Rapid Reaction Mechanism (RRM) that could be activated in response to crisis, in this case, to support the long-term reconstruction of Aceh after the tsunami.³¹⁹

Following the unprecedented damage inflicted by the tsunami in December 2004, the AMM was deployed in an area with a very high density of international presence. In this context, the European Union has taken the lead in the relief effort and can legitimately claim to uphold to its reputation of main world provider of humanitarian assistance and development aid. Since the tsunami struck on 26 December 2004, the EU and its Member States have mobilised up to 1,5 billion euros, most of which was eventually channeled to the Indonesian Multi-Donor Trust Fund. In particular, on the EU side, 123 million euros were allocated to immediate humanitarian assistance to all countries affected by the disaster, and 207 million euro were made available under the Asia and Latin America (ALA) programme.³²⁰

In 2005 the European Commission was willing to go beyond humanitarian support to fulfill a political role in facilitating peace. With a more specific reference to the peace process in Aceh, the Commission had supported attempts to reach a stable ceasefire well before the natural catastrophe occurred. It had already invested in the peace process, the Commission providing 2.3 million euro to the Henry Dunant Centre for Humanitarian Dialogue's mediation efforts in 2002, which failed to prevent the outbreak of hostilities in May 2003. In April 2005, the Commission

³¹⁹ Antje Herrberg, "The Brussels 'backstage' of the Aceh peace process". In Aguswandi and Judith Large (eds.), *Reconfiguring politics: the Indonesia – Aceh peace process*, *Accord*, issue 20, (London: Conciliation Resources, 2008), p. 33.

³²⁰ Grevi, 2005a, p. 29.

provided additional funding under the RRM, with a 270,000 euro ceiling, to the Crisis Management Initiative conducting the peace talks.³²¹

The European Commission's Pedrag Avramovic took up position in the RRM in January 2005. He investigated the function or role CMI played in Indonesia and had a routine contact with CMI which seek assistance from the Commission for the Aceh peace negotiations. There a number of proposals were submitted and the Commission approved the RRM grant proposal for a maximum of 269,375 euro for the period of six months stipulated for the peace talks. Many questioned whether the six-month time frame would be conducive for a peace process as it would put all parties under considerable pressure. However, it was an opportunity for the parties and the mediator to focus on the 'essentials', which bring successful talks.³²²

EU financial backing for 'political projects'³²³ amounted less than 0.25 percent of the amount of the Commission's support to Aceh in response to the tsunami. This should exemplify that is not the size of grants that mattered as much, but the initiative and quality of working relations between CMI and the EU. As Antje Herrberg described the fact that the Commission supported the peace talks in Helsinki, and that these were endorsed by the High Representatives for the CFSP, Javier Solana, also had a trigger effect that provided a sense of common purpose between the two institutions: the Commission and the Council became stakeholders in the peace process. Furthermore, the networking and high-level political contacts would also pave the way for a new precedent: European monitoring of the eventual peace agreement.³²⁴

³²¹ Antje Herrberg, 2008, p. 33. ; Grevi, 2005a, p. 29.

³²² Antje Herrberg, 2008, p. 34.

³²³ The CMI together with its support for the Centre for Strategic and International Studies (CSIS) in Jakarta who received a grant of 220,000 euro, for capacity building of local democracy.

³²⁴ Antje Herrberg, 2008, p. 34.

5.3.3 EU's Role as a Guarantor of Peace

The EU has been praised for its successful role as the guarantor of the peace process in Aceh, Indonesia. Its important role is to oversee the implementation of agreement and bring lasting peace in the region. The EU monitoring mission in Aceh has so far provided an effective contribution in ending years of fighting and paving the way to sustainable peace.

The AMM serves to keep the momentum in the peace process, and to act as a facilitator and to build confidence between two parties.³²⁵ The mandate of the AMM, outlined in the Council Joint Action adopted on 9 September, is demanding one.³²⁶ The mandate of the Aceh Monitoring Mission by the European Union and five ASEAN contributing countries (Brunei, Singapore, Malaysia, Thailand and the Philippines) consisted of the tasks to:

- a) Monitor the demobilization of GAM and decommissioning of its armaments,
- b) Monitor the relocation of non-organic military forces and non-organic police troops,
- c) Monitor the reintegration of active GAM members,
- d) Monitor the human rights situation and provide assistance in this field,
- e) Monitor the process of legislation change,
- f) Rule on disputed amnesty cases,
- g) Investigate and rule on complaints and alleged violations of the MoU,
- h) Establish and maintain liaison and good cooperation with the parties.³²⁷

AMM assumed a more active role in the implementation process than envisioned in the MoU when GAM demanded that the responsibility of the decommissioning, the collection and destruction of the weapons, would be delegated

³²⁵ Ibid.

³²⁶ Council Joint Action 2005/643/CFSP, 9 September 2005.

³²⁷ Memorandum of Understanding between the Government of the Republic Indonesia and the Free Aceh Movement (GAM), Helsinki, 17 July 2005, paragraph 5.2.

to AMM. Consequently, the decommissioning component became the most visible part of the monitoring mission highlighting the security dimension of the mission with news and photos of members of the AMM decommissioning teams cutting weapons spreading to the world through the media. The AMM mandates above will be explored more in further sub-chapter.

5.4 EU's Purposes in the AMM: Demonstrating EU Competence

5.4.1 Testing the Capabilities of the ESDP Civilian Crisis Management Structures

The EU's involvement began with helping the implementation of a peace agreement between the Government of Indonesia and GAM. Following the operations conducted in Bosnia Herzegovina, the Former Yugoslav of Macedonia, Georgia and Congo, the EU took up the challenge of its first ever ESDP mission in Asia.³²⁸ The AMM is a civilian mission but draws upon military expertise. No weapons were carried while the Indonesian military was responsible for their protection. Some monitors have a military background as a necessary to carry out specific technical tasks as required. These are regular meetings both at central and local levels.³²⁹

What distinguishes the AMM with other missions that are set in the Asia-Pacific region and jointly run with ASEAN. Because of Aceh's distance from the EU, to compare the AMM with other ESDP missions, particularly those set in Europe, makes it appear uncharacteristic. Involving in areas closer to its borders makes perfect sense for the EU's outlook, especially in terms of security and stability.³³⁰

³²⁸ Supporting the Peace Process: the Aceh Monitoring Mission (AMM). See <http://www.aceh-mm.org>, accessed on 26-11-2010.

³²⁹ Pieter Feith, Beyond the Tsunami from Recovery to Peace; the Aceh Monitoring Mission Experience (seminar), Aceh Monitoring Mission, 2006. www.aceh.mm.org, accessed on 07-01-2011.

³³⁰ Juri Laas, European Commission, 2007. In Keizer, 2008, p. 87.

Feith described the operation in Asia as representing a ‘quantum leap’ for the EU’s CFSP building. “I would not in my wildest dreams have thought that we [the EU] would set foot in Asia.”³³¹

Whilst Southeast Asia is an important region, it falls outside of the EU’s traditional zone of influence. However, Laas identified that the AMM has wider implications for EU-Asia relations, and as a mission not within proximity, it has helped with the ESDP’s development. Success in Asia, through the AMM, was thus important.³³²

According to Pieter Feith, the head of the AMM, there are notable aspects of the AMM that have made it a particularly effective mission. No mission had been deployed more quickly and effectively:

[The] AMM is breaking new ground for future ESDP missions and we like to think it will change the way the EU conducts crisis management operations. The AMM has a unique mix of competencies, drawing on both civilian and military experience. The future of crisis management may require a broad range of instrument and expertise – something that the EU is increasingly showing that it is capable to provide – thereby implementing a coherent action across its institutional pillar.³³³

5.4.2 Demonstrating the Strength of ESDP

The EU statements stressed the civilian nature of the Aceh Monitoring Mission. A more accurate characterization would be an unarmed military mission. The mission consisted mostly of men with military background or, as was the case with most ASEAN monitors, were soldiers in active service. Two out of three deputy heads of mission were active duty generals (from Finland and Thailand), and the

³³¹ Aceh role force boosts EU’s foreign policy credentials. (2005). *Financial Times*. See <http://search.ft.com/nonFtArticle?id=050815115571>, accessed on 27-08-2011.

³³² Keizer, 2008, pp. 88-89.

³³³ Feith (2006).

mission was set up according to a military command structure. A Council Secretariat background paper's definition for civilian is illustrative. It states that "AMM was a civilian and not a military mission. Its members did not carry weapons." The paper goes on describing the AMM staff and the working methods:

"Some monitors had a military background as this was necessary to perform certain technical tasks required by the mission. All monitors "wore recognisable white shirts with AMM logo. Monitors conducted their monitoring tasks by patrolling and communicating with both parties, and by carrying out inspections and investigations as required."³³⁴

The AMM had broad implementation tasks, with a goal to end the conflict. Militarily, the decommissioning of weapons and mobilisation of forces was centrally important to sustain the peace. Equally important is the arbitration role with a focus on justice, fairness and for both sides to uphold their obligations. The EU's involvement in both of the above two area and to end the hostilities are core EU values of mediation and peace promotion. The societal task of reintegration and human rights application added a further dimension to the mission.³³⁵ For human rights the AMM was the first ESDP mission to include human rights monitors.³³⁶

EU competency through ESDP, has expanded with the successful launch and outcome in Aceh. Its substantial mandate had strong backing and full compliance with the warring parties, while EU strategy and operational aptitude made the mission very successful.³³⁷ Nipat admired the EU's tactical implementation of the mission: from assessment stages to mission execution, and then 15 months later the force withdrew from the province. Such a swift triumph avoided negative connotations

³³⁴ EU Council Secretariat Background. *EU Monitoring Mission in Aceh (Indonesia) September 2005 – December 2006*, Aceh, 15 December 2006. www.aceh-mm.org, accessed on 17-01-2011.

³³⁵ Keizer, 2008, p. 85.

³³⁶ Cameron, 2007, p. 183.

³³⁷ Keizer, 2008, p. 86.

such as dependency, colonialism or an operation which is dragged out, whilst still providing essential long-term support.³³⁸

Along with the notable developments above, a further feature of the AMM status as a joint mission between EU and ASEAN, made a lot of sense for the EU's multilateral vision. ESDP coordination with NATO were features of earlier missions to the Western Balkans while the mission AMIS to Sudan and EUFOR to the DR Congo were in support of existing AU and UN missions, respectively.³³⁹

One EU Official saw the mission setting as a providing an opportunity to link the EU with ASEAN.³⁴⁰ Both IGOs contributed very valuable attributes to the mission. AMM spokesperson Juri Laas suggests that, rather than counterparts, the sides were complimentary to each other, working in tandem.³⁴¹ ASEAN, having the operation's regional legitimacy and superior local knowledge, assisted in many areas where the EU lacked, including culture, custom, religion, language, and regional expertise. These aspects Laas regards as anchoring the mission – in contrast to the EU as 'outsiders'.³⁴² The EU, meanwhile, brought organisational skill, crisis management experience and the finance.³⁴³ Had the EU gone it alone, there would have been many difficulties on the ground. Laas even suggested that the mission, without ASEAN, may not have been executed because Indonesia was willing to accept ASEAN but more reluctant with the EU.³⁴⁴ The significance of the AMM, as a joint-mission, means that it is "...an integrated team, pooling their hearts and minds towards a common aim of promoting peace and reconciliation in Aceh."³⁴⁵ Further notions of

³³⁸ Nipat Thonglek, 2007, Supreme Command Headquarters, Bangkok. In Keizer, 2008, p. 86.

³³⁹ Keizer, 2008, p. 86.

³⁴⁰ EC Official, 2007.

³⁴¹ Laas, 2007.

³⁴² Ibid.; also Feith, 2006.

³⁴³ Ibid.

³⁴⁴ Laas, 2007.

³⁴⁵ F. F. Pardo and Pieter Feith, The EU in Aceh – a commitment to 'peace and reconstruction'. Aceh Monitoring Mission. www.aceh-mm.org, accessed on 27-07-2011.

multilateralism are that both the UN and the US expressed support of the mission.³⁴⁶ The mission has helped advance EU-ASEAN relations, especially in the security realm.

5.4.3 European Union as a Global Player

As described before there were internal debates in the lead-up to the ESDP mission in Aceh. It brings the EU far away from its traditional zone of influence. This has been demonstrated that Southeast Asia is an important region for the EU played as a global player and security provider. The success of ESDP mission through the AMM was important for the ESDP's development.

The concrete involvement in the Asia-Pacific region suggests that the EU's successes security engagement in its periphery, its global ambitions have truly expanded as the EU has recognized its responsibility to maintain stability on an international scale. The case of Indonesia, thus, is a clear example of realizing these ambitions.³⁴⁷

This development also has wider implication for EU-Asia relations in general and EU-Indonesia in particular. Engagement with ASEAN and the EU's contribution to an important issue in Southeast Asia reinforces its global ambitions to expand itself outside its periphery. It has demonstrated the EU global aspirations in term of multilateral security cooperation. The success of the AMM has been cited as an example of Europe 'soft power', based on diplomacy, aid and trade, and alternative to the United States. Finally, the ESDP mission through AMM marked a new step on the path of the Union to becoming a global player.

³⁴⁶ Aceh role force boosts EU's foreign policy credentials. (2005). *Financial Times*. <http://search.ft.com/nonFtArticle?id=050815005571>, accessed on 27-07-2011.

³⁴⁷ Keizer, 2008, p. 89.

The AMM efforts at helping to solve the conflict in Aceh fit into EU the EU's broader policy context of strengthening security and stability in the world. Solana described EU interest in AMM, as he stated:

Our approach to crisis management has greatly benefited from cooperation with regional partners who ensure sensitivity to and respect for local conditions, circumstances and cultures. With this approach, the EU is aiming to become a global player, not a superpower. Through its political and economic weight, its resources and its shared values, it hopes to contribute to a safer world.³⁴⁸

5.5 The Aceh Monitoring Mission at Work

The AMM was undertaking this mission in order to contribute to a peaceful, comprehensive and sustainable solution to the Aceh conflict. The objective of the AMM was to assist the Government of Indonesia and the GAM in their implementation of the MoU. Following is the AMM activity on the ground to dealing with the combatants. Initially, the AMM focused primarily on security issues, namely, monitoring the amnesty for GAM prisoners, the decommissioning of GAM weapons, the redeployment of Indonesian security forces and the reintegration of former combatants.³⁴⁹ Its became one of the greatest successes for the AMM in the role of completing task of decommissioning and redeployment.

5.5.1 Amnesty

Persons who had been imprisoned for their participation in GAM activities were freed and granted amnesty. The MoU was silent regarding amnesties for international crimes. Instead it reaffirmed the Indonesia government's obligation to

³⁴⁸ Javier Solana, *A New Era of Peace for Aceh*, 2005. <http://www.aceh-mm.org/download/english/061215%20Aceh%20Article.pdf>, accessed on 27-11-2011.

³⁴⁹ Schulze, 2007a p. 10.

adhere to international human rights instruments.³⁵⁰ According to the MoU the Government of Indonesia will, in accordance with constitutional procedures, grant amnesty to all persons who have participated in GAM activities. Since the signing of the MoU, roughly 2000 prisoners have been released.³⁵¹

In order to build GAM's confidence in the peace process, the amnesty had to be implemented early and quickly. The AMM's key function was to monitor the releases and "keep up the pressure" on Jakarta to ensure that amnesties were carried out speedily and completely. For this purpose, they recruited additional staff, including a Swedish judge. In terms of speediness, the AMM was very successful. Indeed, the first round of releases of 298 prisoners came only two days after the signing of the MoU, on 17 August 2005, in connection with the Indonesian Independence Day and before the official amnesty was granted through Presidential Decree 22/2005 on 30 August 2005.³⁵² Following the decree on 31 August 2005, another 1,424 were released, of which 463 had been in prisons in Java, 958 in Aceh and three in Bengkulu.³⁵³

After the initial release in August 2005, GAM informed the Government of Indonesia and AMM that there were still individuals incarcerated throughout Indonesia whom, according to GAM, should be amnestied and released pursuant to the MoU. In order to resolve these cases, a third-party working group was established. This group succeeded in facilitating agreement between the parties in a number of cases. As the parties mutually agreed on cases, individuals were granted amnesty and released. By way of these facilitation efforts, the parties finally reached consensual

³⁵⁰ Ross Clarke, Galuh wandita & Samsidar, *Considering Victims: The Aceh Peace Process from a Transitional Justice Perspective* (New York: International Center for Transitional Justice, 2008), p. 12.

³⁵¹ See http://www.aceh-mm.org/english/headquarter_menu/amnesty.htm, accessed on 17-10-2011

³⁵² *Tempo interaktif*, 2 September 2005.

³⁵³ *Tempo interaktif*, 24 August 2005.

agreement on all pending amnesty cases and declared that there were no disputed amnesty cases requiring the decision of the Head of Mission.³⁵⁴

5.5.2 The Decommissioning of GAM Weapons

In accordance with the MoU the GAM handed over all of its 840 weapons to AMM and on 27 December 2005 it officially disbanded its military wing (TNA = Tentara Nasional Aceh).³⁵⁵ AMM monitored the demobilization of GAM and decommissioning of its armaments, which was executed in four stages (see **table 5.1**). The decommissioning was completed by the end of December 2005.

Table 5.1

Statistics of Decommissioning of GAM Weapons

Stage	Handed over by GAM	Disqualified	Accepted
I (September 2005)	279	36	243
II (October 2005)	291	58	233
III (November 2005)	286	64	222
IV (December 2005)	162	20	142
TOTAL	1018	178	840

Source: AMM website

The task of decommissioning GAM armaments was carried out under the supervision of four specially trained decommissioning teams headed by retired Finnish Colonel Kalle Liesinen. The first phase of decommissioning was a challenge because of severe time constraints. The first weapons were scheduled for collection

³⁵⁴ See http://www.aceh-mm.org/english/headquarter_menu/amnesty.htm, accessed on 17-10-2011.

³⁵⁵ See http://www.aceh-mm.org/english/amm_menu/about.htm, accessed on 17-10-2011.

on 15 September 2005, which meant that the decommissioning teams had to prepare during the IMP phase. Effectively, they only had two weeks to get everything in place.³⁵⁶

The first round of decommissioning started on time on 15 September in Banda Aceh with the handover of 62 weapons. On 16 September, 110 light weapons, 300 rounds of ammunition and one RPG7 grenade launcher were surrendered. On 18 September the first round was completed with 279 weapons handed over, of which 243 were accepted by the AMM.³⁵⁷ For Indonesia this first round was absolutely crucial to the success of the MoU as the previous peace process had started to collapse when GAM failed to place its weapons beyond use in February 2003. It was the sign of GAM's sincerity.³⁵⁸

The second round of decommissioning began on 14 October and ended on 18 October and resulted in 291 weapons and ammunition being surrendered. Of these, 58 weapons were rejected. By the end of the second round, a total of 476 weapons of 840 had been accepted. This phase further strengthened Indonesian confidence in the process because many of the weapons were handed over by GAM's Bireun commander, Darwish Jeunib, who had reputation of being a hardliner.³⁵⁹

The third round of decommissioning in November produced 286 weapons, of which 64 were disqualified and 222 accepted. During this round the decommissioning process almost collapsed. Liesinen recalled that there was sort of a revolution within GAM. GAM's representative on the decommissioning team was replaced and the new representative all of a sudden said that there no weapons left. Yet, the EU

³⁵⁶ Schulze, 2007a, p. 12.

³⁵⁷ AMM Daily Report, Banda Aceh, 18 September 2005.

³⁵⁸ Schulze, 2007, p. 6.

³⁵⁹ Ibid.

monitors had seen more weapons.³⁶⁰ In the end, GAM handed over the weapons to the AMM.

The final round in December saw the surrender of 162 weapons, of which 142 were accepted. The last weapon cutting ceremony was held in Banda Aceh on 21 December. A total of 1,018 weapons were handed in. 178 were disqualified and a total of 840 weapons were accepted and destroyed. The weapons included sniper rifles, TNI weapons, weapons from Thailand, Cambodia and Vietnam as well as some from Pakistan.³⁶¹

Despite challenge along the way, the overall process of decommissioning was a resounding success, according to all parties involved. The consensus within GAM was that the decommissioning went well and that the AMM carried out its duties quickly and professionally. The TNI, too, was pleased and indeed saw the decommissioning of GAM's weapons as their own success. For the TNI, the AMM had finished the job that they started with the Integrated Operation from May 2003 until August 2005. The key point here is that the TNI tended to view victory and defeat in terms of weapons captured or lost. The disarmament of GAM thus translated into a TNI victory.³⁶²

5.5.3 Redeployment of the Indonesian forces

AMM also monitored the relocation of non-organic military troops and non-organic police forces that took place parallel with the decommissioning of GAM's weapons. There were four rounds of redeployment from September to December 2005 (see **Table 5.2**). A total number of 25,890 TNI and 5,791 non-organic police were relocated during the last round.

³⁶⁰ Schulze, 2007a, p.13.

³⁶¹ Schulze, 2007, pp. 6-7.

³⁶² Schulze, 2007a, p. 14.

Table 5.2

Statistic Redeployment of non-organic Troops TNI/Police

Stage	TNI	Police	Total
I (September 2005)	6,671	1,300	7,971
II (October 2005)	6,097	1,050	7,147
III (November 2005)	5,596	1,350	6,964
IV (December 2005)	7,628	2,150	9,778
TOTAL	25,890	5,791	31,681

Source: AMM website

The first phase of redeployment began on 14 September with the withdrawal of 1,300 mobile police (*Brimob*). This was followed by the redeployment of two non-organic units from Lhokseumawe.³⁶³ A total of 6,097 TNI personnel withdrew. Upon its completion on 26 September, there was an overall redeployment of 7,971 security forces personnel.³⁶⁴

The second round of non-organic security forces redeployment started on 14 October with the withdrawal of 1,050 police personnel from *Brimob* and the bomb disposal unit, *Gegana*. This was followed on 18 October by the redeployment of 6,097 TNI troops, comprising six infantry battalions, one cavalry battalion, one Air Force special forces (*Paskhas*) company, one Army special forces (*Kopassus*) para-commando company and one tactical intelligence unit (SGI). The second round of redeployment was a total security forces redeployment of 7,147.³⁶⁵ The relocation of

³⁶³ AMM Daily Reports, Banda Aceh, 18 September 2005.

³⁶⁴ Schulze, 2007a, p. 15.

³⁶⁵ *Ibid.*

TNI and POLRI (Police of the Republic of Indonesia) non-organic forces during second round was completed on 24 October 2005.³⁶⁶

During the third round in November, 5,596 TNI and 1,350 police were withdrawn, totaling 6,966. And during the fourth round in December, a total of 9,778 security forces were redeployed, comprising 7,628 TNI and 2,150 police. By the end of the redeployment process, 25,890 TNI and 5,791 police had been withdrawn, bringing the total to 25,890.³⁶⁷

While the process as a whole went smoothly, there were two issues raised by the AMM during the early period. The first was that the TNI continued aggressive patrolling and there were continuing allegations of harassment, beatings and extortion by *Brimob*.³⁶⁸ The second was the repeated reports of intimidation of ex-GAM by members of SGI in the form of questioning, monitoring and photographing. Both had the possibility of undermining the peace process, but ceased to be a problem once they had been brought to the attention of Major-General Darmono, Aceh's military commander.³⁶⁹

The troop redeployments were verified by the AMM and GAM was informed at each Commission on Security Arrangement (COSA) meeting. This was followed by an overall verification from 14 January to 15 February 2006 in which the AMM monitored the remaining troops in the various districts and concluded that the Indonesian government had fully complied with the MoU. Nevertheless, GAM remained skeptical which was a clear reflection of thirty years of conflict with the Indonesian government and the lack of trust between the two sides. GAM worried in

³⁶⁶ AMM Press Release, 25 October 2005. <http://www.aceh-mm.org/download/english/Decomm%20Phase%20II.pdf>, accessed on 17-10-2011.

³⁶⁷ Schulze, 2007a, p. 15.

³⁶⁸ Weekly Report 002, HQ AMM, Banda Aceh, 28 September – 11 October 2005, p.3.

³⁶⁹ Schulze, 2007, p. 7.

particular about the order and type of troops redeployed in each phase and about the remaining number after redeployment was completed.³⁷⁰

5.5.4 Reintegration of Ex-combatants

The MoU guaranteed all political, economic, and social rights of former combatants and political prisoners, with an emphasis on the right to participate freely in Aceh's political process.³⁷¹ According to the MoU provisions on reintegration cover assistance to three groups: GAM ex-combatants, amnestied political prisoners, and affected civilians.³⁷² Correspondingly, the AMM's role was to monitor the process of reintegration into society. Implementing the actual reintegration programmes was not part of the AMM's mandate. These programmes were carried out by international agencies, the local government and the governmental implementing body of the MoU reintegration, *Badan Reintegrasi Damai Aceh* (BRA).³⁷³

BRA was established on 15 February 2006, by the governor of Aceh. BRA has structure both at the provincial and district level. It has representatives from government, GAM, as well as Acehnese civil society and intelligentsia. BRA also cooperates closely with international donor agencies, such as International Office of Migration (IOM), in planning and implementing the post-conflict reintegration programs.³⁷⁴

Reintegration focused on "economic facilitation" for affected parties. In particular the parties agreed to provide former combatants, political prisoners, and "all civilians who suffered a demonstrable loss" with suitable farm land, employment,

³⁷⁰ Ibid.

³⁷¹ Clarke et.al., 2008, p. 12.

³⁷² AMM Headquarter. http://www.aceh-mm.org/english/headquarter_menu/amnesty.htm, accessed on 17-10-2011.

³⁷³ Schulze, 2007a, p. 16.

³⁷⁴ AMM Headquarter.

or social security should they be unable to work.³⁷⁵ The first reintegration package was issued to GAM regional commanders between 3 and 9 October. They received Rp 1 million per fighter, based on a list of 3,000 GAM combatants detailed by district. The list quickly became a bone of contention. Both the Indonesian government and the AMM wanted names to whom the reintegration packages were going to be disbursed. However, GAM was reluctant to provide names, fearing that the Indonesian government would arrest them should the peace process break down.³⁷⁶

The number of 3,000 in itself also provided problems. It was unclear whether this list included the many GAM members who had been in support functions such as logistics and intelligence. It certainly did not include female fighters. GAM did not believe that they needed reintegration funds as they would get married. It has also been argued that GAM kept the number artificially low, as a higher number of combatants would have raised the number of weapons to be handed over.³⁷⁷

A reintegration fund was established under the administration of Acehese authorities to finance the extensive reintegration program. Reparations for affected civilians were included in this broad reintegration strategy. Yet the MoU did not specifically use the term “victims” and did not mention other vulnerable groups, such as woman and children.³⁷⁸

The second reintegration package was released on 31 October, consisting of another Rp 1 million for each GAM ex-combatant. The governor of Aceh transferred a total of Rp 3 billion to 15 locations in Aceh. Each *bupati* or regent, in turn, handed the money to the local GAM commander, who, in turn, distributed it to his men.³⁷⁹ The third and final reintegration package followed in January 2006 and again was

³⁷⁵ Clarke et.al., 2008 p. 12.

³⁷⁶ Schulze, 2007a, p. 16.

³⁷⁷ Ibid, p. 16-17.

³⁷⁸ Clarke et.al., 2008, p. 12.

³⁷⁹ AMM Press Release, Former GAM Fighters Receive Second Economic Facilitation Package.

disbursed through the *bupati* and local commanders. It was accompanied by extensive criticism that the disbursement was too slow.³⁸⁰

The Indonesian government then proceeded to propose a budget for longer-term support to include funds for housing, land and job training as well as schools and religious buildings in conflict-affected areas.³⁸¹ In late April, one of the major tasks of BRA and international donors has been to prepare the data collection project across Aceh, in order to direct social support to those civilians who have suffered a demonstrable loss during the conflict.³⁸² It had a budget of Rp 200 billion that was supposed to be sent by May. A further Rp 600 billion was earmarked for reintegration from the 2006 budget to be spent by 15 December.³⁸³

AMM has monitored the work of BRA closely both at provincial and district level. AMM district offices has monitored and reported on the field situation, to ensure that the agreed assistance reaches the beneficiary groups. AMM's district office network and AMM-facilitated district level meetings amongst the stakeholders have turned out to be useful also for discussing the issues related to reintegration. During the last three months AMM has been handing the responsibilities over the peace process to the two parties both at provincial and district level. For example the district level meetings are now being chaired by the local *bupati* or his representative. The continuing strong commitment of the parties to the peace process has made the handing over of responsibilities relatively easy, and the AMM Banda Aceh office with its two mobile teams will still be able to offer the support in the coming months.³⁸⁴

³⁸⁰ Schulze, 2007a, p. 18.

³⁸¹ Schulze, 2007, p. 8.

³⁸² http://www.aceh-mm.org/english/headquarter_menu/amnesty.htm, accessed on 17-10-2011.

³⁸³ ICG, "Aceh's Local Elections", p. 10. In Schulze, 2007a, p. 18.

³⁸⁴ Aceh Monitoring Mission. www.aceh-mm.org, accessed on 20-10-2011.

5.6 The AMM and Political Transition in Aceh

5.6.1 AMM and Human Rights Monitoring

From the EU perspective the most sensitive part of the mandate was human rights monitoring. The MoU made several references to international human rights standards and principals. The legal reform in Aceh was to be based on the universal human rights principles of the UN International Covenants of Civil and Political Rights and Economic, Social and Cultural Rights (1.4.2). The Government of Indonesia also agreed to adhere to the above mentioned treaties.³⁸⁵ Political prisoners were to be released and amnesty granted all persons who had participated in GAM activities (3.1.1 and 3.1.2). Civil and political rights as well as economic and social rights were guaranteed to everyone including the political prisoners and those receiving amnesty (1.2.6 and 3.2.1). Human rights training for members of the police force was specifically mentioned in the provisions of the MoU (4.12.).

The MoU provided AMM with a proactive mandate in the human rights field. It was given the power to rule on disputed amnesty cases and to investigate and rule on complaints alleged violations of the MoU. It was also tasked not only to monitor but to provide assistance in human rights. The text approved by the Council Joint Action on 9 September 2005 differed slightly from the wording of the MoU but had significant impact on the human rights component of the monitoring mission. While the Joint Action expanded the decommissioning mandate from monitoring to taking charge of the decommissioning and destruction of weapons, it narrowed the mandate for human rights monitoring. The paragraph on human rights monitoring amended in the Council Joint Action stated that the task of the mission was to “(d) monitor the human rights situation and provide assistance in this field in the context of the tasks

³⁸⁵ Indonesia was not a party to the two human rights treaties at the time of the signing of the MoU but accessed them on February 2006.

set out in points (a), (b) and (c) above;”³⁸⁶ In other words, the mandate was limited in time and scope from what had been agreed by the parties in the peace agreement. The Council Joint Action authorized human rights monitoring to cover only the security-related aspects of the peace process: the demobilization of GAM and decommissioning of its weapons, the relocation of the Indonesian security forces and the reintegration of active GAM members. Furthermore, it only applied to incidents and human rights violations that occurred from the signing of the MoU on 15 August 2005. Since the demobilization and decommissioning were to be completed by the end of 2005, the focus of human rights monitoring in 2006 was to be on the reintegration of GAM members.³⁸⁷

The limited human rights monitoring mandate excluded all human rights violations and incidents that had taken place during armed conflict or that involved civilian population and not GAM members. The security situation improved significantly immediately after the signing of the MoU indicating the commitment of the parties to the provisions of the peace accords. It also meant that the majority of cases brought to the attention of the AMM monitors in field offices dealt with past abuses which were not included in the mandate.

Effectiveness of human rights monitoring was downplayed also at the operational level. The original plan to deploy human rights monitors was changed and human rights monitoring was made a task for all monitors. Human rights monitoring not done by human rights professionals inevitably do not meet what could be regarded as international human rights monitoring standards. The majority of AMM monitors had a military background and most of the ASEAN monitors were active duty soldiers with little experience in human rights issues or how to monitor them.

³⁸⁶ Council Joint Action 2005/643/CFSP, 9 September 2005.

³⁸⁷ Memo on AMM Human Rights Monitoring in 2006.

Another operational matter that prevented effective human rights monitoring was the security arrangement with the Indonesian Government. According to the MoU and the Status of the Mission Agreement between European Union and the Government of Indonesia the security of the mission was the responsibility of the latter. In the name of security the Government of Indonesia deployed dozens of policemen from Jakarta to protect the AMM headquarters in Banda Aceh and the 11 district offices, and provide police escorts for AMM cars. Police escorts and the strong presence of the police at the premises of the AMM offices could have compromised the neutral and impartial position of the mission or create a perception of a close association of the AMM with the police. It also hampered any serious efforts for effective human rights monitoring. Investigating claims of police brutality or extortion was not done in a neutral environment when the monitors were accompanied by the police. The issue of police escorts was regularly discussed within the mission but despite the dramatically improved security situation after the signing of the peace agreement and the fact that international aid agencies did not move around with an escort the practice continued until the end of the mission.

In addition to the obstacles for meaningful monitoring, human rights reporting on sensitive cases was impeded by the mission policy of transparency. Reporting from the district office to the headquarters was done through regular email without any safeguard measures to protect the correspondence. These examples highlight the lack of a human rights approach and understanding during the planning phase and the absence of human rights from the concept of operations continued to undermine human rights monitoring throughout the mission.³⁸⁸ Perhaps the most controversial issue in the MoU was the question of transitional justice. One of the greatest challenges for post-conflict societies is how to deal with past crimes against humanity

³⁸⁸ Crisis Management Initiative, mediator to the peace talks, interestingly notes in its unofficial assessment, or “discussion paper,” that the most challenging tasks for the AMM were the “civilian” ones. These tasks included human rights monitoring and relations with civil society. Gender perspective was lacking completely. See Sami Lahdensuo, “Building Peace in Aceh”, 2006.

and other grave human rights abuses. The term “transitional justice” refers to various forms of judicial, quasi-judicial and non- judicial mechanisms and processes such as truth commissions, hearings and inquiries, investigations, trials and reconciliation processes, which aim at dealing with large- scale past abuses, in order to “ensure accountability, serve justice and achieve reconciliation.”³⁸⁹

The question of whether peace processes should include elements of transitional justice prompts the justice or peace debate on whether ‘justice’ (human rights, accountability, transitional justice) and ‘peace’ (diplomacy, conflict resolution, conflict management) complement or exclude each other. There appears to be a growing consensus within the international community on the need for ending impunity in post-conflict settlements. This view was expressed by the UN Secretary-General in his report on transitional justice where he states that “United Nations-endorsed peace agreements can never promise amnesties for genocide, war crimes, crimes against humanity or gross violations of human rights.”³⁹⁰

In practice introducing measures to achieve accountability has proved hard to accomplish in post-conflict societies, and impunity of the Indonesian security forces has been an unbroken rule despite attempts in recent years to bring perpetrators of human rights violations to justice.³⁹¹ During the long conflict both the Indonesian security forces and GAM committed serious human rights abuses against the civilian population and thus it was not surprising that the chapter on transitional justice mechanisms is the shortest in the MoU and the provisions on the establishment of a human rights court and a truth and reconciliation commission were not strongly worded. Unlike for other components there was no timetable and no details on what they should comprise.

³⁸⁹ Ibid.

³⁹⁰ Report of the Secretary-General, S/2004/616, 23 August 2004, paragraph 10.

³⁹¹ Human Rights Watch and Amnesty International reports.

According to the agreement a truth and reconciliation commission for Aceh will be established by the Indonesian Truth and Reconciliation Commission, which at the time of the negotiations was still in to be established.³⁹² The Indonesian Parliament approved the Law on Governing of Aceh (LoGA) on 11 July 2006. The passing of the legislation was part of the AMM exit strategy. The adoption of the new law completed the political process stipulated in the MoU and was considered a major step forward in the peace process. The Head of AMM commented on the legislation by saying that AMM considered the Loga to broadly cover the principles of the MoU. Many human rights and other civil society groups expressed their disappointment to Article 228 which establishes human rights court but limits its mandate to examine, try, decide and settle cases of human rights violations taking place only after the law is promulgated.³⁹³

5.6.2 The LoGA

As has been stated in the MoU, an important factor of it was the development of Law on Governing of Aceh (LoGA). This law must be based on the MoU agreed between GAM and Indonesian government and the proposal of LoGA developed by the Aceh regional parliament.³⁹⁴ The MoU envisaged that all the constitutive elements of the future autonomy status of Aceh be included in the LoGA.

According to the MoU, new legislation was to be drafted for Aceh and it would be based on the following principles:³⁹⁵

³⁹² The Indonesian Constitutional Court ruled the legislation on TRC illegal in December 2006. *AP news*.

³⁹³ “Justice and human rights for Aceh have decreased with Article 228.” Statement by *Forum Asia*, 20 July 2006.

³⁹⁴ Javier Gil Perez, *Lessons of peace in Aceh: administrative decentralization and political freedom as a strategy of pacification in Aceh* (Barcelona: ICIP, 2009), p. 38.

³⁹⁵ Memorandum of Understanding

- Aceh will exercise authority within all sectors of public affairs, which will be considered in conjunction with its civil and judicial administration, except in the field of foreign affairs, external defence, national security, monetary and fiscal matters, justice freedom of religion, the policies, which belong to the Government of the Republic of Indonesia in conformity with the constitution. (1.1.2.a)
- International agreements entered into by the Government of Indonesia that relate to matters of special interest to Aceh will be entered into in consultation with and with the consent of the legislature of Aceh. (1.1.2.b)
- Decisions with regard to Aceh by the legislature of the Republic of Indonesia will be taken in consultation with and with the consent of the legislature of Aceh. (1.1.2.c)
- Administrative measures undertaken by the Government of Indonesia with regard to Aceh will be implemented in consultation with and with the consent of the head of the Aceh administration. (1.1.2.d)
- *Qanun*³⁹⁶ Aceh will be re-established for Aceh, respecting the historical traditions and customs of the people of Aceh and reflecting contemporary requirements of Aceh. (1.1.6)

Drafting and redrafting the LoGA started only after decommissioning and redeployment had been successfully completed and it took more than five months. This LoGA was established by the parliament of Jakarta on 31 March 2006. The main contents of LoGA related to administrative decentralization and political participation.³⁹⁷ The law is going to be the cornerstone of a sustainable peace process, covering not only the division of competences between national and local authorities,

³⁹⁶ *Qanun* is Arabic term and is used in Aceh to denote local law.

³⁹⁷ Perez, 2009, p. 38.

the separation of power within Aceh and the establishment of local political parties and on the nomination of candidates to top local executive posts.³⁹⁸

The LoGA was finally passed on 12 July 2006, it comprises 40 chapters and 278 articles. Pressure from the AMM was important in getting the legislation passed. The AMM welcomed the passing of the legislation. In a press statement after the 38th COSA meeting, Pieter Feith commented that “the first impression of the AMM is that in principle the Aceh Administration Law already conforms to the Helsinki memorandum of understanding”.³⁹⁹ However, when the contents of the legislation were revealed, there was criticism from GAM, human rights organizations, women’s organizations, civil society, moderate Muslims and non-Muslims minorities.⁴⁰⁰

At the domestic level, activists of the Aceh Democracy Network (JDA=*Jaringan Demokrasi Aceh*) rejected the LoGA and called for a judicial review. In the JDA’s view the role of the central government was still too great.⁴⁰¹ Activists from the Aceh Referendum Information Center (SIRA=*Sentral Informasi Referendum Aceh*) claimed that the law contravened the spirit of the MoU and “was a worse deal than the 2001 Aceh Special Autonomy Law”.⁴⁰² The human rights watchdog Aceh Working Group (AWG) said “the law failed to meet the demanded of the Acehnese whose basic rights had been trampled on for decades”.⁴⁰³

The criticism was to some extent shared by GAM, which was to some extent shared by GAM, which was concerned about the restrictions on autonomy as the LoGA allows the central government in Jakarta to ‘set the norms, standards, and procedures as well as monitor’ the governance in Aceh, in short allowing for what they saw as Jakarta interference. They were particularly concerned about the

³⁹⁸ Grevi, 2005a, p. 31.

³⁹⁹ *Tempo*, 24 July 2006.

⁴⁰⁰ Schulze, 2007a, p. 26.

⁴⁰¹ *Tempo*, 24 July 2006.

⁴⁰² *The Jakarta Post*, 13 July 2006.

⁴⁰³ *The Jakarta Post*, 12 July 2006.

curtailing of the power of the local administration in international cooperation and management of natural resources as well as the use of non-retroactive principles for human rights abuses. Some GAM members blamed the divergence between the actual content of the legislation and the MoU on the AMM. According to them the AM should have put more pressure on the government to bring the LoGA in line with the MoU.⁴⁰⁴

At an international level, human rights organizations pointed out that the LoGA was contrary to international conventions recently ratified by the Indonesian government, which guaranteed minority rights, religious freedom, and freedom of expression, and gender equality. They asserted that in light of Indonesia's human rights commitments the AMM, tasked to monitor legislative drafting and therefore should have prevented or at least discouraged the inclusion of human rights incompatible provisions. Human rights specialists within the EU and the CMI further criticized the AMM and the peace process as a whole with respect to the participation of women,⁴⁰⁵ especially as the EU council adopted UNSCR1325⁴⁰⁶ in 2005, which calls for the participation of women in peace process and conflict prevention. The AMM was thus not in line the EU's own standards.⁴⁰⁷

5.6.3 Local Election

The MoU stipulated that elections in Aceh would follow the change in legislation. So after the LoGA was passed, the date for the first elections for governor and vice governor as well as 19 regents and mayors was set for 11 December 2006. Around 2.6 million Acehnese were eligible to vote in 19 regencies. For the people,

⁴⁰⁴ Schulze, 2007, p. 10.

⁴⁰⁵ For a full discussion, see Crisis Management Initiative, *Aceh Peace Process: Involvement of Women* (Helsinki: CMI, 2006).

⁴⁰⁶ United Nation Security Council Resolution 1325.

⁴⁰⁷ Schulze, 2007a, pp, 26-27.

the elections were a sign that the peace process was becoming irreversible⁴⁰⁸ and that Aceh would continue to see positive changes, most notably real peace, comprehensive rebuilding and full democracy. Confidence in the elections was further boosted by Vice-president Kalla's statement that "we will support whoever wins".⁴⁰⁹

GAM had decided against formally endorsing particular candidates for the elections because a rift had emerged between the "old guard" leadership that was based in Sweden throughout the conflict against the "young Turk" who stayed in Aceh and had fought on the battlefield. The split was over "perceptions of what Aceh is and should become and perceptions over who did what during the conflict".⁴¹⁰ One issue of contention was which candidate to support for governor. It erupted in the open in mid-2006 as the organization sought to set political strategy and decide on candidates for the election.

In Aceh, unlike other parts of Indonesia, candidates without party affiliation are allowed, enabling GAM members to stand as independents. The old guard supported one-backed slate for governor and deputy governor, the younger leaders and independent ticket. The exiled leadership's choice was Hasbi Abdullah, brother of GAM Foreign Minister Zaini Abdullah. The younger generation and most field commanders preferred Irwandi Yusuf on the grounds that Hasbi had played virtually no role in the conflict while Irwandi had excelled as a strategist and spokesman.⁴¹¹ The undemocratic way that Hasbi had been chosen was another point of contention. Further causes of the split included criticism of GAM Prime Minister Malik Mahmud

⁴⁰⁸ *Bloomberg*, 8 December 2006.

⁴⁰⁹ *Ibid.*

⁴¹⁰ Sidney Jones on *Voice of America*, 7 December 2006.

⁴¹¹ For further discussion on the split within GAM, see International Crisis Group, "Aceh's Local Elections: The Role of the Free Aceh Movement (GAM). www.crisisgroup.org, accessed on 03-11-11.

by the “young Turks”. They charged him with poor judgement, lack of leadership and lack of organizational capacity during the peace talks.⁴¹²

Due to the split between the old guard and young Turks, the decision was made not to establish a party until after the December elections. Instead, both candidates for governor ran as independents and GAM started its transition to a political party once the Indonesian government had endorsed the regulations on the formation of local political parties at the end of the year.⁴¹³

The election campaign started on 23 November and ended on 7 December. While all candidates declared their support for a peaceful campaign, there were some incidents of violence. However, these were not along conflict-related cleavages but turf scuffles between campaign teams.⁴¹⁴ According to the election regulations candidates for governor, *bupati* and mayor had to receive at least 25 percent of the vote or a second round of run-off elections would take place. With the large number of candidates run-offs were expected in most districts. The official results were to be announced on 2 January 2007. However, the National Democratic Institute’s quick count on 11 December already established GAM’s young Turk candidate Irwandi Yusuf as Aceh’s governor. He won the gubernatorial elections with 38.57 percent. His toughest rival, Humam Hamid / Hasbi Abdullah, get the votes of 17.04 percent.⁴¹⁵

There is nowhere else in the country where a former rebel can compete in an election to become governor, where a former political prisoner can become director of major agency such as the Aceh Reintegration Board (BRA), or where former

⁴¹² For a full discussion see Damien Kingsbury, “The Politics of Peace: Why GAM split after reaching peace with Indonesia”, unpublished paper, 2006.

⁴¹³ *The Jakarta Post*, 3 December 2006.

⁴¹⁴ Forbes Damai Aceh/Decentralization Support Facility, “Aceh Pilkada Dynamics Update, 11 November – 5 December 2006”, (Banda Aceh/Jakarta, December 2006), p.1.

⁴¹⁵ Schulze, 2007, pp, 10-11.

insurgents and their supporters could become district heads and mayor (*bupati*).⁴¹⁶ This political dynamism has transformed the context in Aceh and Indonesia at large. For the EU, the successful outcome of the mission that includes the election process has been a significant breakthrough, and has wider regional implications. Initiatives driving the peace settlement in Aceh have established important precedents for the context elsewhere in the country and can be transformed into another mission in the world.

5.7 Sharia and the AMM

Sharia or Islamic law has been the norm in Aceh intermittently throughout history, including on at least four occasions since Indonesian independence: First from 1949 to 1951 when Aceh had special status; second, from 1953 to 1959 when Aceh was part of the *Darul Islam* rebellions; third, from 1959 to around 1967 when Aceh was *Daerah Istimewa* or special territory, and fourth from 2002 onwards when *Sharia* was implemented as part of the autonomy package.⁴¹⁷ Aceh is the only place in Indonesia with the legal right to apply certain aspects of *Sharia* law outside matters related to family and inheritance. Although some form of *Sharia* has been applied at different periods in Aceh history, its current form of implementation raises serious issues as it seems to be founded on a superficial, conservative and narrow interpretation of Islam, in contrast to the more moderate understanding of Islam that has existed in Aceh for centuries.⁴¹⁸

⁴¹⁶ Aguswandi, "The Political Process in Aceh: a new beginning?", Conciliation Resources. <http://www.c-r.org/our-work/accord/aceh/political-process.php>, accessed on 07-11-20011.

⁴¹⁷ Schulze, 2007, p. 11.

⁴¹⁸ Fadlullah Wilmot, "Shari'ah in Aceh: Panacea or Blight?". In Aguswandi & Judith Large (Eds), *Reconfiguring Politics: the Indonesia – Aceh peace process*, *Accord* issue 20 (London: Conciliation Resources) 2008, p. 76. See http://www.peacewomen.org/assets/file/Resources/NGO/rep_gissue_reconfiguringpoliticsindonesia-acehpeaceprocess_accord_2008.pdf, accessed on 07-11-2011.

Sharia is the body of Islamic jurisprudence relating to all aspects of life. It can be holistically understood as the whole of Islamic teachings from the *Koran*, the *hadiths*, the *sunna*, and *fatwas* to treatises on ethics and values. More commonly, however, it is seen in a narrow legalistic way reducing *Sharia* to its legislative and punitive aspects, often from lack of understanding.⁴¹⁹ Some had hoped the peace agreement between the government and GAM would provide a basis for a legitimate political reform that would create an opportunity to reverse the more debatable elements of *Sharia* implementation.

The MoU determined that the legal code for Aceh would be redrafted “on the basis of the universal principles of human rights as provided for in the United Nations International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights” (article 1.4.2). However, this seems to have had little effect. The LoGA passed in 2006 included 16 articles on *Sharia* effectively giving the province permission to apply *Sharia* and its application.⁴²⁰ It covers religious observance, family law, civil law, criminal law, justice, education, proselytizing, and defence of the faith.

Moreover, *Sharia* provides for additional stipulations to be regulated by Aceh’s bylaws or *qanun*. According to those 16 articles contained in LoGA, “every individual living in or visiting Aceh shall respect *Sharia*”. Not surprisingly human rights groups and religious minorities have expressed their concern about religious freedom with respect to the small Catholic, Protestant and Buddhist community in Aceh but also with respect to Muslims who may not wish to be subjected to *Sharia*.⁴²¹ While the LoGA guarantees freedom of religion and worship for those who do not follow Islam, non Muslim residents or visitors (for example international workers or

⁴¹⁹ Schulze, 2007, p. 11.

⁴²⁰ Fadlullah Wilmot, p. 78.

⁴²¹ Schulze, 2007a, p. 33.

non-Muslim Acehese) are required to honor the implementation of *Sharia*.⁴²² Of particular concern was the focus of the *qanun* on morality and women.⁴²³ Women were sidelined in the LoGA deliberations.

The issue of *Sharia* was quickly taken up by journalist and, once the first articles were published in the international press, by members of European parliaments who started asking questions why the AMM stayed silent on the content of legislation and whether some aspects of the *Sharia* implementation, such as corporal punishment and arbitrary arrest and detention, were not violation of the MoU's section 1.4.2, as described above.⁴²⁴ Returning to the question of whether the AMM's mandate included the monitoring of human rights violations within the context of *Sharia*, in the absence of a decision from the EU, the AMM decided to interpret its mandate in a limited way, above II in order to jeopardize the monitoring process as a whole or to get involved in a highly sensitive political debate.⁴²⁵ According to Pieter Feith, the AMM was only tasked with monitoring the peace in Aceh. "*Sharia* is the business of the people of Aceh".⁴²⁶ Despite of it, the AMM was undertaking the mission in order to contribute to a peaceful, comprehensive and sustainable solution to the conflict in Aceh. The peace has come to Aceh and the peace process has become irreversible, that is the major change for Aceh province.

5.8 AMM as a Transferable Model?

The AMM came to an end with the success mission to implementing and overseeing peace in Aceh. The AMM success and the peace process raised a question

⁴²² Overview of Sharia Law an application. http://www.aceh-eye.org/data_files/english_format/analisis/analysis_others/analysis_others_2007_00_00.pdf, accessed on 17-11-2011.

⁴²³ Schulze, 2007, p. 11.

⁴²⁴ Ibid, p. 12.

⁴²⁵ Schulze, 2007, p. 38.

⁴²⁶ *Warta Berita Radio Nederland*, 4 October 2006.

of whether the AMM is a model that could be transferred to other conflict situations. Key that made the AMM successful was the commitment by both Government of Indonesia and GAM to make the peace process work well. Also the internal factor from both of them which allowed them to reach and agree a compromise solution.

The model of the AMM has been used in a conflict such as in Sri Lanka, to deal with the Liberations Tigers of Tamil Elam (LITE). Another conflict, which shares some similarities with Aceh, is the southern Philippines, namely, the Moro Islamic Liberation Front (MILF). However, even there is a similarity about the characteristics of the conflict, but there is also differences way to settle down the conflict in different place.

The ESDP mission in Aceh, Indonesia, is a great example of EU success, but there is still needs more improvement to bringing peace in the world and to develop the mechanism further. In this context EU has demonstrated to ASEAN its capability on how to deal with the conflicts. The cooperation between the EU and ASEAN in AMM is leading examples of international development and the model could be used elsewhere in the world. This question about the AMM as transferable model can be use for further research.

CHAPTER SIX

CONCLUSION

Finally peace has come to Aceh by the signing of Memorandum of Understanding between the Government of Indonesia and Free Aceh Movement (GAM). The peace process was facilitated by the Crisis Management Initiative (CMI) and followed by the EU's comprehensive strategy. The peace accords signed on August 15, 2005, in Helsinki, Finland, were followed by the successful EU-led Aceh Monitoring Mission (AMM). In the introduction chapter this thesis has stated that it is aimed to elucidate the Aceh peace process and the role of the EU in overseeing the peace process. It also intends to explain the reasoning behind the EU's involvement in Aceh and raised three questions:

- What the roles that has played by the EU in Aceh?
- Why did EU want to take up the challenge of its first ever ESDP mission in Asia pacific region?
- What were the motives and interests behind the EU involvement in the Aceh peace process?

The evidence of this thesis pointed to the later argument. What followed was divided into six chapters, each presented a distinct discussion but inter-related chapters as a whole. As a result, it is important here to draw the connecting lines between each other that made to establish the conclusion. Chapter one is the beginning of the thesis which introduces the purpose, aim and methodologies of the thesis. It also provided initial introductions of relevant literatures before entering the main thesis.

Chapter two provided an explanation of the basis for the EU to carry out its mission around the world. Since the end of the Cold War, EU has successfully

maintained order in Europe through institutional building, by its enlargement into 27 member states. The EU as a peaceful institution was developed in the post-Cold War situation, particularly its security dimension. This development brought EU to deal with global crises and shows its capability as security apparatus, within the framework of ESDP. The EU has conducted several missions to deal with global crises and conflict settlement, and provision to Aceh, as the first ESDP mission in Asia-Pacific region is one example.

Related to this thesis is the creation of EU foreign policy, which developed in the late 1990s and early 2000s. The second pillar of the EU is the Common Foreign and Security Policy (CFSP). The CFSP aims to create joint actions and common positions among the member states. Foreign policy principles and responsibilities aim to project EU values abroad, improvement its methods while protecting its interests. ESDP is an important component of the CFSP. To deal with external conflict, as a central aspect of the ESDP's purpose, the EU adopts a range of instruments: development and economic cooperation, external assistance, trade policy, humanitarian aid, social and environmental policies, diplomatic instruments such as political dialogue and mediation, as well as economic or other sanctions.

To be taken seriously by other agents in international system, the EU needs to complete the economic instruments with an effective security capability, to bring their influence to bear in the world. The creation of ESDP has been a major step to realize the EU's global foreign policy objective. The many policy instruments developed by the EU, which the ESDP is part of, reflects the use of 'soft power' to expand the EU's principles. As outlined in the European Security Strategy (ESS) and other EU documents to bringing peace, stability, multilateralism, democracy, human rights and the rule of law are key export values. All of these components elucidated to justify the EU's motives in the Aceh peace process. The EU's role in the AMM is the center piece of this thesis, is an excellent example of EU to bring its values and to become a global credible power.

Chapter three provides an overview of Aceh region in general. It introduces the long and rich history of Aceh from the pre-colonial period to the independence. Before the conflict between GAM and Government of Indonesia through Indonesian military forces, rebellion and violence had routinely taken place in Aceh. The Aceh province is located at the northwest corner of Sumatra island in Indonesia, bordering on the Malacca Strait, the Indonesian Ocean and North Sumatra Province. This region is rich in natural resources, especially oil and gas. Aceh emerged as a sultanate or sovereign state in the 16th century and preserved its independence against the Portuguese until the Dutch took more than thirty years to complete their East Indies colonization.

Aceh experienced its heyday when Sultan Iskandar Muda came to power. During that time, the Aceh sultanate achieved its largest territorial reach. It was the most powerful state in the region. Aceh became known as an international center of commerce, Islamic study, and important trading hub in the region. The Acehnese depicted their land as the “Verandah of Mecca”. In the colonial period, Aceh was famous for its resistance against the Dutch in thirty years of war at the end of nineteenth century. The *uleebalang* (traditional nobility which also known as aristocratic land owners) who gradually became supporters of Dutch colonialism, had created a crucial change in Acehnese society. Before the Japanese invasion in 1942, and months after the Japanese surrender in August 1945, the tension between *uleebalang* and the *ulama* (clerics or religious leader) escalated. The emergence of *ulama* in Aceh led by Daud Beureuh as Acehnese leadership through social revolution resulted in the Acehnese becoming increasingly Islamic in their resistance ever since. Aceh has a rich history of defending its identity and interests against ‘outsiders’, especially against the oppression of post-independence Indonesia.

Chapter four elucidates the dynamics of Aceh conflict with a timeline of the rebellions that emerge in Aceh from 1953 until 2005. The Aceh conflict was based on a sense that Aceh was the hero of the revolutionary war and the feeling among

Acehnese that their status is different from that of Indonesia's other provinces. With these characteristics they demand a different status for the region, but they were disappointed because they feel neglected and had been marginalized by the central government.

The first hallmark of the Aceh problem was the Darul Islam (DI) uprising in 1953, it has a paramilitary organizations that led by Daud Beureuh. It demanded the establishment of an Islamic state of Indonesia. In order to reduce tension between Aceh and the central government, Aceh granted status of Special Province in 1959 by the Government of Indonesia, with autonomy in terms of religion, customary law, and education. When the Acehnese feels the promise and the region were neglected, another rebellion broke out in 1976, with establishment of Secessionist movement which well-known as Free Aceh Movement (GAM). GAM initially consisted of radical intellectuals, student under the banner of DI, and also military wings. It directly challenged the 'territorial integrity of the Unitary State of the Republic of Indonesia'. Due to the GAM rebellion, Aceh was declared as a Military Operational Zone (DOM) from 1989-1998, under the Soeharto regime.

The fall of Soeharto regime was utilized by GAM to strike again in 1998, and they gain greater public support in rural areas of Aceh. Several times a change of leader, after the downfall of Soeharto, has been attempt various ways to handle the case of Aceh. Habibie was launched a decentralization policy, and the most important law was Law No.44 of 1999, that also known as Special Status of the Province of Aceh Special Region. However this law was failed. Then Habibie's successor, Abdurahman Wahid, initiate the peace dialogue with GAM, which was brokered by Henry Dunant Center (HDC), an NGO based in Geneva. In May 2000, GAM and the Government of Indonesia signed a "Joint Understanding on Humanitarian Pause for Aceh". But again Humanitarian Pause also failed to achieve a peaceful conflict resolution. After Wahid was impeached, his successor, Megawati Soekarnoputri, took a different step to address Aceh conflict. She signed Law No.18/2001 o Aceh's

special autonomy, in the hope that GAM would accept that and abandon its demand for independence. In December 2002, Indonesian representatives and GAM finally managed to sign the Cessation of Hostilities Agreement (COHA). In fact this agreement did not run properly and failed to put an end to conflict. This leads to the issuance of Presidential Decree No.28/2003 on the Declaration of State Emergency with the Status of Martial Law, on 19 May 2003.

The 2004 general election brought Susilo Bambang Yudhoyono to power as fifth President of Indonesia. On 26 December 2004, however, the devastating tsunami hit Aceh and killed hundreds of thousands people. This massive disaster led the Government of Indonesia and GAM back to negotiating table to seek peace through non-violent methods. The changed dynamic situation post-Tsunami led directly to the peace talks between Government of Indonesia and GAM under the Crisis Management Initiative (CMI), with the support of the EU. The negotiations were concluded in five rounds and resulted a Memorandum of Understanding, that signed in Helsinki, on 15 August 2005.

Chapter five focus on the EU Monitoring Mission in Aceh and its role to implementing peace. It explained the reasons for the successful outcome and provided detail about the AMM. As part of the Helsinki accord, the AMM was set up and led by the EU in conjunction with five ASEAN countries. This part provided an analysis for this thesis. The most important findings are as followed:

1. European Union's role in Aceh peace process
 - a. Organiser: setting up the AMM on the ground, led the mission, including security arrangement and conduct a meeting.
 - b. Financer: providing the funding for the mission.
 - c. As a main guarantor of peace in Aceh with a mandate including overseeing; demobilization, decommissioning, redeployment, and political transition in Aceh which followed by local election.

2. EU purposes in Aceh Monitoring Mission
 - a. Testing the capabilities of the ESDP as an effective and responsive international mediator in civilian crisis management mechanism.
 - b. Demonstrating the strength of ESDP to deal with global crises
 - c. Its ambition to becoming a global player as proclaimed on ESS
3. EU motives and interest behind its involvement in Aceh
 - a. To export its values: bringing peace, stability, democracy, human rights and the rule of law.
 - b. To spread its successful legacy of peace and implementing 'good' around the world.
 - c. In a joint mission with ASEAN, its demonstrated EU's commitment to promoting regional organizations as a pillar of effective multilateralism.

The Aceh conflict has been one of the longest running in Asia. Aceh has a long and turbulent history of resistance against foreign rule. The EU played a key role in overseeing the implementation of the agreement. It led a civilian security mission, the AMM from 15 September 2005 until 15 December 2006 in collaboration with some ASEAN member countries.

Aceh conflict resolution provided an opportunity for the EU to help realize its goal as an effective and responsive international mediator in crisis management. The AMM is a civilian mission not a military one and it's a unique mission to demonstrated the EU competence. The AMM success has a wider implication for the EU relation with Indonesia in particular and with ASEAN in general. Further examples of such positive and effective engagement and ending conflict are desirable.

The EU Monitoring Mission in Aceh (AMM), Indonesia, marks a new step on the path of the Union to becoming a global player. Endowed with a robust mandate including monitoring demobilization, the decommissioning of arms, the withdrawal of government forces, the reintegration of former combatants and the launch of new

political process, this new ESDP missions has so far provided an effective contribution in ending years of fighting and paving the way to sustainable peace. The AMM is the central component of a wider range of instruments and measures deployed by the EU in Aceh. The added value of the European intervention consists in the effective coordination of EU tools to both reconstruct the region ravaged by the tsunami and sustain the political process of reconciliation by facilitating reintegration and consolidating local administration. Coordination matters not only between EU actors but also with international partners. The AMM includes the sizeable contribution of five countries from ASEAN. This is tangible evidence of the EU's commitment to promoting regional organizations as a pillar of effective multilateralism.

The AMM is an example of the EU implementing 'good' around the world. Considered as an EU aspiration, the AMM is part of the EU's ambition to play a greater role in international politics. As its first mission to the Asia-Pacific region, the EU is committed to peace in Aceh, as part of its undertaking to make a meaningful contribution to international peace and security. This thesis confirms these notions; the EU's motives in Aceh are primarily liberal driven as it aims to spread its successful legacy of peace around the world.

The AMM represented a traditional foreign policy instrument with the goal of promoting the strategic economic, political and security interests of the European Union. The high-profile mission focused on short-term successes rather than comprehensive strategies of peacebuilding aiming at conflict transformation. International peace operations often follow a problem-solving approach to conflict resolution resorting to "quick fix" solutions that often collapse when the peace operation is completed. The UN operation in East Timor was considered a success story of international nation-building in record time until the country started sliding back to social unrest soon after the independence. International presence temporarily

suspends or hides social conflicts, but unless effective ways of dealing with tensions and conflicts in society are created, violence will re-emerge.

Within the EU's institutional framework is the ESDP, which is developed in the post-Cold War environment. It was primarily developed as an EU mechanism to deal with global crises and has made significant progress enabling autonomous EU action, having executed 22 missions and operations, of which twelve are ongoing.⁴²⁷ Set in the post-Cold War context of enhanced liberal thought, the advancement of the EU's security mechanism, together with its constructive global outlook has made it possible for the EU to export its value-based liberal ideals. As outlined in the ESS and other EU documents, bringing peace, stability, democracy, human rights and the rule of law are key export values; the provision to Aceh is just one prominent example.

The AMM declared its mission accomplished in December 2006. Without its monitors and expertise the implementation of the MOU would have been much more difficult and the Aceh peace process may have collapsed early on. Indeed, it was the impartiality and the confidence the AMM inspired in both GAM and the Indonesian military that allowed for the crucial decommissioning and redeployment to be carried out. Without these the subsequent political changes would have been impossible. Borrowing Schulze's statement, this success, as this paper has demonstrated, was due to five key reasons⁴²⁸: First and foremost, because GAM and the Indonesian government were fully committed to the peace process. Second, because of the leadership and impartiality of its head of mission, Pieter Feith, and the mission as a whole. Third, because of the support of individual EU member states, particularly the UK, Finland and Sweden, during the set-up phase. Fourth, the quick amnesty and the committee on security arrangements (COSA). And fifth, because of its lack of focus

⁴²⁷ Council Conclusion on ESDP, Brussels, 17 November 2009. http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/gena/111265.pdf, accessed on 17-12-2011.

⁴²⁸ Schulze, 2007.

on implementing the human rights elements at the beginning of the process, which made it possible for the AMM to ultimately complete its mission in the highly sensitive context of Indonesian domestic politics.

The EU Monitoring Mission in Aceh, also has a wider regional implications. The year 2006 marked a 'milestone' in the 30-years EU-Indonesian ties. There was a great deal of activity in 2006 for both sides in many fields: the peace mission in Aceh, tsunami reconstruction and bilateral trade. These activities contributed to a 'new era' marked by mutual understanding and cooperation. The EU regards development and security providing important goals to build a long-term constructive partnership with Indonesia. In terms of trade and economics, Indonesia is a major EU partner. It is also worth nothing that the EU provided 85% of the post-tsunami aid for reconstruction and development. This mission also has helped the EU improve its relations with ASEAN as a fellow Inter-Governmental Organizations (IGO). This has made it clear that the EU has wider security interests, which has fuelled EU-ASEAN inter-regional cooperation.

The AMM left Aceh in December 2006 and declared its mission accomplished. For the EU the mission was indeed a success. The success of the AMM has been cited as an example of Europe's "soft power," based on diplomacy, aid and trade, and an alternative to the United States. The EU is currently Indonesia's biggest donor, the second largest trading partner and the second biggest investor. The EU, with its civilian mission, has presented itself as a force of 'good' in Aceh and in the wider region.

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APPENDIX ONE

COUNCIL JOINT ACTION 2005/643/CFSP

9 September 2005

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL JOINT ACTION 2005/643/CFSP

of 9 September 2005

on the European Union Monitoring Mission in Aceh (Indonesia) (Aceh Monitoring Mission — AMM)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 and third subparagraph of Article 25 thereof,

Whereas:

- (1) The European Union (EU) is committed to promote a lasting peaceful settlement to the conflict in Aceh (Indonesia) and to increase stability throughout South East Asia, including progress in the economic, legal, political and security sector reforms.
- (2) On 11 October 2004, the Council reiterated its attachment to a united, democratic, stable and prosperous Indonesia. It reiterated the EU's respect for the territorial integrity of the Republic of Indonesia and recognition of its importance as a major partner. The Council encouraged the Government of Indonesia (GoI) to seek peaceful solutions in conflict and potential conflict areas and welcomed the statement by President Susilo Bambang Yudhoyono that he intended to implement Special Autonomy for Aceh. The Council reaffirmed the EU's wish to build a closer partnership with Indonesia.
- (3) On 12 July 2005, the Minister for Foreign Affairs of Indonesia, on behalf of the GoI, invited the EU to participate in an Aceh Monitoring Mission to assist Indonesia in implementing the final agreement on Aceh. The GoI sent a similar invitation to the ASEAN countries Brunei, Malaysia, Philippines, Singapore and Thailand. The Free Aceh Movement (GAM) also indicated its support for a participation of the EU.
- (4) On 18 July 2005, the Council noted the report of the Joint EU Council Secretariat/Commission assessment mission to Indonesia/Aceh. It welcomed the successful conclusion of the Helsinki negotiations and agreed that the EU was prepared, in principle, to provide observers to monitor implementation of the Memorandum of

Understanding (MoU). It asked the competent bodies to continue planning for a possible monitoring mission at the request of the parties and to establish contact with ASEAN and ASEAN countries with a view to their possible cooperation.

- (5) On 15 August 2005, the GoI and the GAM signed a MoU detailing the agreement and principles guiding the creation of conditions within which the government of the Acehnese people can be manifested through a fair and democratic process within the unitary state and constitution of the Republic of Indonesia. The MoU foresees the establishment of the Aceh Monitoring Mission to be established by the EU and ASEAN contributing countries with the mandate to monitor the implementation of the commitments taken by the GoI and the GAM in the MoU.
- (6) The MoU notably provides that the GoI is responsible for the security of all Aceh Monitoring Mission personnel in Indonesia and that a Status of Mission Agreement will be concluded between GoI and the EU.
- (7) The Aceh Monitoring Mission will be conducted in a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty.
- (8) In conformity with the guidelines of the European Council meeting in Nice on 7-9 December 2000, this Joint Action should determine the role of the Secretary General/High Representative (SG/HR) in accordance with Articles 18 and 26 of the Treaty.
- (9) Article 14(1) of the Treaty calls for the indication of a financial reference amount for the whole period of implementation of the Joint Action. The indication of amounts to be financed by the EU budget illustrates the will of the political authority and is subject to the availability of commitment appropriations during the respective budget year,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mission

1. The EU hereby establishes an European Union Monitoring Mission in Aceh (Indonesia), named the 'Aceh Monitoring Mission (AMM)', with an operational phase beginning on 15 September 2005.

2. The AMM shall operate in accordance with its mandate as set out in Article 2.

Article 2

Mandate

1. The AMM shall monitor the implementation of the commitments undertaken by the GoI and the GAM pursuant to the MoU.

2. In particular, the AMM shall:

- (a) monitor the demobilisation of GAM and monitor and assist with the decommissioning and destruction of its weapons, ammunition and explosives;
- (b) monitor the re-location of non-organic military forces and non-organic police troops;
- (c) monitor the reintegration of active GAM members;
- (d) monitor the human rights situation and provide assistance in this field in the context of the tasks set out in points (a), (b) and (c) above;
- (e) monitor the process of legislation change;
- (f) rule on disputed amnesty cases;
- (g) investigate and rule on complaints and alleged violations of the MoU;
- (h) establish and maintain liaison and good cooperation with the parties.

Article 3

Planning phase

1. During the planning phase, the Planning Team shall comprise a Head of Mission/Head of Planning Team and the necessary staff to deal with functions ensuing from the needs of the AMM.

2. As a priority, a comprehensive risk assessment shall be carried out as part of the planning process. This assessment may be updated as necessary.

3. The Planning Team shall draw up the Operation Plan (OPLAN) and develop technical instruments necessary to execute the mandate of the AMM. The OPLAN shall take into account the comprehensive risk assessment and shall include a security plan. The Council shall approve the OPLAN.

Article 4

Structure of the AMM

In principle, the AMM shall be structured as follows:

- (a) Headquarters (HQ). The HQ shall consist of the Office of the Head of Mission and the HQ Staff, providing all necessary functions of command and control and mission support. The HQ shall be located in Banda Aceh;
- (b) 11 geographically distributed District Offices, conducting monitoring tasks;
- (c) 4 Decommissioning Teams.

These elements shall be further developed in the OPLAN.

Article 5

Head of Mission

1. Mr Pieter Feith is hereby appointed Head of Mission of the AMM.

2. The Head of Mission shall exercise Operational Control over the AMM and assume the day-to-day management and coordination of the AMM activities, including the management of the security of mission staff, resources and information.

3. All staff shall remain under the authority of the appropriate national authority or EU Institution and shall carry out their duties and act solely in the interest of the mission. National authorities shall transfer Operational Control to the Head of Mission. Both during and after the mission, the staff shall exercise the greatest discretion with regard to all facts and information relating to the mission.

4. The Head of Mission shall be responsible for disciplinary control over the staff. For seconded staff, disciplinary action shall be taken by the national or EU authority concerned.

5. The Head of Mission shall rule on disputes regarding the implementation of the MoU as provided therein and in accordance with the OPLAN.

*Article 6***Staff**

1. The numbers and competence of the AMM staff shall be consistent with its mandate as set out in Article 2 and its structure as set out in Article 4.

2. Mission staff shall be seconded by Member States and EU Institutions. Each Member State and EU Institution shall bear the costs related to the mission staff seconded by it, including salaries, medical coverage, allowances (other than per diems) and travel expenses.

3. International staff and local staff shall be recruited on a contractual basis as required.

4. Third States may also, as appropriate, second mission staff. Each seconding Third State shall bear the costs related to any of the staff seconded by it including salaries, medical coverage, allowances and travel expenses.

*Article 7***Status of staff**

1. The status of the AMM and its staff in Aceh, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission shall be agreed in accordance with the procedure laid down in Article 24 of the Treaty. The SG/HR, assisting the Presidency, may negotiate such an agreement on its behalf.

2. The Member State or EU Institution having seconded a staff member shall be responsible for answering any claims linked to the secondment, from or concerning the staff member. The Member State or EU Institution in question shall be responsible for bringing any action against the seconded staff member.

3. The conditions of employment and the rights and obligations of international and local contracted staff shall be laid down in the contracts between the Head of Mission and the staff member.

*Article 8***Chain of command**

1. The structure of the AMM shall have a unified chain of command.

2. The Political and Security Committee (PSC) shall provide the political control and strategic direction of the mission.

3. The Head of Mission shall report to the SG/HR.

4. The SG/HR shall give guidance to the Head of Mission.

*Article 9***Political control and strategic direction**

1. The PSC shall exercise, under the responsibility of the Council, the political control and strategic direction of the mission. The Council hereby authorises the PSC to take the relevant decisions for the purpose and duration of the mission, in accordance with third subparagraph of Article 25 of the Treaty. This authorisation shall include the powers to amend the OPLAN and the chain of command. The powers of decision with respect to the objectives and termination of the mission shall remain vested in the Council.

2. The PSC shall report to the Council at regular intervals.

3. The PSC shall receive reports by the Head of Mission regarding the conduct of the mission at regular intervals. The PSC may invite the Head of Mission to its meetings, as appropriate.

*Article 10***Participation of Third States**

1. Without prejudice to the decision-making autonomy of the EU and its single institutional framework, Acceding States shall be invited and Third States may be invited to contribute to the AMM provided that they bear the cost of the staff seconded by them, including salaries, High Risk insurance, allowances and travel expenses to and from Aceh (Indonesia), and contribute to the running costs of the AMM, as appropriate.

2. Third States making contributions to the AMM shall have the same rights and obligations in terms of day-to-day management of the mission as Member States taking part in the mission.

3. The Council hereby authorises the PSC to take the relevant decisions on acceptance of the proposed contributions and to establish a Committee of Contributors.

4. Detailed arrangements regarding the participation of Third States shall be subject of an agreement, in conformity with Article 24 of the Treaty. The SG/HR, assisting the Presidency, may negotiate such arrangements on its behalf. Where the EU and a Third State have concluded an agreement establishing a framework for the participation of this Third State in the EU crisis management operations, the provisions of such an agreement shall apply in the context of the AMM.

*Article 11***Security**

1. The Head of Mission shall, in consultation with the Council Security Office, be responsible for ensuring compliance with minimum security standards in conformity with the agreed Council's security regulations.
2. The Head of Mission shall consult with the PSC on security issues affecting the deployment of the mission as directed by the SG/HR.
3. AMM staff members shall undergo mandatory security training before their entry into function.

*Article 12***Financial arrangements**

1. The financial reference amount intended to cover the expenditure related to the AMM shall be EUR 9 000 000.
2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the EU with the exception that any pre-financing shall not remain the property of the Community. Nationals of Third States shall be allowed to tender for contracts.
3. The Head of Mission shall be accountable to the Commission for all expenditure charged to the general budget of the EU and shall to that effect sign a contract with the Commission.
4. Expenditure shall be eligible as of the date of entry into force of this Joint Action.

*Article 13***Community action**

1. The Council and the Commission shall, each within their respective powers, ensure consistency between the implementation of this Joint Action and external activities of the Community in accordance with second subparagraph of Article 3 of the Treaty. The Council and the Commission shall cooperate to this end.
2. The Council also notes that coordination arrangements are required in Banda Aceh and also in Jakarta, as appropriate, as well as in Brussels.

*Article 14***Release of classified information**

1. The SG/HR is authorised to release to Third States associated with this Joint Action, as appropriate and in accordance with the operational needs of the mission, EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the mission, in accordance with the Council's security regulations.
2. In the event of a specific and immediate operational need, the SG/HR is also authorised to release to the host State EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the mission, in accordance with the Council's security regulations. In all other cases, such information and documents shall be released to the host State in accordance with the procedures appropriate to the host State's level of cooperation with the EU.
3. The SG/HR is authorised to release to Third States associated with this Joint Action and to the host State EU non-classified documents related to the deliberations of the Council with regard to the mission covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽¹⁾.

*Article 15***Review**

The Council shall, not later than the 15 March 2006, evaluate whether the AMM should be extended.

*Article 16***Entry into force, duration**

This Joint Action shall enter into force on the date of its adoption.

It shall expire on 15 March 2006.

*Article 17***Publication**

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 9 September 2005.

For the Council
The President
J. STRAW

⁽¹⁾ Council Decision 2004/338/EC, Euratom of 22 March 2004 adopting the Council's Rules of Procedure (OJ L 106, 15.4.2004, p. 22). Decision as amended by Decision 2004/701/EC, Euratom (OJ L 319, 20.10.2004, p. 15).

APPENDIX TWO

MEMORANDUM OF UNDERSTANDING

Memorandum of Understanding
between
the Government of the Republic of Indonesia
and
the Free Aceh Movement

The Government of Indonesia (GoI) and the Free Aceh Movement (GAM) confirm their commitment to a peaceful, comprehensive and sustainable solution to the conflict in Aceh with dignity for all.

The parties commit themselves to creating conditions within which the government of the Acehnese people can be manifested through a fair and democratic process within the unitary state and constitution of the Republic of Indonesia.

The parties are deeply convinced that only the peaceful settlement of the conflict will enable the rebuilding of Aceh after the tsunami disaster on 26 December 2004 to progress and succeed.

The parties to the conflict commit themselves to building mutual confidence and trust.

This Memorandum of Understanding (MoU) details the agreement and the principles that will guide the transformation process.

To this end the GoI and GAM have agreed on the following:

1 GOVERNING OF ACEH

1.1 Law on the Governing of Aceh

1.1.1 A new Law on the Governing of Aceh will be promulgated and will enter into force as soon as possible and not later than 31 March 2006.

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

- a) Aceh will exercise authority within all sectors of public affairs, which will be administered in conjunction with its civil and judicial administration, except in the fields of foreign affairs, external defence, national security, monetary and fiscal matters, justice and freedom of religion, the policies of which belong to the Government of the Republic of Indonesia in conformity with the Constitution.
- b) International agreements entered into by the Government of Indonesia which relate to matters of special interest to Aceh will be entered into in consultation with and with the consent of the legislature of Aceh.

- c) Decisions with regard to Aceh by the legislature of the Republic of Indonesia will be taken in consultation with and with the consent of the legislature of Aceh.
 - d) Administrative measures undertaken by the Government of Indonesia with regard to Aceh will be implemented in consultation with and with the consent of the head of the Aceh administration.
- 1.1.3 The name of Aceh and the titles of senior elected officials will be determined by the legislature of Aceh after the next elections.
 - 1.1.4 The borders of Aceh correspond to the borders as of 1 July 1956.
 - 1.1.5 Aceh has the right to use regional symbols including a flag, a crest and a hymn.
 - 1.1.6 Kanun Aceh will be re-established for Aceh respecting the historical traditions and customs of the people of Aceh and reflecting contemporary legal requirements of Aceh.
 - 1.1.7 The institution of Wali Nanggroe with all its ceremonial attributes and entitlements will be established.

1.2 Political participation

- 1.2.1 As soon as possible and not later than one year from the signing of this MoU, Gol agrees to and will facilitate the establishment of Aceh-based political parties that meet national criteria. Understanding the aspirations of Acehnese people for local political parties, Gol will create, within one year or at the latest 18 months from the signing of this MoU, the political and legal conditions for the establishment of local political parties in Aceh in consultation with Parliament. The timely implementation of this MoU will contribute positively to this end.
- 1.2.2 Upon the signature of this MoU, the people of Aceh will have the right to nominate candidates for the positions of all elected officials to contest the elections in Aceh in April 2006 and thereafter.
- 1.2.3 Free and fair local elections will be organised under the new Law on the Governing of Aceh to elect the head of the Aceh administration and other elected officials in April 2006 as well as the legislature of Aceh in 2009.
- 1.2.4 Until 2009 the legislature of Aceh will not be entitled to enact any laws without the consent of the head of the Aceh administration.
- 1.2.5 All Acehnese residents will be issued new conventional identity cards prior to the elections of April 2006.
- 1.2.6 Full participation of all Acehnese people in local and national elections will be guaranteed in accordance with the Constitution of the Republic of Indonesia.
- 1.2.7 Outside monitors will be invited to monitor the elections in Aceh. Local elections may be undertaken with outside technical assistance.

1.2.8 There will be full transparency in campaign funds.

1.3 Economy

1.3.1 Aceh has the right to raise funds with external loans. Aceh has the right to set interest rates beyond that set by the Central Bank of the Republic of Indonesia.

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

1.3.3 Aceh will have jurisdiction over living natural resources in the territorial sea surrounding Aceh.

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

1.3.5 Aceh conducts the development and administration of all seaports and airports within the territory of Aceh.

1.3.6 Aceh will enjoy free trade with all other parts of the Republic of Indonesia unhindered by taxes, tariffs or other restrictions.

1.3.7 Aceh will enjoy direct and unhindered access to foreign countries, by sea and air.

1.3.8 Gol commits to the transparency of the collection and allocation of revenues between the Central Government and Aceh by agreeing to outside auditors to verify this activity and to communicate the results to the head of the Aceh administration.

1.3.9 GAM will nominate representatives to participate fully at all levels in the commission established to conduct the post-tsunami reconstruction (BRR).

1.4 Rule of law

1.4.1 The separation of powers between the legislature, the executive and the judiciary will be recognised.

1.4.2 The legislature of Aceh will redraft the legal code for Aceh on the basis of the universal principles of human rights as provided for in the United Nations International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.

1.4.3 An independent and impartial court system, including a court of appeals, will be established for Aceh within the judicial system of the Republic of Indonesia.

1.4.4 The appointment of the Chief of the organic police forces and the prosecutors shall be approved by the head of the Aceh administration. The recruitment and training of

organic police forces and prosecutors will take place in consultation with and with the consent of the head of the Aceh administration in compliance with the applicable national standards.

- 1.4.5 All civilian crimes committed by military personnel in Aceh will be tried in civil courts in Aceh.

2 HUMAN RIGHTS

- 2.1 Gol will adhere to the United Nations International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.
- 2.2 A Human Rights Court will be established for Aceh.
- 2.3 A Commission for Truth and Reconciliation will be established for Aceh by the Indonesian Commission of Truth and Reconciliation with the task of formulating and determining reconciliation measures.

3 AMNESTY AND REINTEGRATION INTO SOCIETY

3.1 Amnesty

- 3.1.1 Gol will, in accordance with constitutional procedures, grant amnesty to all persons who have participated in GAM activities as soon as possible and not later than within 15 days of the signature of this MoU.
- 3.1.2 Political prisoners and detainees held due to the conflict will be released unconditionally as soon as possible and not later than within 15 days of the signature of this MoU.
- 3.1.3 The Head of the Monitoring Mission will decide on disputed cases based on advice from the legal advisor of the Monitoring Mission.
- 3.1.4 Use of weapons by GAM personnel after the signature of this MoU will be regarded as a violation of the MoU and will disqualify the person from amnesty.

3.2 Reintegration into society

- 3.2.1 As citizens of the Republic of Indonesia, all persons having been granted amnesty or released from prison or detention will have all political, economic and social rights as well as the right to participate freely in the political process both in Aceh and on the national level.
- 3.2.2 Persons who during the conflict have renounced their citizenship of the Republic of Indonesia will have the right to regain it.

- 3.2.3 Gol and the authorities of Aceh will take measures to assist persons who have participated in GAM activities to facilitate their reintegration into the civil society. These measures include economic facilitation to former combatants, pardoned political prisoners and affected civilians. A Reintegration Fund under the administration of the authorities of Aceh will be established.
- 3.2.4 Gol will allocate funds for the rehabilitation of public and private property destroyed or damaged as a consequence of the conflict to be administered by the authorities of Aceh.
- 3.2.5 Gol will allocate suitable farming land as well as funds to the authorities of Aceh for the purpose of facilitating the reintegration to society of the former combatants and the compensation for political prisoners and affected civilians. The authorities of Aceh will use the land and funds as follows:
- a) All former combatants will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.
 - b) All pardoned political prisoners will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.
 - c) All civilians who have suffered a demonstrable loss due to the conflict will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.
- 3.2.6 The authorities of Aceh and Gol will establish a joint Claims Settlement Commission to deal with unmet claims.
- 3.2.7 GAM combatants will have the right to seek employment in the organic police and organic military forces in Aceh without discrimination and in conformity with national standards.

4 SECURITY ARRANGEMENTS

- 4.1 All acts of violence between the parties will end latest at the time of the signing of this MoU.
- 4.2 GAM undertakes to demobilise all of its 3000 military troops. GAM members will not wear uniforms or display military insignia or symbols after the signing of this MoU.
- 4.3 GAM undertakes the decommissioning of all arms, ammunition and explosives held by the participants in GAM activities with the assistance of the Aceh Monitoring Mission (AMM). GAM commits to hand over 840 arms.
- 4.4 The decommissioning of GAM armaments will begin on 15 September 2005 and will be executed in four stages and concluded by 31 December 2005.

- 4.5 Gol will withdraw all elements of non-organic military and non-organic police forces from Aceh.
- 4.6 The relocation of non-organic military and non-organic police forces will begin on 15 September 2005 and will be executed in four stages in parallel with the GAM decommissioning immediately after each stage has been verified by the AMM, and concluded by 31 December 2005.
- 4.7 The number of organic military forces to remain in Aceh after the relocation is 14700. The number of organic police forces to remain in Aceh after the relocation is 9100.
- 4.8 There will be no major movements of military forces after the signing of this MoU. All movements more than a platoon size will require prior notification to the Head of the Monitoring Mission.
- 4.9 Gol undertakes the decommissioning of all illegal arms, ammunition and explosives held by any possible illegal groups and parties.
- 4.10 Organic police forces will be responsible for upholding internal law and order in Aceh.
- 4.11 Military forces will be responsible for upholding external defence of Aceh. In normal peacetime circumstances, only organic military forces will be present in Aceh.
- 4.12 Members of the Aceh organic police force will receive special training in Aceh and overseas with emphasis on respect for human rights.

5 ESTABLISHMENT OF THE ACEH MONITORING MISSION

- 5.1 An Aceh Monitoring Mission (AMM) will be established by the European Union and ASEAN contributing countries with the mandate to monitor the implementation of the commitments taken by the parties in this Memorandum of Understanding.
- 5.2 The tasks of the AMM are to:
 - a) monitor the demobilisation of GAM and decommissioning of its armaments,
 - b) monitor the relocation of non-organic military forces and non-organic police troops,
 - c) monitor the reintegration of active GAM members,
 - d) monitor the human rights situation and provide assistance in this field,
 - e) monitor the process of legislation change,
 - f) rule on disputed amnesty cases,
 - g) investigate and rule on complaints and alleged violations of the MoU,
 - h) establish and maintain liaison and good cooperation with the parties.
- 5.3 A Status of Mission Agreement (SoMA) between Gol and the European Union will be signed after this MoU has been signed. The SoMA defines the status, privileges and immunities of the AMM and its members. ASEAN contributing countries which have been invited by Gol will confirm in writing their acceptance of and compliance with

the SoMA.

- 5.4 Gol will give all its support for the carrying out of the mandate of the AMM. To this end, Gol will write a letter to the European Union and ASEAN contributing countries expressing its commitment and support to the AMM.
- 5.5 GAM will give all its support for the carrying out of the mandate of the AMM. To this end, GAM will write a letter to the European Union and ASEAN contributing countries expressing its commitment and support to the AMM.
- 5.6 The parties commit themselves to provide AMM with secure, safe and stable working conditions and pledge their full cooperation with the AMM.
- 5.7 Monitors will have unrestricted freedom of movement in Aceh. Only those tasks which are within the provisions of the MoU will be accepted by the AMM. Parties do not have a veto over the actions or control of the AMM operations.
- 5.8 Gol is responsible for the security of all AMM personnel in Indonesia. The mission personnel do not carry arms. The Head of Monitoring Mission may however decide on an exceptional basis that a patrol will not be escorted by Gol security forces. In that case, Gol will be informed and the Gol will not assume responsibility for the security of this patrol.
- 5.9 Gol will provide weapons collection points and support mobile weapons collection teams in collaboration with GAM.
- 5.10 Immediate destruction will be carried out after the collection of weapons and ammunitions. This process will be fully documented and publicised as appropriate.
- 5.11 AMM reports to the Head of Monitoring Mission who will provide regular reports to the parties and to others as required, as well as to a designated person or office in the European Union and ASEAN contributing countries.
- 5.12 Upon signature of this MoU each party will appoint a senior representative to deal with all matters related to the implementation of this MoU with the Head of Monitoring Mission.
- 5.13 The parties commit themselves to a notification responsibility procedure to the AMM, including military and reconstruction issues.
- 5.14 Gol will authorise appropriate measures regarding emergency medical service and hospitalisation for AMM personnel.
- 5.15 In order to facilitate transparency, Gol will allow full access for the representatives of national and international media to Aceh.

6 DISPUTE SETTLEMENT

- 6.1 In the event of disputes regarding the implementation of this MoU, these will be resolved promptly as follows:
- a) As a rule, eventual disputes concerning the implementation of this MoU will be resolved by the Head of Monitoring Mission, in dialogue with the parties, with all parties providing required information immediately. The Head of Monitoring Mission will make a ruling which will be binding on the parties.
 - b) If the Head of Monitoring Mission concludes that a dispute cannot be resolved by the means described above, the dispute will be discussed together by the Head of Monitoring Mission with the senior representative of each party. Following this, the Head of Monitoring Mission will make a ruling which will be binding on the parties.
 - c) In cases where disputes cannot be resolved by either of the means described above, the Head of Monitoring Mission will report directly to the Coordinating Minister for Political, Law and Security Affairs of the Republic of Indonesia, the political leadership of GAM and the Chairman of the Board of Directors of the Crisis Management Initiative, with the EU Political and Security Committee informed. After consultation with the parties, the Chairman of the Board of Directors of the Crisis Management Initiative will make a ruling which will be binding on the parties.

Gol and GAM will not undertake any action inconsistent with the letter or spirit of this Memorandum of Understanding.

Signed in triplicate in Helsinki, Finland on the 15 of August in the year 2005.

On behalf of the Government of the Republic of Indonesia, On behalf of the Free Aceh Movement,

Hamid Awaludin
Minister of Law and Human Rights

Malik Mahmud
Leadership

As witnessed by

Martti Ahtisaari
Former President of Finland
Chairman of the Board of Directors of the Crisis Management Initiative
Facilitator of the negotiation process