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**Mission Not So Impossible: The AMM and
the Transition from Conflict to Peace
in Aceh, 2005–2006**

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ABSTRACT

This paper looks at the Aceh Monitoring Mission (AMM) and the role it played with respect to the decommissioning of GAM weapons and the redeployment of the Indonesian security forces, as well as monitoring the reintegration of former combatants, human rights and the legislation for the governance of Aceh. It will argue that the AMM was successful for five key reasons: First, the commitment to the peace process of GAM and the Indonesian government; second, the leadership and impartiality of its head of mission; third, the support of individual EU member states during the set-up phase; fourth, the quick amnesty and the Commission on Security Arrangements (COSA); and finally, its lack of focus 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.

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Mission Not So Impossible: The AMM and the Transition from Conflict to Peace in Aceh, 2005–2006¹

On 15 August 2005, three decades of armed insurgency in Aceh were brought to an end. The Free Aceh Movement or Gerakan Aceh Merdeka (GAM), which was struggling for an independent Acehnese state, and the Indonesian government concluded an agreement that would grant Aceh wide-ranging autonomous powers within the Indonesian Republic, through a memorandum of understanding (MOU) facilitated by the Finnish Crisis Management Initiative (CMI) with backing from the European Union (EU). The EU also played a key role in the overseeing the implementation of the agreement. It led the Aceh Monitoring Mission (AMM) from 15 September 2005 until 15 December 2006, in conjunction with some ASEAN member countries.

This paper takes an in-depth look at the AMM and the role it played with respect to the decommissioning of GAM weapons, the redeployment of the Indonesian security forces, monitoring the reintegration of former combatants, and the monitoring of human rights as well as the legislation for the governance of Aceh. It will show that an early amnesty process was crucial to building GAM's confidence in the peace process. Similarly, the decommissioning to schedule of GAM weapons was essential to building Indonesia's confidence. It will further show that amnesty, decommissioning and redeployment were relatively unproblematic for the AMM while reintegration and human rights monitoring were more challenging. Indeed, human rights monitoring fell short when measured against the MOU.

¹I would like to thank Nezar Patria for conducting the interviews with GAM. I also would like to thank the Indonesian Government, the Free Aceh Movement, the European Commission, the European Council, the Aceh Monitoring Mission, the British Embassy in Jakarta and everyone interviewed as well as those who read initial drafts of this paper. And last, but not least, I would like to thank the Friederich Ebert Stiftung and the LSE Centre for Global Governance for funding the research. An abridged version of this paper has been published by the Friederich Ebert Stiftung under the title 'Mission Not So Impossible: The Aceh Monitoring Mission and Lessons Learned for the EU'.

This paper argues that the AMM has been successful for five key reasons: (a) the commitment to the peace process of GAM and the Indonesian government; (b) the leadership and impartiality of its head of mission, Pieter Feith, and the mission as a whole; (c) the support of the U.K. embassy in Jakarta as well as Sweden and Finland during the set-up phase; (d) the quick amnesty and the Commission on Security Arrangements (COSA); and (e) though somewhat controversially because of its lack of focus 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 an Indonesian political environment highly sensitive to human rights criticism.

1. The Helsinki Peace Process, the Memorandum of Understanding and the Role of the AMM

In October 1976, an armed insurgency erupted in the Indonesian province of Aceh on the island of Sumatra. The insurgency was fought by GAM, which sought to liberate Aceh from what it saw as Indonesian “neo-colonial” control. GAM drew upon popular Acehese discontent for its support. At the heart of the discontent and the conflict were antagonistic centre-periphery relations that gave rise to political, social and economic grievances. The first set of grievances was a result of repeated broken promises of autonomy by the central government, first under President Sukarno from 1951 to 1959 and again under President Suharto from 1967 to 1998. These were compounded by economic grievances after the discovery of natural gas in 1971. Under Suharto, the revenue of Aceh’s natural resources flowed to Jakarta with little, if any, wealth returning to the province. At the same time, the population was subjected to the undesirable by-products of the discovery of gas, namely dispossession, dislocation, industrialization, pollution, foreign corporations, urban-rural migration, the influx of non-Acehese

workers and enclave development in North Aceh. Prices rose and urban poverty increased, placing considerable strain on Aceh's social fabric.

The final set of popular grievances relate to the Indonesian counter-insurgency operations from 1976 onwards, in particular the period from 1989 to 1998, when Aceh was declared a military operations area or *daerah operasi militer* (DOM). During this period, Indonesian security forces, in their pursuit of GAM, perpetrated large-scale and systematic human-rights abuses against the Acehnese population.

The armed insurgency came to an end in August 2005 with the signing of the MOU by GAM and the Indonesian government. That left the multiple layers of the conflict that had to be addressed for a successful transition to peace, including identity questions, security, political autonomy, economic development and human rights. The AMM was only tasked to respond to the security layer, albeit with a limited mandate on human rights. The other layers were to be addressed by the Indonesian government, international agencies, non-governmental organizations and regional organizations such as the EU.

1.1 The Helsinki peace process

The Helsinki peace process started in January 2005 and was concluded successfully on 15 August 2005 with the signing of a MOU aimed at bringing an end to three decades of insurgency in Aceh. While the negotiations emerged shortly after the December 2004 Asian tsunami devastated Aceh's coastal areas, the peace process was not the direct result of the natural disaster that preceded it. Instead, it was the outcome of five inter-linked factors. First, Indonesia's imposition of martial law in 2003 with full international backing dealt a severe blow to GAM's key strategy of internationalization. GAM realized it simply did not have the international support it thought it had. Second, GAM's civilian

shadow government was virtually destroyed and its military capacity significantly reduced by Indonesian counter-insurgency operations. Third, GAM, in light of the first two factors, started to reconsider its negotiating position, which included a willingness to consider interim options short of independence. Fourth, the election of President Susilo Bambang Yudhoyono (SBY) and Vice-President Jusuf Kalla (JK) provided an Indonesian government that was both personally committed to reaching an agreement and able to deliver a hitherto factionalized political elite.² And fifth, there had already been secret contacts between the Indonesian government and GAM dating back to the summer of 2003 and more serious back-channel talks since October 2004.³

The negotiations were facilitated by former Finnish president Martti Ahtisaari and the CMI, a Finnish NGO. Ahtisaari had been contacted by a Finnish citizen, Juha Christensen, who had spent two decades working in Indonesia, particularly in Sulawesi, where he had developed a good working relationship with then businessman Jusuf Kalla. When Kalla was elected vice-president, Christensen saw an opportunity to help resolve the Aceh conflict. Ahtisaari shared Christensen's assessment and approached the European Council. The involvement of the EU at this point was minimal. While the EU had been involved during the previous series of negotiations at the Tokyo Conference in May 2003, it had not been proactive since.⁴ Javier Solana seized upon the opportunity and asked Ahtisaari to "come up with something" that the EU would then "take further" and fund.⁵ They agreed on a timeframe, January to August 2005, which suited the CMI's desire to keep the negotiations focused as well as the EU budget line. Above all,

² For a full discussion on Indonesian fragmentation and how it was overcome, see Michael Morfit, "Staying on the Road to Helsinki: Why the Aceh Agreement was Possible in August 2005". Jakarta: August 2006.

³ For a detailed discussion of the Helsinki peace process, see Kirsten E. Schulze, "The Helsinki Peace Process: Reaching Understanding in Aceh in the Wake of the Tsunami", unpublished paper (2005) or Edward Aspinall, *The Helsinki Agreement*, Policy Paper 20 (Washington: East West Center, 2006).

⁴ Interview with Andreas List, Principal Administrator, South East Asia Unit, European Commission, Brussels, 5 September 2006.

⁵ Ibid.

however, the EU decided to underwrite this project because it believed that the circumstances were right. As Andreas List of the European Commission explained:

The domestic factors were the most important. External factors cannot impose peace. Without GAM or Indonesian government consent Ahtisaari would have failed. GAM was about to be crushed. Another two to three months and they would have been totally defeated. But they would have come back and the Indonesian government knew that. So that's why they wanted to talk. Once the domestic factors were in place we could deliver the external factors. First, Ahtisaari. Second, the trust and the weight of the EU. And third, the combination of the two.⁶

1.2 The MOU and role of the AMM

The MOU comprises five sections: (a) the governing of Aceh; (b) human rights; (c) amnesty; (d) security arrangements; and (e) the establishment of the Aceh Monitoring Mission.⁷ The section on the governing of Aceh addresses political participation, the economy and the rule of law. It stipulates that a new law would be promulgated to enter into force no later than 31 March 2006. Everything, except foreign affairs, external defence, national security and fiscal matters, would be devolved to Aceh. Aceh would 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.⁸

⁶ Ibid.

⁷ Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement, Helsinki, 17 July 2005.

⁸ Ibid, Sections 1.1, Law on the Governing of Aceh, and Section 1.2, Political Participation.

With respect to the economy, the MOU grants Aceh the right to raise funds with external loans and set interest rates beyond those set by the Central Bank. Aceh can raise taxes and seek foreign investment direct. 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.⁹

The legal code for Aceh would be redrafted on the basis of the universal principles of human rights and Aceh would receive its own independent court system. The appointment of the regional police chief and prosecutors would require the consent of the Aceh administration. Moreover, all civilian crimes committed by military personnel in Aceh would be tried in Acehnese civil courts.¹⁰ Addressing the issue of human rights, the MOU stipulates that Aceh would receive a human-rights court as well as a truth-and-reconciliation commission.¹¹

GAM members would be granted amnesty and those imprisoned would 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.¹² Former prisoners, ex-combatants and civilians who suffered a demonstrable loss due to the conflict would have all political, economic and social rights, and their reintegration into society would be facilitated, including receiving farming land, employment or adequate social security. Ex-combatants also have the right to seek employment with the organic police and military.¹³

⁹ Ibid, Section 1.3, Economy.

¹⁰ Ibid, Section 1.4, Rule of Law.

¹¹ Ibid, Section 2, Human Rights.

¹² Ibid, Section 3, Amnesty.

¹³ Ibid, Section 3.2, Reintegration into Society.

As for security arrangements, hostilities would end with the signing of the MOU. GAM is required to demobilize all its 3,000 troops and 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 TNI and 9,100 police.¹⁴

Finally, 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, the redeployment of non-organic TNI and police, and 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.¹⁵

2. Setting up the AMM

The preparations for the AMM began with the Technical Assessment Mission (TAM), which visited Jakarta and Aceh from 2 August to 13 August 2005. It comprised civilians and military personnel from a mixture of EU member states. 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. Once in Indonesia, they met with the Indonesian government and ASEAN contributors in Jakarta. They were also deployed to Aceh, established the Interim Monitoring Presence (IMP) headquarters and conducted a number of field assessments, including identifying sites for district offices. The IMP also found itself in a position where it had to bring ASEAN on board. Up till that point, it was assumed that the ASEAN countries would be part of the mission as the Indonesian

¹⁴ Ibid, Section 4, Security Arrangements.

¹⁵ Ibid, Section 5, Establishment of the Aceh Monitoring Mission.

government had objected to a purely European monitoring force, but little had actually been done about it.¹⁶

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.¹⁷

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, 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: Thailand, Malaysia, Brunei, the Philippines and Singapore. The AMM's first mandate period was six months, after which it was extended thrice, until 15 December 2006. 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.

¹⁶ Interview with a member of the TAM, 31 August 2006.

¹⁷ Interview with Chris Holtby, 6 September 2006.

The AMM's objective was to assist GAM and the Indonesian government with the implementation of the MOU and "to contribute to a peaceful, comprehensive and sustainable solution to the conflict in Aceh".¹⁸ Its specific tasks were to:

- monitor the demobilization of GAM and the decommissioning of its weapons;
- monitor the redeployment of non-organic TNI and the police;
- monitor the reintegration of GAM and the human-rights situation as well as the legislative change;
- rule on disputed amnesty cases; and
- investigate violations of the MOU.

Key to the smooth running and indeed the success of the AMM were the COSA meetings. These were held weekly at headquarters level in Banda Aceh, chaired by Pieter Feith and attended by senior representatives of GAM and the Indonesian government, police and military. At the district level, district committee on security arrangement (DiCOSA) meetings were held on a weekly basis and, after April 2006, every two weeks. The purpose of those meeting was to provide a forum to raise issues, questions and complaints in a speedy manner, and to talk through them and resolve them before they became real obstacles. The COSA and DiCOSA meetings were further supported by the dispute resolution mechanism, which addressed disputed issues by GAM and the TNI in an objective and impartial manner. In the few incidents of violence that did occur, the AMM listened to both parties involved, carried out their own forensic investigation and issued a ruling on the incident. As a tribute to the AMM's impartiality, neither GAM nor the TNI challenged any of the rulings handed down.

¹⁸ Aceh Monitoring Mission leaflet, Banda Aceh, 2006.

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



(Source: AMM)

3. Dealing with the Combatants: Amnesty, Decommissioning, Redeployment and Reintegration

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. Its role in the

parallel decommissioning and redeployment became one of the greatest successes of the AMM and was seen as such by all parties involved. The amnesty and reintegration processes themselves, as well as the AMM's monitoring of them, received comparatively more criticism, especially from GAM.

3.1 Amnesty

Since the signing of the MOU, some 2,000 GAM prisoners have been released. 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 the 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 persons—came only two days into the agreement, on 17 August, to celebrate Indonesia's Independence Day and before the official amnesty was granted through Presidential Decree 22/2005 on 30 August.¹⁹ Following the decree on 31 August, another 1,424 were released, of which 463 had been in prisons in Java, 958 in Aceh and three in Bengkulu.²⁰

While the majority of GAM prisoners were released quickly and amnesty as a whole served as a confidence-building measure, there were a small number of disputed cases that caused the completion of the amnesty process to drag on. At the heart of the dispute was whether certain prisoners had been criminally involved. The amnesty applied only to GAM prisoners who were involved in the insurgency; it did not include GAM members who had been convicted on criminal charges. These disputed cases created discontent within GAM, which, to some extent, rightly or wrongly, blamed the AMM.

¹⁹ *Tempo*interaktif, 2 September 2005.

²⁰ *Tempo*interaktif, 24 August 2005.

The general feeling within GAM was that the AMM did not address this issue as forcefully and decisively as decommissioning and redeployment.²¹

3.2 The Decommissioning of GAM weapons

The decommissioning of the 840 agreed GAM weapons was divided into four stages to be completed by the end of December 2005. It 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 on 15 September, which meant that the decommissioning teams had to prepare during the IMP phase. Effectively, they only had two weeks to get everything in place.

The first round of decommissioning started on time on 15 September in Banda Aceh with the handover of 62 weapons.²² On 16 September, 110 light weapons, 300 rounds of ammunition and one RPG7 grenade launcher were surrendered.²³ On 18 September, the first round was completed with 279 weapons handed over, of which 243 were accepted by the AMM.²⁴ In order to qualify for acceptance, weapons had to have a steel barrel, a steel chamber and be capable of firing lethal ordnance. For Indonesia, this first round was absolutely crucial to the success of the MOU as the previous peace process started to collapse when GAM failed to place its weapons beyond use in February 2003. It was a sign of GAM's sincerity.²⁵

The second round of decommissioning began on 14 October and ended on 18 October and resulted in 291 weapons and ammunition being hand over. Of these, 58

²¹ Interview with Irwandi Yusuf, senior GAM representative on the AMM, Lamingin, Banda Aceh, 3 August 2006.

²² Decommissioning, Immediate Sitrep, Banda Aceh, 15 September 2005, Aceh Monitoring Mission (AMM).

²³ Decommissioning, Immediate Sitrep, Banda Aceh, 16 September 2005, AMM.

²⁴ AMM Daily Report, Banda Aceh, 18 September 2005.

²⁵ Interview with Sofyan Djalil, 20 July 2006.

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 surrendered by GAM's Bireuen commander, Darwish Jeunib, who had a reputation of being a hardliner, and the weapons themselves "were of good quality, including AK47s and M16s".²⁶

While the first two rounds had produced the weapons on time, they were not unproblematic. One challenge was GAM's weapons transports, which resulted in some shooting incidents. This was resolved by the AMM, which designated roads for the weapons transport so that there were no military or police roadblocks. Once the AMM even had to arrange for the trucks to transport weapons from the west coast to Takengon²⁷ in Central Aceh. Another difficulty was East Aceh. During the second round of decommissioning, it became clear that East Aceh's GAM was not as committed as those in the other areas. As the AMM Monthly Report 001 pointed out:

Although decommissioning has proved successful in reducing tension in districts such as Bireuen, there are indications that not all GAM district commanders appear as committed as the GAM provincial leadership at this stage of the peace process. One example was the decommissioning of Aceh Timur (East Aceh) where the quality and quantity of weapons surrendered in phase two was lower than expected.²⁸

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, Irwandi, was replaced by Zakaria

²⁶ Ibid.

²⁷ Interview with Col (ret.) Kalle Liesinen, 5 September 2006.

²⁸ Monthly Report 001, HQ AMM, Banda Aceh, 15 September – 21 October 2005, p. 1.

Zamam. “And Zaman all of a sudden said that there were no weapons left. But that was not true. We had seen more weapons.”²⁹ The TNI too believed GAM had more since their estimate had been that GAM had an arsenal of 1,400 after the tsunami.

The final round in December saw the handover 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. Of those, 178 were disqualified and 840 were accepted and destroyed. The weapons included sniper rifles, TNI weapons and weapons from Thailand, Cambodia and Vietnam, as well as some from Pakistan.³⁰

Despite challenges 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 well³¹ 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.³² 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.

3.3 Redeployment of the Indonesian security forces

The redeployment of non-organic (centrally as opposed to locally recruited and deployed) Indonesian security forces—police and military—was to run in parallel with the decommissioning of GAM’s weapons. The first phase of redeployment began on 14 September with the withdrawal of 1,300 mobile police (*Brimob*). This was followed by

²⁹ Interview with Col (ret.) Kalle Liesinen, 5 September 2006.

³⁰ Ibid.

³¹ Interview with Irwandi Yusuf, 3 August 2006.

³² Interview with Major-General Bambang Darmono, 17 July 2006.

the redeployment of two non-organic units from Lhokseumawe.³³ 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.

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 OV-10 squadron, one naval task force, one military police detachment, 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 completed with a total security forces redeployment of 7,147.

During the third round in November, 5,596 TNI and 1,350 police were withdrawn, totalling 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.

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*.³⁴ The second was the repeated reports of SGI intimidation of ex-GAM in the form of questioning, monitoring and photographing. Both had the possibility of undermining the peace process and both ceased to be a problem once they had been brought to the attention of Darmono.³⁵

³³ AMM Daily Report, Banda Aceh, 18 September 2005.

³⁴ Weekly Report 002, HQ AMM, Banda Aceh, 28 September – 11 October 2005, p. 3.

³⁵ Interview with Col (ret.) Kalle Liesinen, 5 September 2006.

The troop redeployments were verified by the AMM and GAM was informed at each 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. The AMM also facilitated an agreement between Indonesia and GAM on new police recruits. Nevertheless, GAM, remained sceptical, which was a clear reflection of 30 years of conflict with the Indonesian government and the lack of trust between the two sides. GAM worried in particular about the order and type of troops redeployed³⁶ in each phase as well as about the remaining number after redeployment was completed.³⁷

3.4 Reintegration

According to the MOU, the AMM's role was to monitor the reintegration of GAM ex-combatants, including amnestied prisoners, 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 government agency Badan Reintegrasi Damai Aceh (BRA).

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. 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

³⁶ Interview with Col (ret.) Kalle Liesinen, 5 September 2006.

³⁷ Interview with Irwandi Yusuf, 3 August 2006.

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.

The AMM was not happy with just handing the reintegration packages to the GAM commanders.³⁸ What became clear quickly was that the GAM numbers provided by district commanders was greater than those provided by the top leadership. For instance, the GAM commander in Blang Pidie claimed to have 1,500 members. There were also indications that guerrillas in some areas were not included. Furthermore, GAM personnel released under the 17 August presidential decree expressed dissatisfaction that they did not receive reintegration assistance from the Indonesian government, unlike those released under the 30 August presidential decree. Finally, there were problems with the distribution of the reintegration packages. In some areas, “the money was not distributed directly or evenly to combatants”.³⁹ Gunnar Eichholz from the Bireuen DO stated that “there is a growing tendency by former combatants to blame their own leadership at highest level but also the leadership in Bireuen starts to be in the firing line for having ‘forgotten’ their own people”.⁴⁰ Many of the fighters only received between Rp 175,000 and Rp 200,000, as opposed to the Rp 1 million envisioned by the AMM.⁴¹ Local GAM commanders explained that it was the result of having to share the money among a greater number of people. However, “there were hints of luxury cars and new houses for commanders at the expense of the rank-and-file”.⁴²

³⁸ Interview with Col (ret.) Kalle Liesinen, 5 September 2006.

³⁹ Weekly Report 002, HQ AMM, Banda Aceh, 28 September – 11 October 2005, p. 3.

⁴⁰ Gunnar Eichholz, “Lessons Learned from an AMM District Office Perspective”, p. 2.

⁴¹ ICG, “Aceh’s Local Elections: The Role of the Free Aceh Movement (GAM)”, Asia Briefing No. 57, Jakarta/Brussels, 29 November 2006, p. 10.

⁴² Ibid.

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.⁴³ The third and final reintegration package followed in January 2006 and again was disbursed through the *bupatis* and local commanders. It was accompanied by extensive criticism that the disbursement was too slow.

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. On 15 February 2006, the BRA was established by the governor of Aceh. Its structure mirrored that of the AMM with having a headquarters at provincial level and district offices across Aceh. It comprised representatives from GAM, the Indonesian government and civil society. It cooperated with the international agencies such as the International Office of Migration (IOM), which facilitated economic assistance, healthcare and vocational training opportunities but only for GAM ex-prisoners rather than former combatants. It had a budget of Rp 200 billion, which was supposed to be spent by May. A further Rp 600 billion was earmarked for reintegration from the 2006 budget to be spent by 15 December.⁴⁴

The BRA changed the approach from combatant-driven disbursement of reintegration funds to project-driven disbursement of reintegration funds. This raised a whole set of different challenges. The BRA had two reintegration schemes. The first was for ex-combatants and followed long discussions with GAM who had staff within the BRA. This scheme was for small projects proposed by groups of ex-GAM. These were vetted by senior GAM and government officials and led by local GAM leaders. The idea

⁴³ AMM Press Release, Former GAM Fighters Receive Second Economic Facilitation Package, undated.

⁴⁴ ICG, "Aceh's Local Elections", p. 10

was that each of the 3,000 ex-guerrillas who joined with comrades to start a business would receive Rp 25 million, with half disbursed when the project was approved and the other half when BRA verified that it had been implemented.⁴⁵ Unlike the previous three reintegration packages, these proposals required names of ex-combatants through whom the money would be disbursed. This resolved the name issue to a large extent and, on the whole, GAM's project proposals were well-structured and implemented, making the scheme was a clear success.

The second reintegration scheme was for civilians affected by the conflict. The scheme did not work well as the criteria were so broad that virtually everyone could put in a claim. Indeed, by July, the BRA had received 48,485 proposals. As a result, there were too many to register, let alone read, evaluate and fund. By August, only 29 proposals for enterprises involving 965 had been funded and "even then there was no certainty that the 965 had actually received their full allotment, or that all named in the proposals were real people".⁴⁶

This, however, was not the only failure. The other failure of the reintegration process as a whole and indeed the MOU rather than the BRA or the AMM was the fact that one set of ex-combatants had been totally excluded. They had not been present at the negotiations, their future was not addressed in the MOU and they were not included in the reintegration efforts. These combatants were the pro-Indonesian civil defence organizations or *perlawanan rakyat (wanra)*. The *wanra*, who had supported the TNI during the martial law period with intelligence, had come out of this peace process empty-handed and, not surprisingly, felt abandoned and complained. The AMM tried to redress this. Pieter Feith took the issue to the COSA meetings but GAM objected adamantly to their inclusion. GAM had always seen the *wanra* as militias and tools of the

⁴⁵ Ibid.

⁴⁶ ICG, "Aceh's Local Elections", p. 10

TNI. Now they were trying to siphon off money that GAM saw as exclusively theirs. Consequently, the TNI tried to get them a share of the reintegration money by including them in the BRA and by attempting to get their leader Sofian Ali appointed as director. This resulted in the resignation of GAM's representatives Sofyan Dawood, Fauzan Azima, Ilyas Abed and Munarwarlisa Zain on 10 June 2006.

The reintegration process as a whole received more criticism from GAM than amnesty, decommissioning or redeployment. Much of the criticism was levelled at the Indonesian government but also at the AMM for not pressing the government harder. For instance, Irwandi Yusuf was disappointed that "the AMM only supervised the reintegration process while the government served as the administrator".⁴⁷

Gunnar Eichholz, the AMM GAM liaison at the Bireuen DO, shared GAM's view of Indonesian government officials whose "efforts and ambitions tend towards zero" while "corruption issues and a complete lack of accountability rule the day".⁴⁸ In this context, delays in the disbursement of funds was highlighted. The uncertainty of where the money had "got stuck" created tension between GAM commanders and their men and between GAM commanders and the BRA. This was compounded by unrealistic expectations among ex-combatants, "the hopes of a peace dividend had been too high"⁴⁹ and some GAM were held back by "debts, a low level of education, and lack of professional experience and managerial skills".⁵⁰ Lack of capacity at the leadership level also had a negative impact.

Other criticisms came from within the AMM itself. AMM adviser on reintegration Adam Burke believed that the greatest issue was inexperience in reintegration processes as a whole, starting with the rapid drafting process of the MOU

⁴⁷ Interview with Irwandi Yusuf, 3 August 2006.

⁴⁸ Gunnar Eichholz, "Lessons Learned from an AMM District Office Perspective", p. 2.

⁴⁹ Gunnar Eichholz, "Lessons Learned from an AMM District Office Perspective", p. 2.

⁵⁰ Ibid.

itself. The AMM was faced with monitoring the implementation of a process for which was no real consensus on what it would look like. This was compounded by the general ideas held by many in the AMM that “a guerrilla wearing a uniform would come down from the mountains with a gun and hand it over to a Finn and then go to IOM and get registered and get their reintegration package”.⁵¹ Moreover, the AMM did not start focusing fully on reintegration until after decommissioning was completed. Finally, there was criticism of the AMM’s top-down structure, which had been adopted to safeguard its personnel in a hostile environment and allow for speedy evacuation. However, as Burke explained, this structure:

was not good for dealing with complex social issues [such as reintegration]. ... People at the bottom got field instructions and reported back up on what was happening. But the feedback mechanism did not work.⁵²

4. Political Changes: Human Rights, the Law on the Governance of Aceh and Provincial Elections

There are a number of specific clauses relating to human rights in the MOU. In Section 2.1, it states that the “government of Indonesia will adhere to the United Nations International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights”. In Section 2.2, the MOU states that “a Human Rights Court will be established for Aceh”. In Section 2.3, it further states that “a Commission for Truth and Reconciliation will be established for Aceh by the Indonesian Commission for Truth and Reconciliation with the task of formulating and determining reconciliation measures”.

⁵¹ Interview with Adam Burke, 11 October 2006.

⁵² Ibid.

4.1 Human Rights

The AMM's role was that of monitoring both human rights abuses after 15 August 2005 and monitoring the establishment of the human-rights court and a human rights commission. The AMM, however, had to work in a highly sensitive environment, as pushing too hard on human rights risked the mission as a whole. As AMM Chief-of-Staff Justin Davies made blatantly clear: "If we had gone in in 2005 and had said that we [will] focus on human rights we would have been finished."⁵³ This view was shared by diplomats in Jakarta: "It was a simple choice of facilitating the end of armed conflict in Aceh or losing this opportunity by talking about human rights, which would not have brought about results anyway."⁵⁴

At the heart of the problem was the uneasy relationship between Indonesia and the international community since the violence propagated by the security forces after the 1999 East Timor referendum. Human-rights issues and international concern for human rights are perceived by Indonesia as a stick with which to regularly beat the government and the security forces. Moreover, it is being wielded mainly by Westerners, whose record in places such as Iraq is no better. It is thus perceived not only as hypocritical but a deliberate political tool to keep Indonesia weak. This view is particularly prevalent in the military. Indeed, when asked about the human rights provisions in the MOU, Major-General Darmono dismissed them "as only a political issue". According to him, there are lots of human-rights violations being committed in Aceh "but not much is made of it unless they were committed by the TNI; it's just a political issue to get at the TNI".⁵⁵

In this context, it was not surprising that there was little progress on human-rights issues. While Indonesia did ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights

⁵³ Interview with Justin Davies, 6 September 2006.

⁵⁴ Interview with Diplomatic Source, Jakarta, 18 July 2006.

⁵⁵ Interview with Major-General Bambang Darmono, 17 July 2006.

(ICCPR) on 30 September 2005, this was not a consequence of the peace process but an obligation Indonesia had taken up under its National Action Plan on Human Rights in 2004. The lack of progress resulted in criticism by civil society and human-rights organizations. The most common criticism was that voiced by the human-rights group Indonesian Solidarity in November 2006. It was a criticism of the MOU rather than the AMM per se. In a press release, they stated: “The perpetrators of gross human-rights abuses before the peace agreement was signed on 15 August 2005 have not yet been brought to justice Peace cannot last without justice, and justice is a basic foundation for the democratic process.”⁵⁶

Voices of disappointment were also heard in European circles. One source close to Martti Ahtisaari, for instance, said that Ahtisaari had a much stronger human-rights agenda at the beginning of the negotiations and that the Indonesian government had simply blocked off attempts to raise these issues. With respect to the human-rights court and the Truth and Reconciliation Commission, Chris Holtby from the Secretariat of the EU Council also voiced disappointment that no movement had occurred so far. “The human-rights court is an important pillar. It is needed in the medium and long term to maintain stability. The human-rights tribunal needs to be set up. It would damage EU-Indonesian relations if it is not set up.”⁵⁷ But he also pointed out that there was nothing directly for the AMM to do.

GAM, too, was critical of the lack of progress on human rights. Its focus, however, was slightly different. GAM complained repeatedly that the AMM had not dealt with the dissolution of the *wanra*, which GAM referred to as militias. Another area of concern was that there were some human-rights investigations that “are still blurred,

⁵⁶ Indonesian Solidarity, Media Release: Aceh—Peace without Justice, Sydney, 6 November 2006.

⁵⁷ Interview with Chris Holtby, 6 September 2006.

like the firing case committed by civilians at Peudawa (East Aceh)".⁵⁸ The extent of the AMM's human-rights mandate was also raised. Two issues were crucial in this respect. First, the AMM had no sanctioning power. Second, its mandate only covered violations by either GAM or the Indonesian security forces.⁵⁹

The most common complaint was that the AMM seemed more reluctant when approaching human rights compared to its approach to decommissioning and redeployment. As Teungku Zulkarnaini commented: "Every time the TNI arrest a GAM member, the AMM don't want to come and to see the victims' families in order to ask them how the case is progressing".⁶⁰ Reluctance was also detected by Sabri Ismail, GAM representative for North Aceh.

It seems that they are running away from human rights issues. They only come when a grave of a human rights victim is being exhumed, and then they will only act as witnesses. In fact, there was an AMM member who didn't even bother to come when we informed them that a human skeleton was found in an inappropriate place.⁶¹

Interestingly, GAM's allegations of reluctance were echoed by some members of the TAM, IMP and AMM. As one member of the TAM pointed out after the assessment phase: "Human rights is not well coordinated or competently represented. The concept is non-existent, there are no policies and the area is weak, confused and aimless."⁶² This did not change significantly even when the IMP and AMM were on the ground. Several AMM members claimed that every time they wanted to raise human rights or be more proactive in that area, they were ignored, marginalized or even silenced.

⁵⁸ Interview with Mukhsalmina, 2 August 2006.

⁵⁹ Interview with Irwandi Yusuf, 3 August 2003.

⁶⁰ Interview with Teungku Zulkarnaini, August 2006.

⁶¹ Interview with Sabri Ismail, GAM representative on the AMM for North Aceh, Lhokseumawe, 6 August 2006.

⁶² Interview with a member of the TAM, 31 August 2006.

4.2 The Law on the Governance of Aceh

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

- 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 fields of foreign affairs, external defence, national security, monetary and fiscal matters, justice and freedom of religion, the policies, which belong to the Government of the Republic of Indonesia in conformity with the constitution.
- 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.
- 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.
- 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.
- *Qanun* Aceh will be re-established for Aceh, respecting the historical traditions and customs of the people of Aceh and reflecting contemporary requirements of Aceh.

Drafting and redrafting the Law on the Governance of Aceh (LoGA) started only after decommissioning and redeployment had been successfully completed and it took more than five months. Indonesian parliamentarians in Jakarta wrangled over how much autonomy the province would receive as Aceh undoubtedly would become an example for other provinces to aspire to. They missed the deadline of 31 March 2006 stipulated by

the MOU. It was only on 12 July that the LoGA was finally passed. It comprises 40 chapters and 278 articles. Pressure from the AMM was important in getting the legislation passed, according Indonesian negotiator and Justice Minister Awaluddin. “They played a significant role in pushing us to keep to the timeframe but without interfering in the substance.”⁶³ The latter, from an Indonesian point of view, was crucial and confirmed the AMM’s impartiality.

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”.⁶⁴ 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-Muslim minorities. At an international level, human-rights organizations pointed out that the LoGA was contrary to the recently ratified ICESCR and ICCPR as well as the Convention on the Elimination of Discrimination Against Women (CEDAW), which guaranteed minority rights, religious freedom, freedom of expression and gender equality. Moreover, they asserted that in light of Indonesia’s human-rights commitments, the AMM should have seen to it that the drafting of the LoGA was in line with international standards. The AMM was tasked to monitor legislative drafting and therefore should have prevented or at least discouraged the inclusion of provisions incompatible with human rights. 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,⁶⁵ especially as the EU Council adopted

⁶³ Interview with Hamid Awaluddin, Indonesian negotiator and Justice Minister, Jakarta, 15 July 2006.

⁶⁴ *Tempo*, 24 July 2006.

⁶⁵ For a full discussion, see Crisis Management Initiative, *Aceh Peace Process: Involvement of Women* (Helsinki: CMI, 2006).

UNSCR1325 in 2005, which calls for the participation of women in peace processes and conflict prevention. The AMM was thus not in line the EU's own standards.

At the domestic level, activists of the Aceh Democracy Network (JDA) rejected the LoGA and called for a judicial review as “Jakarta is not yet wholehearted in granting authority to the regions”. In the JDA's view, the role of the central government was still too great.⁶⁶ Activists from the Aceh Referendum Information Center (SIRA) claimed that the law contravened the spirit of the MOU and “was a worse deal than the 2001 Aceh Special Autonomy Law”.⁶⁷ The human-rights watchdog Aceh Working Group (AWG) said that “the law failed to meet the demand of the Acehnese whose basic rights had been trampled on for decades”.⁶⁸ On 12 July, SIRA, the Aceh Corruption Movement (Gerak), Linkpeace and the Acehnese Youth Alliance urged the public to oppose the law and called for a transport strike, which, however, was only supported by a small number of people.⁶⁹

These views were to some extent shared by GAM, which was concerned about the restrictions on autonomy as the LoGA allowed 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 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. As Mukhsalmina explained:

⁶⁶ *Tempo*, 24 July 2006.

⁶⁷ *The Jakarta Post*, 13 July 2006.

⁶⁸ *The Jakarta Post*, 12 July 2006.

⁶⁹ *Ibid.*

The AMM monitored it sluggishly. There are some articles that are not in line with the MOU. It was the AMM's responsibility to press the government to conform with the MOU. We know that Indonesia restricted the AMM's authority with respect to this and that was the reason that the AMM could not freely carry out their duty. The AMM could not freely monitor the preparation of Aceh Government Bill.⁷⁰

Similar views were voiced by Irwandi Yusuf:

The AMM should have put more pressure on the government to bring the LoGA in line with MOU. This was rarely done. It is true that democracy prevents the government from influencing the DPR [House of Representatives]. However, for matters that were contrary to the MOU, the government should influence the DPR. ... I was disappointed with the AMM when the LoGA was just passed. We read it that the AMM had no objections that the LoGA was not in line with the MOU. The AMM in fact tried to persuade GAM to accept the LoGA and said their analysis has confirmed that the LoGA was in line with the MOU.⁷¹

4.3 Elections

The MOU stipulated that elections in Aceh would follow the change in legislation. So after the LoGA was passed, the date for the first direct 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, the elections were a sign that the peace process was becoming irreversible⁷² and that Aceh would continue to see positive changes, most notably real peace, comprehensive rebuilding and full

⁷⁰ Interview with Mukhsalmina, 2 August 2006.

⁷¹ Interview with Irwandi Yusuf, 3 August 2006.

⁷² *Bloomberg*, 8 December 2006.

democracy. Confidence in the elections was further boosted by Vice-president Kalla's statement that "we will support whoever wins".⁷³

Eight pairs of candidates competed for the posts of governor and vice-governor. The candidates were: Iskandar Hoesin and M. Saleh; Tamlicha Ali and Harmen Nuriqmar; A. Malik Raden and Sayed Fuad Zakaria; Ahmad Humam Hamid and Hasbi Abdullah; M. Djali Yusuf and Syauqas Rahmatillah; Irwandi Yusuf and Muhamad Nazar; Azwar Abu Bakar and M. Nasir Djamil; Ghazali Abbas Adan and Salahuddin Alfata. They included, for the first time, independent candidates who are not allowed to run in other parts of Indonesia. Of the candidates, five pairs were backed by political parties while three were independents, including two members of GAM: Hasbi Abdullah and Irwandi Yusuf.

GAM had decided against formally endorsing particular candidates for the elections because a rift had emerged between the "old guard" leadership in Sweden and the "young Turks" who 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".⁷⁴ One issue of contention was which candidate to support for governor. 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.⁷⁵ 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 by the young Turks. They charged him with poor judgement, lack of leadership and lack of organizational capacity during the peace talks. This included agreeing to meet with the Indonesian government negotiators privately in

⁷³ Ibid.

⁷⁴ Sidney Jones on *Voice of America*, 7 December 2006.

⁷⁵ See ICG, "Aceh's local elections" for a detailed discussion on the split within GAM.

June 2005 against GAM policy of not making private arrangements. It also included Malik's failure to provide to GAM commanders with the details on disarmament and redeployment until after the MOU had been signed with the result that, according to local commanders, TNI and police numbers remaining in Aceh were too high and pro-Jakarta militias had not been disbanded.⁷⁶

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.⁷⁷

The election campaign started on 23 November and ended on 7 December. While all candidates declared their support for a peaceful election campaign, there were some incidents of violence. These were, however, not along conflict-related cleavages but turf scuffles between campaign teams.⁷⁸ On 19 November, violence erupted at a debate between gubernatorial candidates when two election commission officials tried to stop the event, as official campaigning had not yet begun. On 22 November, a mob attacked a bus carrying Ahmad Human Hamid, who was running with GAM representative Hasbi Abdullah, in the Matang Geulumpang Dua area in Bireuen. They claimed to be supporters of Irwandi Yusuf, the other GAM candidate.⁷⁹ The violence against Human Hamid was followed by two separate incidents of abduction and beating up of two election campaigners.⁸⁰ On 24 November, a man was brutally beaten and, on 28 November, a member of Golkar's election campaign team was abducted. Both incidents

⁷⁶ For a full discussion, see Damien Kingsbury, "The Politics of Peace: Why GAM Split after Reaching Peace with Indonesia", unpublished paper, 2006.

⁷⁷ *The Jakarta Post*, 3 December 2006.

⁷⁸ Forbes Damai Aceh/Decentralization Support Facility, "Aceh Pilkada Dynamics Update, 11 November – 5 December 2006", (Banda Aceh/Jakarta, December 2006), p. 1.

⁷⁹ *The Jakarta Post*, 24 November 2006.

⁸⁰ *Agence France Presse*, 29 November 2006

occurred in Pidie. On 26 November, GAM candidate in Bener Meriah Fauzan Azima's posters were torn down by members of TNI Battalion 114, and, on 25, 26 and 29 November, gubernatorial candidates' billboards, in particular Malik Raden's, were burnt down in Lhokseumawe.⁸¹ On 30 November, supporters of the Azwar Abubakar-Nasir Jamil gubernatorial candidates in Bireuen were attacked and prevented from attending a campaign rally. On 1 December, in South Aceh, several village heads were reportedly threatened to support a particular candidate. On 3 December, in North Aceh, a member of the Azwar Abubakar-Nasir Jamil campaign team was beaten up.⁸²

According to the election regulations, candidates for governor, *bupati* and mayor had to receive at least 25 per cent 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 would 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 new governor. He won the gubernatorial elections with 38.57 per cent.⁸³ This would raise some interesting challenges for the future. How will the Indonesian government cope with a GAM governor? Will the TNI stay quiet or will it see an Irwandi governorship as the slippery slope to independence? And how will the exiled GAM leadership cope with this challenge from the ground and from a younger generation? Will they hand over the reigns gracefully like Nelson Mandela or destructively cling to power like Yasser Arafat? Finally, how will Irwandi deal with the complex day-to-day problems of Aceh ranging from *sharia* to reconstruction?

⁸¹ Forbes Damai Aceh, "Aceh Pilkada Dynamics Update", p. 3.

⁸² Ibid.

⁸³ Humam Hamid/Hasbi Abdullah received 17.04 per cent; Malik Raden/Sayed Fuad Zakaria received 12.96 per cent; Azwar Abubakar/Nasir Jamil received 10.4 per cent; Ghazali Abbas Adan/Salahudin Alfata received 7.97 per cent; Iskandar Hussein/M.Saleh received 5.08 per cent; Tamlicha Ali/Harmen Nuriqmar received 4.58 per cent; and Djali Yusuf/Syauqas Rahmatillah received 3.39 per cent.

5. Sharia, the MOU and the AMM

When the LoGA was passed, questions about Islamic Law or *sharia* in Aceh were also raised. To what extent was the way *sharia* was going to be implemented in Aceh—as opposed to *sharia* per se—compatible with human rights and Indonesia’s human-rights obligations? Did the AMM’s mandate to monitor human rights include *sharia*?

Sharia has been the norm in Aceh intermittently throughout history, including on at least four occasions since Indonesia’s independence: (a) from 1949 to 1951, when Aceh had special status; (b) from 1953 to 1959, when Aceh was part of the *Darul Islam* rebellions; (c) from 1959 to around 1967, when Aceh was *Daerah Istimewa* or special territory, and (d) from 2002 onwards, when *sharia* was implemented as part of the autonomy package. During these periods, different aspects of *sharia* were highlighted, focusing mainly on family law and dress code. With the LoGA, the province for the first time received the permission to apply *sharia* criminal legislation and, with it, corporal *hudud* punishments. Indeed, *sharia* has effectively replaced the national criminal code and a new *sharia* police or *Wilayatul Hisbah* patrolled the streets to counter moral transgressions. This raised concerns by women’s organizations, human-rights groups and religious minorities in Aceh as well as “secular” nationalists in the Indonesian parliament who worried about the precedent set by Aceh.

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. The LoGA falls into the latter category. It contains 16 articles on *sharia* and its application. It covers religious observance, family law, civil

law, criminal law, justice, education, proselytizing and defence of the faith.⁸⁴ It further provides for additional stipulations to be regulated by Aceh's by-laws or *qanun*. According to these 16 articles, "every individual living in or visiting Aceh shall respect *sharia*".⁸⁵ Not surprisingly, human-rights groups and religious minorities have expressed their concern about religious freedom with respect to the small Catholic, Protestant and Buddhist communities in Aceh but also with respect to Muslims who may not wish to be subjected to *sharia*. Of particular concern was the focus of the *qanun* on morality and women. The *qanun* on "proximity" or *khalwat* and intimacy or *ikhtilath* defines *khalwat* as "the act of being alone committed by a man and woman who are not legally married".⁸⁶ *Khalwat* carries a punishment of being caned 10 times. *Ikhtilath* is defined as "the act of adultery between a man and a woman not legally married" and includes "holding hands, kissing, hugging".⁸⁷ It carries a punishment of being caned 20 times. *Zina* is defined as the sexual act between a man and a woman not legally married and carries a punishment of being caned 100 times.

Smita Notosusanto from Acehkita explained how it was mainly women who were being targeted by *sharia*:

The new Aceh law is not good. It gives the civil service the right to investigate. And who will do this? The *sharia* police. We are particularly concerned about the *qanun* on adultery and rape. In Lhokseumawe, there is currently an alleged adultery case. He is a local parliamentarian and she is the secretary. They were working in the office and had closed the door because it was evening. They were preparing for the debate the following day. They were working in separate rooms but they were the only ones in the building. They now want to flog them. ...

⁸⁴ Law on the Governance of Aceh, Article 125, Paragraph 2.

⁸⁵ Ibid, Article 126, Paragraph 2.

⁸⁶ Amendment to the by-law of Nanggroe Aceh Darussalam, Article 1, Paragraph 20, 16 February 2006.

⁸⁷ Ibid, Paragraph 21.

Another case was a UNDP meeting in a hotel and the women were arrested because they were not wearing a *jilbab* [headscarf] in the room.⁸⁸

Notosusanto believed that *sharia* is being used to push women out of the workforce and back into the home. She pointed to evening curfews for women in cities like Bireuen. She further claimed that women activists were especially targeted. “What is telling is that all women accused of immorality in Aceh were political activists. So now no one wants to stand for the elections.”⁸⁹

Similarly, human-rights organizations pointed out that the LoGA and the *qanun* now provided a legal framework for the arbitrary arrest and detention, particularly of women, for not covering their hair or being out on the street after dark, and corporal punishment for gamblers and alleged adulterers, which was, of course, not in line with the two conventions on human rights the Indonesian government had just signed. They further pointed out that the EU, by not taking a stand on these issues, was violating its own principles as laid down in the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. These principles include prohibiting inhuman and degrading treatment, and promoting the right to freedom of religion, respect for private and family life, and equality between men and women. Moreover, the EU was being inconsistent. After all, the EU had openly condemned *sharia* criminal laws implemented in Northern Nigeria and, in particular, corporal punishment.⁹⁰ And the European Court of Human Rights had declared *sharia* law incompatible with respect to human rights and democracy.⁹¹

Concern about *sharia* was also voiced by moderate and secular Muslims. They asserted that the *sharia* criminal law was especially out of line with Indonesia’s

⁸⁸ Interview with Smita Notosusanto, Acehkita, Jakarta, 18 July 2006.

⁸⁹ Ibid.

⁹⁰ EU Presidency declaration on corporal punishment in Nigeria, 30 January 2001.

⁹¹ Refah Partisi (The Welfare Party) and Others vs. Turkey, ECHR 87, 13 February 2003.

constitution, which is “secular”. Moderate Muslims saw this as the thin end of the wedge into an Islamic state. They were worried that allowing Aceh to have *sharia* has opened a Pandora’s box. As Eva Kusuma Sundari, a member of the national parliament for PDI-P explained: “The new *sharia* legislation for Aceh has also had a knock-on effect. South Sulawesi and Gorontalo have now asked for the same provisions as Aceh.”⁹² She was also worried about the rights of non-Muslims in Aceh, whose freedom of religion was being violated, as well as the bigger message being sent to non-Muslims across Indonesia, namely, that their rights did not matter and they were not equal citizens. In a worst-case scenario, this could result in aspirations for independence in much of non-Muslim eastern Indonesia and a possible disintegration of the state.

Last, but certainly not least, GAM was also not necessarily in favour of *sharia* and certainly not the way it was now being implemented. As Irwandi Yusuf made clear in the run-up to the elections, the politization of religion in Aceh would be turned back if he was elected governor.

This is not real *sharia* law. *Sharia* should not be about seeing what people are doing wrong, but about increasing the prosperity of the people. Instead of targeting the most vulnerable, we should be targeting the most corrupt.⁹³

The issue of *sharia* was quickly taken up by journalists 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 the legislation and whether some aspects of the *sharia* implementation, such as corporal punishment and arbitrary arrest and detention, were not in violation of the MOU’s Section 1.4.2, which stipulated that “the legislature of Aceh will redraft the legal code for Aceh on the basis of

⁹² Interview with Eva Kusuma Sundari, member of parliament, PDI-P, Jakarta, 17 July 2006.

⁹³ *The Australian*, 9 December 2006.

the universal principles of human rights provided for in the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural rights”.

In May 2006, Dutch MEP Albert Maat expressed concern that “there are reports about the widespread application and enforcement of *sharia* law (criminal aspects) in Aceh seriously infringing the rights and freedoms especially of women and non-Muslims, public floggings and *sharia* militia (operated by local government) harassing and arbitrarily arresting mainly women”. He then asked whether the European Commission was aware of those developments and whether the Commission could

guarantee that no European funds given to the Indonesian government or Acehese local government are in any way contributing to the creation of *sharia* courts, the operation of local-authority run *sharia* militia, the strengthening and enforcement of [criminal elements of] *sharia* laws that have resulted in serious violations of human rights and gender rights.⁹⁴

In August, Dutch MEP Frank Vanhecke submitted a written question to the European Council in which he asked whether the application of *sharia* did “not constitute a danger to economic cooperation between the EU and Indonesia, and does it not run counter to the promotion of human rights and democratization in Indonesia, an official objective of the Council”.⁹⁵ In September, British Charles Tannock stated that “there is evidence that punitive *sharia* laws are now growing in significance and have the potential to become increasingly extreme”. He added:

In the last year alone there have been over 50 floggings and noticeable greater activity from the *sharia wilayatul hisbah* (vice and virtue patrol). Although the EU Commission has been supporting the province from 2001 through election observation missions, post-tsunami relief and current EU projects, the

⁹⁴ Written question by Albert Maat (PPE-DE) to the Commission, 31 May 2006.

⁹⁵ Written question by Frank Vanhecke (NI) to the Council, 18 August 2006.

introduction of *sharia* law reflects values that are contradictory to common European principles. This Islamic law interferes with general human rights and European Union values in particular.⁹⁶

In November, British MEP James Nicholson asked what the commission was “doing to strengthen the work of moderate Indonesian Muslims fighting the inhumane laws which violate internationally recognized fundamental human rights”.⁹⁷ The answer given by the commission to those questions was that the commission was aware of the introduction of *sharia* law in Aceh and that the commission “expects that the Indonesian authorities will ensure that *sharia* provisions in Aceh and elsewhere in the country are implemented in a way that is compatible with Indonesia’s human-rights obligations”. The commission further stated that the AMM had “supported the strengthening of human-rights institutions and civil-society groups throughout its tenure” and it had made “the respect for human rights a centrepiece of its support package to the Aceh peace process”.⁹⁸ More revealing was the comment from Tim Eestermans of the Policy Unit/Secretariat General of the EU Council:

In the wake of the cartoon issue and the situations in Iraq, Afghanistan and the Middle East, we need to think how it would be perceived. Western intrusion in the legislative process would not have come across very well.⁹⁹

In December, the EU released a non-paper on *sharia* in Indonesia with a particular focus on Aceh. The paper highlighted human-rights concerns with respect to: religious freedom, particularly of Muslims; cruel, inhuman and degrading treatment as exemplified by corporal punishment; equitable judicial process; discrimination based on gender; and

⁹⁶ Written question by Charles Tannock (PPE-DE) to the Council, 29 September 2006.

⁹⁷ Written question by James Nicholson (PPE-DE) to the Commission, 16 November 2006.

⁹⁸ Answer given by Ms. Ferrero-Waldner, on behalf of the Commission, 31 October 2006.

⁹⁹ Interview with Tim Eestermans, European Council, Brussels, 5 September 2006.

respect for privacy.¹⁰⁰ An EU decision on how to follow up this paper, however, was not made before the expiry of the mandate of the AMM. Only three days before the end of mandate, on 12 December 2006, a draft by-law was published. It stated that “thieves found guilty of stealing goods worth more than the market price of 94 grams of gold should have a hand amputated”.¹⁰¹

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 all in order not to jeopardize the monitoring process as a whole or to get involved in a highly sensitive political debate. According to Pieter Feith, the AMM was only tasked with monitoring the peace in Aceh. “*Sharia* is the business of the people of Aceh”.¹⁰² Deputy Head of Mission, Colonel Liesinen, too, shared this view, stating: “The AMM can do nothing about this. *Sharia* is not our business. It was the product of a democratic process even if it is going in the wrong direction.”¹⁰³ AMM Chief-of-Staff Justin Davies elaborated further:

When the human-rights mandate was put together, the meaning was conflict related human rights abuses—by TNI and by GAM. That needed to be addressed. *Sharia* wasn’t a factor at the time. There was a very strong feeling that that is what a monitoring mission does. What it does not do is give a declaration on *sharia* law.¹⁰⁴

He further stated:

¹⁰⁰ Background Note, “Implementation of Sharia in Indonesia (with a Particular Focus on Aceh) and International Human Rights Standards”, VD-5/12/2006, p. 3.

¹⁰¹ *Associated Press*, 12 December 2006.

¹⁰² *Warta Berita Radio Nederland*, 4 October 2006.

¹⁰³ Interview with Col (ret.) Kalle Liesinen, 5 September 2006.

¹⁰⁴ Interview with Justin Davies, 6 September 2006.

The focus is on *sharia* now but it needs to be kept in perspective. The main thing is there is peace. The difference in Aceh now and September 2004 is enormous. There is freedom of movement. People are no longer afraid. That is the major change over the last year. The peace process has gone phenomenally well.¹⁰⁵

6. Challenges and Constraints

The TAM, the IMP and the early AMM suffered from a number of challenges and problems. The two most important were: (a) the mismatch between the limited time frame for setting up the mission and the far lengthier and highly bureaucratic funding process in Brussels; and (b) the training and selection of monitors.

6.1 Funding

The financing of the AMM was one of the greatest challenges. When the EU was asked by the CMI whether it would be willing to monitor the implementation of the MOU, there were mixed reactions. The General Affairs and External Relations Council (GAERC) was cautiously positive about a European deployment in Aceh. The Political and Security Committee (PSC) was not enthusiastic.¹⁰⁶ There was no consensus among the member states. Finland, Sweden, the Netherlands, France and later the U.K. were for an EU engagement while the rest felt that the EU should concentrate on areas they already had a presence, such as in the Balkans and Africa. The lack of unity on a potential deployment in Aceh was further complicated by the fact that the EU's "complicated and cumbersome procedures and budgetary processes would not allow for

¹⁰⁵ Ibid.

¹⁰⁶ Pierre-Antoine Braud and Giovanni Grevi, *The EU Mission in Aceh: Implementing Peace*, Occasional Paper No. 61 (Brussels: European Union Institute for Security Studies, 2005), p. 21.

the deployment of a fully-fledged AMM on 15 August”.¹⁰⁷ Nevertheless, the EU Commission’s External Relations Directorate General proceeded to draft a proposal for financing the mission in July 2005. This proposal suggested that the commission would fund the mission through a grant to a member state. The first part of the AMM would be funded by the Rapid Reaction Mechanism (RRM) from an amount of EUR 3 million. The rest was to come from the Asia and Latin America (ALA) programme. The salaries of the staff would be funded by member states. The commission, however, could not legally finance those parts of the mission that were military in nature.¹⁰⁸

The Commission’s proposal generated a heated debate, not so much with respect to its contents but the political power that would have accrued to the commission for running the Aceh operation. Not surprisingly, in the context of EU institutional rivalry, a bitter dispute emerged between the commission and the council. The Council Legal Service rejected the proposal on legal, budgetary and political grounds. It argued that “from a legal standpoint, the RRM and ALA programmes could not finance a crisis management operation pertaining to CFSP [Common Foreign and Security Policy] objectives, and not those of the EC”.¹⁰⁹ From the reaction of the council, it became clear that it saw the commission’s proposal as a takeover bid for the mission chain of command. The commission’s proposal was followed by various other proposals, ranging from full financing from the CFSP budget to shared financing between member states and the CFSP budget. Progress was slow as during this whole debate a considerable number of member states were still not convinced by the Aceh mission. It was only Javier Solana’s personal intervention that swung the debate in favour of EU deployment and financing it from the CFSP budget. However, out of a total budget of EUR 15

¹⁰⁷ Ibid, p. 22.

¹⁰⁸ Ibid, p. 25.

¹⁰⁹ Ibid.

million, the CFSP could only cover EUR 9 million. The rest had to be provided by “willing and able” member states on the basis of a “costs lie where they fall” basis.¹¹⁰

Seven member states offered contributions in kind for an overall amount of EUR 5 million. EUR 1 million came from bilateral contribution of non-member states, in particular Norway and Switzerland. Sweden delivered over EUR 4 million worth of logistical support. However, the largest burden fell on the U.K., through the British Embassy in Jakarta, as the U.K. held the EU presidency at the time and thus the embassy bore an additional administrative and organizational burden. This burden included providing £7,500 for the TAM and another £7,500 for office space, office facilities, local mobile phones and car-and-driver hire. It also included arranging health insurance with SOS International for the IMP and the AMM at a cost of \$23,774.91. In early August 2005, the British Embassy estimated that the IMP alone would need a total of £130,000 in regular instalments. The IMP ended up being funded through a central bank account by donations from Spain, Denmark and Finland as well as the Netherlands. As this money was quickly spent, the British Embassy was forced to repeatedly flag up that not only would the U.K. IMP bank account close with the departure of the IMP but that the AMM would have a severe cash flow problem if EU funding did not soon come through.

Funding issues were further exacerbated by procedural difficulties and time constraints. As AMM Chief of Staff Justin Davies explained:

First, there was no money in the CSFP budget to fund the whole mission. Second, EU procedures are not geared up for rapid release of funds. Third, the mission was put together at very short notice. We had only 18 days. We came into the

¹¹⁰ Ibid, p. 27.

Aceh process late. If there is another peace-keeping mission we will have several months to plan.¹¹¹

The time constraints were also pointed out by Chris Holtby from the policy unit of the Secretariat of the EU Council.

The crisis management budget was very large—68 million Euro—but most of that went to Bosnia. So at first the AMM was funded by the British because the EU just did not spring into action before the AMM began. People had to be on the ground for the 15th of August and the IMP stayed until 15th of September.¹¹²

The institutional power struggles in Brussels, the lack of consensus among member states and the unconventional way of raising the money for the mission all had a major impact on the ground. It resulted in a significant amount of frustration. As one Jakarta diplomat described the early days:

When the assessment team deployed they had no plan what to do. They had no money. They needed £250,000 for the IMP before 15 September. And when the AMM began on 15 September they had no money in the bank either. They arrived in Banda Aceh with no money to access, no mobile phones that worked, no plan—just briefs on technical aspects. The AMM had no money for secretaries, offices, computers or printers. It was a high-risk operation which had to be nurtured through. Without the paediatric care at birth, it would have been stillborn—and that did not come from the EU.¹¹³

This view was shared by the members of the TAM.

We needed a headquarters and there was no money. We couldn't get any money out of Brussels. This was August and nobody was there. Communications with Brussels was bad and unsafe. Brussels didn't understand the issue and were going

¹¹¹ Interview with Justin Davies, 6 September 2006.

¹¹² Interview with Chris Holtby, 6 September 2006.

¹¹³ Interview with diplomatic source, Jakarta, 18 July 2006.

through their procedural hoops. They have no contingency capability. ... The AMM would have failed if finance had not been found, if the Fins hadn't turned up with money and the British ambassador hadn't wired London.¹¹⁴

Similar views were expressed by Gunnar Eichholz from the AMM Bireuen DO, who stated that "in the beginning stage, a faster setting up of headquarters and clear financing of the mission would have helped to speed up the work also at DO level".¹¹⁵

6.2 Training and selection of monitors

Training was also not adequately prepared but ad hoc. Indeed, the IMP's training could not be described as anything other than very rudimentary.¹¹⁶ The training for the AMM was more extensive in comparison but still less than perfect. The monitors underwent a three-day training program. This training included briefs on Acehese society and culture, a history of the conflict and an overview of how the Indonesian military functioned. The topics, however, were left up to individual speakers. As Adam Burke, who was one of the trainers, explained:

We set up a two- to three-day training session in Medan. Because I had been part of the IMP, I was part of delivering the training. It was very ad hoc. I was not told what to speak about so I decided to do something on the operating environment of the AMM. I decided to cover society, Acehese culture, the tsunami, the relationship between the tsunami and the conflict, and gender issues but not at length. That is what I could do.¹¹⁷

Other trainers covered the more military issues, including explaining the structure and role of the Indonesian military. There was also training provided by the Swedish Rescue

¹¹⁴ Interview with a member of TAM, 31 August 2006.

¹¹⁵ Gunnar Eichholz, "Lessons Learned from an AMM District Office Perspective", p. 5.

¹¹⁶ Interview with member of the Technical Assessment Mission, 31 August 2006.

¹¹⁷ Interview with Adam Burke, 11 October 2006.

Services Agency (SRSA), which had already been involved in Aceh since the tsunami, mainly on the west coast, in Meulaboh. This included emergency preparedness and humanitarian operations. Specialized training was given to the four decommissioning teams of 10 people each, although only 31 were present at the beginning. This ranged from how not to humiliate fighters to how to use cutting equipment. It was run by Colonel Liesinen, with some input from Juha Christensen. This technical training for the decommissioning teams was the only training that was fully professional.

The Indonesian language also posed some challenges. There was a lack of Indonesian speakers within the EU contingent, especially in the early stages of the IMP and AMM. This was compounded by a dearth of qualified translators and interpreters. The Acehese population's English language skills were almost non-existent. Moreover, in some parts of Aceh, Acehese is spoken rather than Indonesian. Problems with the local languages were exacerbated by the fact that a small number of members of the IMP and AMM had inadequate English and thus there were communication difficulties among the monitors. The Bireuen DO was one such example. As Gunnar Eichholz, team leader of a team of four, stated:

In Bireuen DO, two monitors had no basic English communication skills ... The lack of language skills of monitors not only made the workload of the rest of monitors heavier but also made it more difficult for the non-English speaker monitors to integrate into the team. I never had any doubts about their professional capacity, but in a team of four every monitor matters.¹¹⁸

¹¹⁸ Gunnar Eichholz, "Lessons Learned from an AMM District Office Perspective", p. 4.

7. Is the AMM a Transferable Model?

The success of the AMM and the peace process in Aceh have raised the question of whether the AMM is a model that could be transferred to other conflict situations. The key here is not actually the composition, structure or mandate of the monitoring mission itself but whether a conflict pattern allows external contribution and whether the conflict is “ripe” for resolution through such external parties. What made the AMM successful was the commitment by both GAM and the Indonesian government to make the peace process work as well as the internal circumstances within GAM and the Indonesian government, which allowed them to reach and agree to a compromise solution. If the internal factors of other conflicts are similar—but only then—external actors can be successful in terms of facilitation, mediation or monitoring. Then the AMM can serve as a model.

So what does that mean for other conflicts the region? For instance, some elements within the EU have expressed an interest in resolving the conflict in Sri Lanka. Especially in the immediate wake of the 2004 tsunami, parallels were often drawn and hopes were high that the sheer magnitude of the tsunami would prompt the conflicting parties to overcome their differences. Leaving aside the fact that the tsunami was not responsible for the Aceh peace negotiations, as that process had already been set in motion prior to the natural disaster, the circumstances in Aceh and Sri Lanka differ so greatly that at this point in time neither the Aceh talks model nor the AMM are transferable. The fundamental difference lies in the pattern of conflict, that is, the domestic or internal circumstances. Unlike GAM, which controlled people across Aceh, the Liberation Tigers of Tamil Elam (LTTE) control territory, and not an insignificant amount either. The LTTE are also a far more formidable fighting force with greater military capacity than GAM ever had. Moreover, GAM was on the verge of military

defeat as a result of Indonesian counter-insurgency operations between May 2003 and December 2004. Its civilian “state” structure had collapsed and its lower and middle ranks had been decimated. Guerrillas in some areas were literally starving in the jungle. That is not the case for the LTTE.

To make things even more difficult, Sri Lanka technically has a ceasefire, which has been in place since early 2002. It also has a Sri Lankan Monitoring Mission (SLMM) to oversee it. The ceasefire, however, has been problematic. Indeed, the SLMM has lost almost all its functions due to the conflict. The situation has been further complicated by the fact that the international community has proscribed the LTTE, which effectively renders EU involvement impossible. However, should a stable and lasting ceasefire be reached in the future, it may be worth reconfiguring the SLMM along the lines of the AMM as the AMM has gained credibility that the SLMM has lost.¹¹⁹

Another conflict that shares some similarities with Aceh is the one in southern Philippines. Mindanao, like Aceh, is a secessionist conflict at the heart of which are antagonistic centre-periphery relations. Moreover, the Moro Islamic Liberation Front (MILF) has shown an interest in talks and there have been intermittent negotiations, albeit not that successful. However, similarities end there. The MILF is far from being in a weak position. Like the LTTE, it controls territory and Philippine government troops have at times struggled to assert their control. Negotiations have been ongoing in southern Philippines with the MNLF and MILF, and the military administration has openly stated that it is prepared to negotiate with the militants. However, successful negotiations depend on overcoming the huge hurdle of ancestral lands.¹²⁰ So it is questionable whether this conflict is ripe for resolution at this point.

¹¹⁹ Correspondence with Ramasamy Palanisamy, Institute for Southeast Asian Studies, Singapore, 9 and 10 October 2006.

¹²⁰ Correspondence with Joseph Liow, Institute for Defence and Security Studies (IDSS), Singapore, 11 October 2006.

But even if the conflict were ripe for resolution, there are a number of additional complicating factors. First, the MILF is not the only group claiming to represent the Bangsa Moro. Another group involved in the fighting is Abu Sayyaf, which is not only a proscribed organization but also one that has links with Jemaah Islamiyya (JI), which in turn has links with Al-Qaeda. Moreover, JI still has training camps in southern Philippines and the Philippine military, with aid of the U.S. military, is carrying out counter-terrorism operations, which are unlikely to cease even if an agreement between Manila and the MILF is reached. The Islamists and the counter-terrorism factors make the Mindanao conflict a less-than-ideal environment for an AMM-like monitoring mission. Last, but not least, the U.S. has already invested a significant amount of money in southern Philippines, which they effectively see as their backyard. It is thus highly unlikely that the U.S. will just allow the EU to come in and take all the credit for peace. It does not, however, rule out the U.S. trying to replicate the AMM model in the event of a peace agreement between the government of the Philippines and MILF.¹²¹

Southern Thailand is yet another conflict that has often been compared to Aceh. Like Aceh and southern Philippines, it is very much a conflict born out of over-centralization and non-respect for the identities of minority groups in a coherent territory. However, the conflict pattern is different. Some have likened it to the former Yugoslavia as it is divided into different territories with more than one overlapping identity feature (ethnic-linguistic-religious-political orientation, etc).¹²² There is also not just one organization on the ground that represents the Muslim minority population. This immediately raises the question of who to talk to in a peace process. Several years ago, before the Thaksin government, Bangkok started to quietly reach out to the Pattani United Liberation Organisation (PULO) and Bersatu, but it was not clear if they were in

¹²¹ Ibid.

¹²² Interview with Andreas List, 5 September 2006.

control of the BRN-Coordinate elements, who are really running the show on the ground. These efforts were placed on ice after Thaksin came to power and the conflict escalated. His removal by the recent coup may have reopened the opportunity for a change in approach by the Thai government.

However, there are other complicating factors, including a significant criminal element, that need to be addressed,¹²³ the possibility of Islamist elements linked to JJ, but, most importantly, the role of Malaysia. As Joseph Liow pointed out, Kuala Lumpur is as much part of the problem as it is part of the solution:

The political stakes are high for the Abdullah administration, particularly in relation to Kelantan, where a significant portion of the electorate are “dual citizenship” holders who are Thais but registered on the electoral roles in various districts.¹²⁴

Together with a strong Thai sense of sovereignty, it is unlikely that there is going to be room for EU involvement at this point.

8. Conclusion: Not So Mission Impossible

The AMM was a clear success. Without its monitors and expertise, the implementation of the MOU would have been much more difficult and the Aceh peace process might have collapsed early on. Indeed, it was the impartiality and the confidence which the AMM inspired in both GAM and the TNI that allowed for the crucial decommissioning and redeployment to be carried out. Without these, the subsequent political changes would have been impossible. This was reflected in the views of both GAM and the Indonesian government. GAM representative Mukhsalmina thought the AMM’s job was “splendid”

¹²³ Ibid.

¹²⁴ Correspondence with Joseph Liow, IDSS, 11 October 2006.

and “impressive”.¹²⁵ Indonesian negotiator and Information Minister Djalil assessed the AMM as “very positive” because it did “its job very professionally”.¹²⁶ His fellow negotiator and Justice Minister Awaluddin concurred: “The AMM has done a great job. It was very impartial and very professional and had very good management.”¹²⁷ Not surprisingly, on the first anniversary of the MOU, the Indonesian government honoured Pieter Feith and his advisor, Juha Kristensen.

From the EU perspective, the AMM was not just a success but a “phenomenal success for the EU in a year of bad news—Iraq, Lebanon and Afghanistan”.¹²⁸ And AMM Chief-of-Staff Justin Davies was optimistic about the long-term prospects for peace in Aceh.

“The Indonesian government won’t take its eyes off the ball because SBY’s and JK’s personal commitment. There has been no vocal Indonesian opposition to what has gone on. GAM knows they can pick up the phone anytime. They are not alone. And the EU is also not going to turn a blind eye. The EU will remain engaged.”¹²⁹

This success, as this paper has demonstrated, was due to five key reasons: (a) GAM and the Indonesian government’s full commitment to the peace process; (b) the leadership and impartiality of its head of mission, Pieter Feith, and the mission as a whole; (c) the support of the U.K. embassy as well as Finland and Sweden during the set-up phase; (d) the quick amnesty and the committee on security arrangements (COSA); and (e) its lack of focus on implementing 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.

¹²⁵ Interview with Mukhsalmina, 2 August 2006.

¹²⁶ Interview with Sofyan Djalil, Indonesian negotiator and Information Minister, Jakarta, 20 July 2006.

¹²⁷ Interview with Indonesian negotiator and Justice Minister Hamid Awaluddin, Jakarta, 15 July 2006.

¹²⁸ Interview with Justin Davies, 6 September 2006.

¹²⁹ Ibid.

9. Lessons and Recommendations

The AMM and the Aceh peace process were a resounding success, providing some excellent guidelines for future missions of similar nature.

- **Decommissioning**

The decommissioning of GAM weapons and the AMM's monitoring and verification of the handover as well as the destruction of the weapons were exemplary and provide an excellent model for other decommissioning processes.

- **Redeployment**

The redeployment of Indonesian security forces and the AMM's monitoring and verification thereof was well-organized and well-executed, again providing a good model for other redeployment processes.

- **Cooperation with other regional organizations**

The cooperation between the EU and ASEAN, as it was ultimately agreed, provides a groundbreaking model for cooperation between the EU and other regional organizations.

That does not, however, mean that similar, future missions cannot be improved. The key areas that may be considered for improvement are:

- **Funding**

A rapid response mechanism requires a rapid funding mechanism and the political will of EU member states and institutions to reach an agreement under the EU umbrella.

- **Monitor selection**

Monitors should be fluent in the mission language and efforts should be made to recruit monitors proficient in the local language.

- **Training**

A well-thought-out, well-structured and culturally-sensitive training program should be devised and existing programs should be better utilized, especially to identify good trainers.

- **Working relations with the central government**

If the deployment area for a monitoring mission is in a remote, decentralized location, a good working relationship with the central government should be established, preferably by having a full-time office and liaison in the capital city.

- **Human-rights mandate**

In environments where human rights have become highly politicized, it may be worth considering a more limited or clearly defined human-rights mandate and/or a sequenced implementation schedule so that the mission as a whole is not jeopardized by focusing on human rights too early or too zealously.

- **Human-rights monitoring**

Once a clear human-rights mandate has been clearly defined, more specialist staff should be included. Any future mission should have a human-rights adviser and a gender adviser. Such advisers need to be qualified and have a clear job description. Human rights and gender issues should also be compulsory elements of a pre-deployment training.

- ***Sharia***

The main lesson from the *sharia* debate is that any future mandate needs to be more specific on human rights, especially missions in Muslim areas.

- **Reintegration**

It may be worth considering a stronger role for any future mission so that the reintegration process is better thought through, organized and implemented.

- **Pro-government civil defence groups**

Pro-government civil defence groups, militias or paramilitary organizations should be included in the negotiations, decommissioning and reintegration process in order to reduce the possibility of spoilers.

- **Civil society**

For further inclusivity and ownership of the peace process, civil society groups should also be included in the peace negotiations.

- **Mandate**

It may be worth expanding the mandate to include peace-building.

- **Transferability of the AMM model**

The key lesson is to understand in all missions the conflict patterns and the structural and reinforcing factors of the conflict. Only then can the question of transferability be asked.

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