REFORMASI AND REBELLION:

JAKARTA'S SECURITY AND AUTONOMY POLICIES IN ACEH,

MAY 1998 - MAY 2003

A thesis submitted for the degree of Doctor of Philosophy
School of Creative Arts and Humanities
Faculty of Law, Business and Arts
Charles Darwin University

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November 2006
I hereby declare that the work herein, now submitted as a thesis for the degree of Doctor of Philosophy of the Charles Darwin University, is the result of my own investigations, and all references to ideas and work of other researchers have been specifically acknowledged. I hereby certify that the work embodied in this thesis has not already been accepted in substance for any degree, and is not being currently submitted in candidature for any other degree.

Michelle Ann Miller

27 November 2006
Table of Contents

List of Tables iv
Abstract v
Acknowledgments vi
Glossary viii
Administrative Map of Aceh xv

1. Introduction 2
   1.1 Literature on Aceh 5
   1.2 Background to the Contemporary Conflict 10
   1.3 State Capacity and Society 16
   1.4 Democratisation and National Identity Problems 22
   1.5 Methodology 27
   1.6 Structure of Study 37

PART I 40
   2.1 The Habibie Administration 44
   2.2 Persuasion 50
   2.3 Return to Repression 73
   2.4 Conclusion 96

3. Decentralisation: An Exclusive Affair 100
   3.1 Background to Aceh’s Special Status 101
   3.2 The Reform Era 107
   3.3 Developing an Autonomy Framework 113
   3.4 Special Autonomy 130
   3.5 Conclusion 137

PART II 140
4. Persuasion and Repression 142
   4.1 Abdurrahman Wahid’s Revolving Cabinets 145
      4.1.1 First Cabinet 148
      4.1.2 Second Cabinet 152
      4.1.3 Third Cabinet 155
   4.2 Calls for a Referendum 156
ABSTRACT
This dissertation examines the Indonesian state’s capacity to respond to separatist challenges from Aceh in the period from May 1998 to May 2003. It is a political study of centre-periphery relations seen from the perspective of the centre. With its theoretical focus on the capacity of democratising regimes to deal with their national identity problems/territorial disputes, this study of Indonesia’s efforts to contain the Aceh conflict through its security and autonomy policy approaches will contribute to the comparative study of post-authoritarian regimes contending with internal conflicts.

The central thesis is that although Indonesian state capacity was reduced by the change of regime in 1998 and the consequences of the 1997 national economic crisis, Jakarta did have a window of opportunity through which to democratically accommodate the Acehnese people after the initiation of democratisation. This opportunity to implement democratic reforms only existed in Aceh for a limited period after regime change. The more time that elapsed after Suharto’s resignation, the more GAM gained political influence and the more the TNI gradually reasserted itself as the defender of national unity under successive weak civilian governments, with the result that depredations against the civilian population increased and the state’s capacity to effectively govern further declined.

In treating the methodological approaches of structure and agency as symbiotic and inter-related, the study views Indonesian state capacity both in terms of the political will and interests of those who shaped Aceh policy choices and their material conditions and institutional networks. That is, the structural and functional constraints imposed by the New Order’s authoritarian legacy and the national economic collapse, as well as the general lack of political will in Jakarta to pursue a negotiated settlement in the five years after the initiation of democratisation are seen as the primary reasons for the escalation of conflict in Aceh in the post-Suharto era. In this, a reoccurring theme in the thesis is that despite the adverse material preconditions facing Indonesia’s political leadership at the point of regime change, with enough political will and determination, a peaceful settlement to the Aceh conflict was not only possible, but achievable, as the successful post-tsunami peace process with GAM under Susilo Bambang Yudhoyono’s presidency would later show.
ACKNOWLEDGMENTS

Though words do not do justice to those who have supported this project, I would like to thank the following people. First, I am indebted to my supervisors, Dr. Dennis Shoesmith and Dr. Edward Aspinall, for their constructive comments and helpful criticism of drafts of this thesis. Dennis has provided encouragement and considered advice. I have benefited greatly from Ed’s wealth of knowledge on Aceh and broader understanding of Indonesian politics, and am most grateful for his generosity in sharing that knowledge and for his detailed and thoughtful feedback. To Ed and Dennis, my profound thanks.

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This project would not have reached completion without the indefatigable love, great forbearance and comic relief of those who have traveled with me throughout this entire journey. Without them, I doubt that this project would have reached completion. It is to them that I express everything that words cannot. They are Elizabeth, Graham and Kat Miller, Tomer Shemesh, Benjamin McKay, Bea (Maria Antonia) Viegas and Korin Lesh.

Finally, I wish to thank the people of Lampuuk, Aceh Besar, for inviting me into their homes, for sharing their stories and for their tremendous courage both before and since the December 2004 tsunami. Their great capacity for kindness even under desperate conditions is the human quality I admire most. To have known them has been a special privilege.
### GLOSSARY

<table>
<thead>
<tr>
<th>A: Acehnese</th>
<th>Ar: Arabic</th>
<th>I: Indonesian</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABRI (I)</td>
<td><em>Angkatan Bersenjata Republik Indonesia,</em> Armed Forces of the Republic of Indonesia</td>
<td></td>
</tr>
<tr>
<td>adat (I)</td>
<td>customary law</td>
<td></td>
</tr>
<tr>
<td>AGAM (I)</td>
<td><em>Angkatan Gerakan Aceh Merdeka,</em> armed wing of GAM</td>
<td></td>
</tr>
<tr>
<td>AID</td>
<td>All Inclusive Dialogue</td>
<td></td>
</tr>
<tr>
<td>algojo hukuman cambuk (I)</td>
<td>lashing executioner</td>
<td></td>
</tr>
<tr>
<td>APBD (I)</td>
<td><em>Anggaran Pendapatan dan Belanja Daerah,</em> Regional Budget</td>
<td></td>
</tr>
<tr>
<td>ASNLF</td>
<td>Acheh-Sumatra National Liberation Front (GAM)</td>
<td></td>
</tr>
<tr>
<td>Bakorstanas (I)</td>
<td><em>Badan Koordinasi Bantuan Pemantapan Stabilitas Nasional,</em> Coordinating Body for Assisting the Consolidation of National Stability</td>
<td></td>
</tr>
<tr>
<td>Bappeda (I)</td>
<td><em>Badan Pembangunan Daerah,</em> Regional Development Agency</td>
<td></td>
</tr>
<tr>
<td>Bappenas (I)</td>
<td><em>Badan Perencanaan Pembangunan Nasional,</em> National Development Planning Board</td>
<td></td>
</tr>
<tr>
<td>BIA (I)</td>
<td><em>Badan Intelijen ABRI,</em> ABRI Intelligence Agency</td>
<td></td>
</tr>
<tr>
<td>BIN (I)</td>
<td><em>Badan Intelijen Nasional,</em> National Intelligence Agency</td>
<td></td>
</tr>
<tr>
<td>BPS (I)</td>
<td><em>Biro Pusat Statistik,</em> Central Bureau of Statistics</td>
<td></td>
</tr>
<tr>
<td>Brimob (I)</td>
<td><em>Brigade Mobil,</em> Mobile Brigade (paramilitary police)</td>
<td></td>
</tr>
<tr>
<td>bupati</td>
<td>regent/ district head</td>
<td></td>
</tr>
<tr>
<td>CETRO</td>
<td>Centre for Electoral Reform</td>
<td></td>
</tr>
<tr>
<td>CoHA</td>
<td>Cessation of Hostilities [Framework] Agreement</td>
<td></td>
</tr>
<tr>
<td>CPO</td>
<td>Crude Palm Oil</td>
<td></td>
</tr>
<tr>
<td>cuak (A)</td>
<td>spy, traitor</td>
<td></td>
</tr>
<tr>
<td>Daerah Istimewa (I)</td>
<td><em>Daerah Istimewa,</em> Special Province</td>
<td></td>
</tr>
<tr>
<td>Acronym</td>
<td>Full Form</td>
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<td>---------</td>
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<td></td>
</tr>
<tr>
<td>dakwah (I)</td>
<td>preaching/proselytising</td>
<td></td>
</tr>
<tr>
<td>darurat militer (I)</td>
<td>military emergency</td>
<td></td>
</tr>
<tr>
<td>dayah (A)</td>
<td>Islamic boarding school</td>
<td></td>
</tr>
<tr>
<td>Dinas Syari’at Islam (I/Ar)</td>
<td>Islamic Law Agency</td>
<td></td>
</tr>
<tr>
<td>DOM (I)</td>
<td>Daerah Operasi Militer, Military Operations Area (1989-98)</td>
<td></td>
</tr>
<tr>
<td>DPKSH (I)</td>
<td>Dewan Penegakan Keamanan dan Sistem Hukum, Council for the Enforcement of Security and Law</td>
<td></td>
</tr>
<tr>
<td>DPR (I)</td>
<td>Dewan Perwakilan Rakyat, People’s Legislative Assembly</td>
<td></td>
</tr>
<tr>
<td>DPRD (I)</td>
<td>Dewan Perwakilan Rakyat Daerah, People’s Legislative Assembly (provincial level)</td>
<td></td>
</tr>
<tr>
<td>DPRD-II (I)</td>
<td>Dewan Perwakilan Rakyat Daerah-II, People’s Legislative Assembly (sub-provincial level)</td>
<td></td>
</tr>
<tr>
<td>EMOI</td>
<td>ExxonMobil Oil Indonesia</td>
<td></td>
</tr>
<tr>
<td>Farmidia (I)</td>
<td>Forum Aksi Reformasi Mahasiswa Islam Daerah Istimewa Aceh, Reform Action Forum for Islamic Students in Aceh Special Region (Aceh NGO)</td>
<td></td>
</tr>
<tr>
<td>Forum Peduli HAM (I)</td>
<td>Forum for Caring about Human Rights (Aceh NGO)</td>
<td></td>
</tr>
<tr>
<td>Galaksi</td>
<td>Gayo, Alas, Kluet and Singkil Acehnese ethnic groups (political movement/militia)</td>
<td></td>
</tr>
<tr>
<td>GAM</td>
<td>Gerakan Aceh Merdeka, Free Aceh Movement</td>
<td></td>
</tr>
<tr>
<td>GOLKAR (I)</td>
<td>Golongan Karya, Functional Group (Suharto-era government party)</td>
<td></td>
</tr>
<tr>
<td>GPK (I)</td>
<td>Gerakan Pengacau Keamanan, Security Disturbance Movement (Indonesian government term for GAM)</td>
<td></td>
</tr>
<tr>
<td>GPL (I)</td>
<td>Gerakan Pengacau Liar, Wild Disturbance Movement (Indonesian government term for GAM)</td>
<td></td>
</tr>
<tr>
<td>HAM (I)</td>
<td>Hak Asasi Manusia, Human Rights</td>
<td></td>
</tr>
</tbody>
</table>
HDC
Henry Dunant Centre

HUDA (I)
Himpunan Ulama Dayah Aceh, League of Acehnese Dayah Ulama

IAIN (I)
Institut Agama Islam Negara, State Islamic Institute

ICMI (I)
Ikatan Cendekiawan Muslim se-Indonesia, Indonesian Association of Muslim Intellectuals

IDP
Internally Displaced Person

Ikatan Santri Aceh (I)
Aceh Santri Association (former name of Rabithah Thaliban Aceh)

IMF
International Monetary Fund

Inpres (I)
Instruksi Presiden, Presidential Instruction

jilbab (Ar)
Islamic women's head dress exposing face but not ears, hair or neck

JSC
Joint Security Committee (established under CoHA)

JSX
Jakarta Stock Exchange

Kapet (I)
Kawasan pembangunan ekonomi terpadu, Integrated Economic Development Zone

Keppres (I)
Keputusan Presiden, Presidential Decree

KNPI (I)
Komite Nasional Pemuda Indonesia, Indonesian National Youth Committee

Koalisi HAM (I)
Koalisi Hak Asasi Manusia, Human Rights Coalition

Kodam (I)
Komando Daerah Militer, Regional Military Command

Kodam Iskandar Muda
Aceh regional military command

Kodim (I)
Komando Distrik Militer, District Military Command

KOLAKOPS (I)
Komando Pelaksana Operasi, Force Operation Command

Komnas HAM (I)
Komisi Nasional Hak Asasi Manusia, National Human Rights Commission
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kontras (I)</td>
<td><em>Komisi untuk Orang Hilang dan Korban Tindak</em> Kekerasaan, Commission for Missing Persons and Victims of Violence</td>
</tr>
<tr>
<td>Kopassus (I)</td>
<td><em>Komando Pasukan Khusus</em>; Special Forces Command (Army)</td>
</tr>
<tr>
<td>Korem (I)</td>
<td><em>Komando resort militer</em>, Military resort command (at district level, encompassing a number of districts)</td>
</tr>
<tr>
<td>Kostrad (I)</td>
<td><em>Komando Strategis Angkatan Darat</em>, Army Strategic Reserve Command</td>
</tr>
<tr>
<td>KPU (I)</td>
<td><em>Komisi Pemilihan Umum</em>, General Elections Commission</td>
</tr>
<tr>
<td>KRA</td>
<td><em>Kongres Raykat Aceh</em>, Aceh People’s Congress</td>
</tr>
<tr>
<td>LBH (I)</td>
<td><em>Lembaga Bantuan Hukum</em>, Legal Aid Foundation</td>
</tr>
<tr>
<td>Lemhanas (I)</td>
<td><em>Lembaga Ketahanan Nasional</em>, National Resilience Institute</td>
</tr>
<tr>
<td>LIPI (I)</td>
<td><em>Lembaga Ilmu Pengetahuan Indonesia</em>, Indonesian Academy of Sciences</td>
</tr>
<tr>
<td>Mahkamah Syari'ah (Ar)</td>
<td>Islamic court system (to decide on <em>Syari'ah</em> cases)</td>
</tr>
<tr>
<td>migas (I)</td>
<td><em>minyak gas</em>, oil and gas</td>
</tr>
<tr>
<td>MPR (I)</td>
<td><em>Majelis Permusyawaratan Rakyat</em>, People's Consultative Assembly</td>
</tr>
<tr>
<td>MPU (I/ Ar)</td>
<td><em>Majelis Permusyawaratan Ulama</em>, Consultative Council of Ulama</td>
</tr>
<tr>
<td>MUI (I/Ar)</td>
<td><em>Majelis Ulama Indonesia</em>, Indonesian Council of Ulama</td>
</tr>
<tr>
<td>NAD (A)</td>
<td><em>Nanggroe Aceh Darussalam</em>, Lit. State of Aceh, Abode of Happiness</td>
</tr>
<tr>
<td>napol (I)</td>
<td><em>narapidana politik</em>, political prisoner</td>
</tr>
<tr>
<td>NKRI (I)</td>
<td><em>Negara Kesatuan Republik Indonesia</em>, Unitary State of the Republic of Indonesia</td>
</tr>
</tbody>
</table>
Operasi Cinta Meunasah (I/ Ar) Love the Mosque Operation (Mar 2000- Apr 2001)
Operasi Rencong Terbang (I/ A) Flying Dagger Operation (May- Dec 2002)
Operasi Sadar Rencong (I/ A) Beware of the Dagger Operation (Feb 1999- Mar 2000)
Operasi Satgas Wibawa 99 (I) Task Force Authority Operation (Jan- Feb 1999)
Operasi Terpadu (I) Integrated Operation (from 19 May 2003)

Opslihkam (I) *Operasi Pemulihan Keamanan, Security Restoration Operation (Apr 2001- Dec 2002)*
pagar betis (I) fence of legs (military operations strategy)
PAN (I) *Partai Amanat Nasional, National Mandate Party*
Pansus Aceh (I) *Panitia Khusus Aceh, Special Committee on Aceh (in DPR)*
PDI-P (I) *Partai Demokrasi Indonesia Perjuangan, Indonesian Democratic Party of Struggle*
pemilu (I) *pemilihan umum, general election*
petus (I) *pembunuhan/ pembunuh misterius, mysterious killings/ killers*
PKB (I) *Partai Kebangkitan Bangsa, National Awakening Party*
PLN (I) *Perusahaan Listrik Negara, National Electricity Company*
Polri (I) *Kepolisian Republik Indonesia, Indonesian National Police*
PPP (I) *Partai Persatuan Pembangunan, United Development Party*
PPRM (I) *Pasukan Penindak Rusuh Massa, Mass Riots Repression Force*
Puskesmas (I) *Pusat Kesehatan Masyarakat, Primary Health Centre*
qanun (Ar) regional regulation (only for Aceh)
<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rabithah Thaliban Aceh (Ar)</td>
<td>Union of Acehnese Students, formerly Ikatan Santri Aceh</td>
</tr>
<tr>
<td>razia jilbab (I/ Ar)</td>
<td>jilbab raid</td>
</tr>
<tr>
<td>SAMAK (I)</td>
<td>Solidaritas Masyarakat Anti Korupsi, Solidarity for a Corruption-Free Society.</td>
</tr>
<tr>
<td>Serambi Mekkah (I/A)</td>
<td>Verandah of Mecca (common name for Aceh)</td>
</tr>
<tr>
<td>SIRA (I)</td>
<td>Sentral Informasi Referendum Aceh, Aceh Referendum Information Centre</td>
</tr>
<tr>
<td>SMUR (I)</td>
<td>Solidaritas Mahasiswa untuk Rakyat, Student Solidarity for the People</td>
</tr>
<tr>
<td>SOMAKA (I)</td>
<td>Solidaritas Mahasiswa untuk Kasus Aceh, Students Solidarity for the Case of Aceh</td>
</tr>
<tr>
<td>SORAK (I)</td>
<td>Solidaritas Rakyat Anti Korupsi, Solidarity of the People Against Corruption</td>
</tr>
<tr>
<td>Syari'ah (Ar)</td>
<td>Islamic law</td>
</tr>
<tr>
<td>Tengku (A)</td>
<td>honorific title for male Acehnese royalty, Malay aristocracy</td>
</tr>
<tr>
<td>Teungku (A)</td>
<td>honorific title for ulama</td>
</tr>
<tr>
<td>Teuku (A)</td>
<td>honorific title for male Acehnese of high rank</td>
</tr>
<tr>
<td>Tim Sebelas Plus (I)</td>
<td>Team of Eleven Plus (Galaksi advocates)</td>
</tr>
<tr>
<td>TNI (I)</td>
<td>Tentara Nasional Indonesia, Indonesian National Army</td>
</tr>
<tr>
<td>TPO (I)</td>
<td>tenaga pembantu operasi, [military] operations assistance staff (spy/ traitor)</td>
</tr>
<tr>
<td>TPPUA (I)</td>
<td>Tim Penasihat Presiden Urusan Aceh, Presidential Advisory Team on Aceh</td>
</tr>
<tr>
<td>ulama/ ulema (Ar)</td>
<td>Islamic religious scholar, teacher or leader</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Program</td>
</tr>
<tr>
<td>USAID</td>
<td>United States Agency for International Development</td>
</tr>
<tr>
<td>wajib tutup aurat (I)</td>
<td>Islamic dress code</td>
</tr>
</tbody>
</table>
walikota (I)  mayor
Wali Nanggroe (A)  lit; Guardian of State
wanra (I)  perlawanan rakyat, people’s resistance (civilian militia)
WFP  World Food Program
zakat (Ar)  religious tithe paid by Muslims to the poor
ZILS (I)  Zona Industri Lhokseumawe, Lhokseumawe Industrial Zone
ADMINISTRATIVE MAP OF ACEH

Updated post-tsunami administrative map of Aceh created in 2005 by Matthew N. Davies and used here with his permission.
CHAPTER ONE

INTRODUCTION
CHAPTER ONE
INTRODUCTION

The collapse of General Suharto’s New Order regime on 21 May 1998 heralded the start of Indonesia’s complex and uncertain regime transition towards democratic government after four decades of authoritarian rule. It also marked the inauguration of initiatives to depart from the New Order’s repressive security approach in dealing with the armed separatist movements in Aceh, East Timor and Irian Jaya (now Papua) by promoting dialogue, decentralisation and ‘special autonomy’. Despite these moves to find negotiated settlements to Indonesia’s territorial disputes, East Timor successfully seceded in 1999 and Acehnese and Papuan discontent and ethnonationalist violence persisted in the years after regime change.

This study examines the post-New Order state’s capacity to deal with the separatist conflict in Indonesia’s north-westernmost province of Aceh in the period from May 1998 to May 2003. The study takes the view that from a policy perspective, it is more useful to measure the Indonesian state’s changing capacity to respond to challenges from Aceh rather than evaluating centre-periphery relations through the one-dimensional dichotomy of ‘strong’ and ‘weak’ states. At a theoretical level, the study is concerned with the capacity of democratising regimes to manage their national identity problems/territorial disputes. This concern is empirically explored by evaluating Jakarta’s different security and autonomy policy approaches in Aceh under the first three post-New Order governments. The argument presented is fivefold. First, that the change of regime and the 1997-98 national economic crisis reduced the Indonesian state’s capacity to effectively govern, both at the national level and in problematic peripheral provinces like Aceh. Second, that despite its reduced capacity, Jakarta did have a window of opportunity through which to democratically accommodate the Acehnese people. Third, that Jakarta’s inability to project its democratic ‘breakthrough’ outwards to Aceh fuelled the separatist

insurgency there. Fourth, that state capacity in Aceh was impeded by a lack of coordination between the government’s security and autonomy policy approaches. Finally, that the Aceh conflict created opportunities through which ‘hard-line’ state actors were able to resist Indonesia’s transition to democracy and gradually return to the forefront of political decision-making in the five years after the initiation of democratisation.

Unlike many contemporary scholarly works that focus on political actors within Aceh, this dissertation concentrates on the activities of the Indonesian state. I present state policies and behavior as the medium through which to interpret post-New Order developments. The main limitation of this approach is that only Acehnese responses to Indonesian state activities are canvassed in detail; other local interests and initiatives are dealt with in a summary manner. This is largely for practical purposes, as an in-depth analysis of Acehnese nationalism and the complex dynamics of local conflict and cooperation would require a separate thesis-length study. An additional limitation is the absence of comparative case studies, particularly as Aceh’s contemporary conflict could be viewed as part of a wider phenomenon of resurgent regionalism in transitional Indonesia. The advantage of this approach is that a more detailed study can be provided of the impact of different security and autonomy policy approaches on the state’s ability to effectively govern. This study will be of use in evaluating similar government approaches that have been applied to address separatist challenges from Papua in the post-New Order period, as well as in other countries where national identity problems/territorial disputes have followed democratisation.

The thesis outlined above will be explored through a narrative discussion of events between May 1998 and May 2003. My reason for selecting this short historical timeframe is that it represented a profound period of policy development and sociopolitical change in Aceh after four decades of authoritarian rule. Framed between the historical markers of the fall of Suharto and the imposition of martial law in Aceh (which occurred almost exactly five years apart), this period was the most politically volatile in terms of changes to Indonesia’s leadership. The rise and fall of three Indonesian presidents during this time, who each
possessed different leadership styles and ideas about how to resolve the Aceh conflict, provides a unique setting for comparatively evaluating policy development in the post-authoritarian regime. Another benefit of the selected timeframe is that it was generally characterised by a greater level of political openness than the late New Order period. The liberalisation of the mass media and temporary revocation of travel restrictions to Aceh during this time allowed foreign observers a glimpse into what was actually happening in the province, which in turn facilitated the task of conducting academic research.

My selection of this limited time frame may invite some criticism given that the devastating Indian Ocean tsunami and undersea earthquake of 26 December 2004 provided the catalyst for a successful Helsinki peace process that ended almost three decades of conflict. This study, however, is primarily concerned with the capacity of states that are undergoing transitions to democracy to deal with their national identity problems. The direct democratic election of President Susilo Bambang Yudhoyono in 2004 arguably marked the end of the most important phase of this regime transition. This thesis, then, is about a specific period when three successive administrations struggled with the policy challenge of Aceh. As such, it is hoped that this study of the Indonesian state’s capacity to respond to the ‘normal’ situation its territorial dispute in Aceh during that country’s transition to democracy will find relevance in other studies of post-authoritarian regimes with internal conflicts. In Aceh, which was closest to the undersea earthquake’s epicenter, the calamity wrought by the waves was incalculable; almost 180,000 people died and entire towns were swept into the Indian Ocean. The consequences of that ‘abnormal’ disaster accelerated the drive for peace and ushered in a new era in centre-periphery relations between Aceh and Jakarta. But post-tsunami Aceh is the subject of another thesis.

I am mindful, however, that the peaceful resolution of the post-tsunami conflict in Aceh may not have occurred if the search for a political settlement had not begun in the five years after the initiation of democratisation. The limited peace process with GAM and development of special autonomy legislation under the first three post-Suharto governments undoubtedly influenced Jakarta's decision to pursue a similar Aceh
policy approach in the post-tsunami period. That is, even though peace was not achieved in Aceh within the limited time frame of this study, the decisions that were made during that period laid the political foundations for later Aceh policy choices. Despite the numerous setbacks that Jakarta encountered in the search to democratically accommodate the Acehnese people in the early years after regime change, these initiatives were therefore not entirely in vain.

1.1 Literature on Aceh

Most major centre-periphery studies about Aceh have focused on ‘the periphery’ (applied here to denote the territory, institutions and people of Aceh) rather than on Aceh from the view of the ‘centre’ (Indonesia’s national command systems and the elites that govern them). These accounts have tended to concentrate on the impact of outside rule (with ‘outside’ being broadly defined as non-Acehnese) on Acehnese leadership, community and rebellion. This emphasis on interpreting local and regional dynamics rather than central government decision-making processes about Aceh may have developed in response to the disproportionate focus in the wider Indonesian literature on central elites and national issues, which often overlooked other localised dimensions. As Eric Eugene Morris explains in his seminal study of Aceh from the perspective of the periphery, ‘the interests of central elites have hardly been underrepresented either in the general literature on political change or in

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3 While the centre-periphery paradigm is applicable to this study, I acknowledge that it is inappropriate for in-depth analyses of Aceh’s internal dynamics. See, for example, Jacqueline Siapno, ‘Beyond ‘Centre-Periphery?’: Women, Nationalism and Political Violence in Aceh, Moving Back and Forth the Centre and Margins’, in Damien Kingsbury and Arief Budiman, eds., Indonesia. The Uncertain Transition (Adelaide: Crawford House Publishing, 2001), pp.168-93.
the specific literature on Indonesia." It is true that Indonesian political science literature has included a dominant focus on national developments and central elite behavior. Surprisingly, however, no major study about Aceh from the view of ‘the centre’ has yet been conducted. In general, there has been a tendency in analyses of independence movements in Indonesia to neglect central government processes and attitudes.  

Though a large body of political science literature has sought to understand what has been happening in Aceh since the end of the New Order, these works have mainly focused on the interrelated issues of Acehnese nationalism and the armed separatist struggle of the Free Aceh Movement (Gerakan Aceh Merdeka, GAM). The period of political openness that followed the end of a decade of military operations in Aceh in 1998 also saw a surge in political writings on accounts of human rights abuses against the civilian population. These

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4 Morris, Islam and Politics in Aceh. A Study of Center-Periphery Relations in Indonesia, p.17.  
7 The original British spelling of ‘Acheh’ is generally preferred by GAM, reflecting the rebels’ rejection of the Indonesian spelling. Despite his outspoken opposition to most other things Dutch, GAM’s founding leader, Hasan di Tiro, also used the old Dutch spelling of ‘Atjeh’ to establish the ‘Atjeh Institute in America’ and GAM’s ‘Ministry of Information of the State of Atjeh Sumatra’ (Kementerian Penerangan Negara Atjeh Sumatra). See, for example, di Tiro’s The Political Future of the Malay Archipelago (New York: Atjeh Institute in America, 1965), and Masa-Depan Politik Dunia Melayu (Kementerian Penerangan Negara Atjeh Sumatra, 1984).  
contemporary writings have largely dealt with the consequences of central government decisions about Aceh rather than the attitudes that have shaped policy choices in Jakarta. The themes of insurgency and counterinsurgency (and related problems of rights violations and internal displacement) have also dominated Indonesian and foreign media reports about Aceh, and have constituted one of the two greatest concerns of Acehnese civil society groups and organisations in the post-Suharto era. The second concern, the economy of Aceh (and related issues of employment and business opportunities, corruption and provision of public services and facilities), has received at least as much coverage as the conflict in Aceh-based and national media sources, but less attention by the international press and academics until the 2004 tsunami. Nevertheless, there has been some research on the fiscal component of Jakarta’s offer of ‘special autonomy’ to Aceh, and of the Indonesian military’s (TNI) business activities and interests in Aceh. One useful study by Michael Ross suggests that while economic factors cannot entirely explain the growth of GAM, Aceh’s rich oil and natural gas reserves played an important role in perpetuating the post-

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10 Since the December 2004 Asian tsunami, there has been a growing interest in the allocation (and misallocation) of foreign aid and loans for rehabilitation and reconstruction work in the international media and amongst academics. See, for example, Sue Kenny, ‘Reconstruction in Aceh: Building Whose Capacity?’, Community Development Journal (United Kingdom: Oxford University Press, August 2005), pp.1-16; Chandasi Pandya, ‘Private Authority and Disaster Relief: The Cases of Post-Tsunami Aceh and Nias’, Critical Asian Studies, Vol.38, No.2 (2006), pp.298-308.


12 TNI is an acronym for Tentara Nasional Indonesia, which literally translates as Indonesian National Army. Since 1999, when Indonesia’s armed forces were officially separated, the Indonesian military’s formal title has been TNI-AD (Tentara Nasional Indonesia Angkatan Darat, lit; Indonesian National Army- Land Force).

New Order conflict. While Ross is mainly concerned with the underlying causes of the contemporary conflict, he touches on two issues in the post-Suharto era that have so far been understudied: (1) the impact of Indonesia’s 1997-98 financial crisis on the growth of Acehnese sentiment and activity, and (2) deep skepticism in Aceh that the financially constrained central government would fulfill its promise of implementing economic decentralisation once the war ended. That these important issues have generally received cursory treatment in the political science literature can be partly explained by the paucity of reliable fiscal data. Acehnese and foreign observers alike have tended to regard official figures as distorted, and many central and provincial government officials have been widely seen as corrupt. Given the importance of economic matters in influencing political decisions, however, the limited economic analysis on Aceh has sometimes compromised the quality of political studies.

Despite these gaps in the literature, growing academic interest in Aceh since Suharto’s resignation has resulted in numerous papers on particular policy initiatives. Several comprehensive works on policy choices within the period of this study (1998-2003) have dealt with the limited peace process between the Indonesian government and GAM. Others have examined different aspects of security operations in Aceh, though these writings have generally concentrated on the counterinsurgency and insurgency campaigns on the ground rather than on security policymaking processes in Jakarta. Most of these

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15 Ibid, p.35.
works have focused on developments since the start of Abdurrahman Wahid’s presidency, often overlooking the important decision-making processes under B. J. Habibie that provided the political contextual foundations for later Aceh policy choices. There have also been studies on Jakarta’s offers of ‘special autonomy’ to Aceh and the challenges of managing and implementing decentralisation within a complex conflict environment. One of these studies by Rodd McGibbon explores the role of Acehnese political, religious and community leaders in the development of special autonomy legislation. While McGibbon’s work, like that of Morris and others, is positioned in the periphery, his account of Acehnese elite interactions with Jakarta provides valuable insights into the attitudes and perspectives in the national executive and legislature that informed choices about the content of the legislation.

The goal of this study is to expand on the existing body of literature about Aceh in the five years after Indonesia began its transition to democracy. It aims to fill in some of the gaps from this period by evaluating the Indonesian state’s capacity to contain the Aceh conflict through its security and autonomy policy approaches. As noted, the thesis departs from most studies about Aceh by examining regional developments from the perspective of the centre. It also contributes towards the limited number of scholarly writings on the first critical phase of Indonesia’s regime transition by taking an in-depth look at Aceh policy-making under the Habibie administration. Finally, while this work is positioned within the discipline of political science, it acknowledges that politics and the economy are interrelated. The changing dynamics of Aceh’s contemporary conflict are therefore treated as the result of

both competing political ideologies, interests and agendas, and of changing material circumstances.

1.2 Background to the Contemporary Conflict

Within the literature, there is some disagreement about the primary cause(s) of Aceh’s contemporary conflict. GAM’s view, which is widely accepted in Aceh but rejected by most other Indonesian and foreign sources, is that the contemporary conflict stemmed from the 1873 Dutch invasion of the ‘State of Aceh Sumatra’, and was perpetuated by the ‘illegal transfer of sovereignty’ from the ‘old, Dutch colonialists to the new, Javanese colonialists.’ GAM’s nationalist struggle was premised on the claim that ‘no decolonisation took place in the Dutch East Indies’ through the signing of the 1949 Dutch-Indonesian handover of sovereignty treaty, as ‘only its name was changed to ‘Indonesia’ with ‘Indonesia’ being merely a geographic expression.’ GAM justified its claim to territorial sovereignty through the construct of a singular Acehnese national identity based on ethnicity, culture and region. It is true that the distinctive pre-Indonesian Acehnese identity was integrally linked to four centuries of sovereign statehood. Aceh’s strategic location astride the Malay Peninsula along the Malacca Straits trading route also led to the development of a Malay-Islamic written and cultural tradition in the region, which set the Acehnese apart from many other ethnic groups in the former Dutch East Indies that were geographically closer to the island of Java. Even at the peak of its pre-colonial greatness, however, the state of Aceh sequestered a number of smaller states whose indigenous ethnic groups never completely assimilated into Aceh. Almost twenty per cent of Aceh’s population is not ethnic Acehnese, claiming membership of at least seven linguistically and culturally distinct indigenous ethnic minority groups.

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23 Ibid, p.5.
(Gayo, Alas, Kluet, Aneuk Jamee, Tamiang, Singkil and Puloe)\textsuperscript{24} and non-indigenous ethnic minorities (the largest comprising Javanese settlers). GAM’s argument about Aceh’s illegal incorporation into Indonesia is also refuted by the weight of historical evidence that the contribution of the Acehnese to the Indonesian nationalist struggle was wholly voluntary, both in terms of human and economic resources (including the Acehnese’ famous purchase of the first airplanes for the new Republic).\textsuperscript{25} Even so, Anthony Reid points out that the anti-Dutch struggle was waged differently in Aceh than in other parts of the archipelago, as ‘Indonesia in reality was shaped more by collaboration with Dutch influence than by resistance to it’\textsuperscript{26}, whereas in Aceh it was the reverse. As Reid explains, the defiant spirit of Acehnese resistance against outside rule was nurtured by ‘a fanatical love of freedom, reinforced by a powerful sense of race, with a consequent contempt for foreigners and hatred for the infidel intruder.’\textsuperscript{27}

This study, while acknowledging the historical ‘differentness’ of the Acehnese people (and Aceh’s indigenous ethnic minorities) from other Indonesian ethnic groups, emphasises the activities of the Indonesian state as the root cause of the contemporary conflict. Most sources, including GAM, agree that Acehnese resentment towards the Indonesian state was largely aggravated by the latter’s exploitation of Aceh’s oil and gas reserves, broken promises about the province’s ‘special region’ status and depredations against Acehnese civilians during military operations.\textsuperscript{28} While some scholars have tended


\textsuperscript{26} Anthony Reid, ‘War, Peace and the Burden of History’, \textit{Asian Ethnicity}, Vol. 5, No. 3 (October 2004), p.303.

\textsuperscript{27} Reid, \textit{The Blood of the People}, p.9.

to emphasise human rights abuses and downplay regional economic grievances\textsuperscript{29}, others have argued that a combination of these factors contributed towards the birth of Acehnese separatism.\textsuperscript{30} This study concurs with the latter viewpoint. Without underestimating the severity of rights violations against the civilian population, it is unlikely that GAM would have been capable of reviving (and to some extent, reinventing) Acehnese nationalism if not for local resentment over the siphoning off of Aceh’s natural resource wealth, which later fuelled dreams of turning Aceh into a an independent ‘Brunei.’\textsuperscript{31} As the site of lucrative national oil and gas assets, Aceh’s resource wealth also contributed towards Jakarta’s decision to deploy large numbers of security forces personnel to the province, whose aggressive response to perceived security threats in turn produced thousands of civilian casualties.

While most sources agree that the contemporary conflict started with the formation of GAM, its roots can traced back to the Darul Islam (House of Islam) Rebellion of the 1950s and early 1960s. Acehnese involvement in the Darul Islam uprising largely stemmed from regionalist anger over the province’s incorporation into North Sumatra.\textsuperscript{32} This rebellion, which is discussed further in Chapter Three, was eventually resolved in Aceh through a combination of security operations and negotiations after President Sukarno responded to Acehnese demands to manage their own affairs in accordance with

\textsuperscript{29} Anthony Reid, for example, points out that Hasan di Tiro was already a successful international businessman before his establishment of GAM, who wrote ‘all about history and hubris, and very little about gas.’ Anthony Reid, ‘War, Peace and the Burden of History’, \textit{Asian Ethnicity}, Vol.5, No.3 (October 2004), p.306.


\textsuperscript{31} Daniel Treisman, who expanded on this theme in his study of the impact of decentralisation on Russian separatism in the 1990s, also found that ethnic regions that were raw materials exporters or producers were more far more persistent and aggressive in challenging Kremlin authority than regions that depended on federal budget subsidies. Although compliance with central state authority is not necessarily related to a region’s wealth (for example, there have also been challenges from poorer regions such as the north of Ireland, southern Nigeria and the Kurdish area of Turkey), in the Indonesian case the most persistent challenges have come from the resource-rich regions of Aceh, Papua and formerly, East Timor. Daniel Treisman, ‘Russia’s Ethnic Revival: The Separatist Activism of Regional Leaders in a Postcommunist Order’, \textit{World Politics}, Vol. 49, No. 2, January 1997, pp.212-49.

\textsuperscript{32} The Darul Islam rebellion started in West Java under the leadership of S. M. Kartosuwirjo, who pronounced an ‘Islamic State of Indonesia’ in West Java on 7 August 1949. Audrey R. Kahin, \textit{Rebellion to Integration, West Sumatra and the Indonesian Polity, 1926-1998} (Amsterdam: Amsterdam University Press, 1999), p.175.
Islam by conferring in principle ‘Daerah Istimewa’ (Special Region) status to the reestablished province of Aceh.

Aceh’s first separatist insurgency was launched on 4 December 1976 by Tengku Hasan Muhammad di Tiro, a successful businessman and former self-appointed Darul Islam ‘ambassador’ to the United Nations. Hasan di Tiro’s ‘Aceh-Sumatra National Liberation Front’ (ASNLF, also called GAM) shared some common grievances with the Darul Islam rebels about centre-periphery inequities. The growing centralisation of state power under Suharto’s New Order gradually rendered Aceh’s Daerah Istimewa status meaningless, and did not accommodate Acehnese aspirations to restore Islam as a dominant sociopolitical force. Nor did the New Order’s modernising and nation-building projects result in substantive improvements to Aceh’s economy. Although parts of Java and eastern Indonesia experienced higher poverty levels than Aceh under the New Order, the discovery of vast oil and natural gas reserves in North Aceh in the early 1970s fuelled regional resentment as most of the profits were siphoned out of Aceh. Aceh’s oil and gas reserves also attracted a large military presence, whose repressive response to perceived security disturbances hardened local attitudes against Indonesian authority. Unlike the Darul Islam rebels, however, who sought to change the form of the Indonesian state but not to secede from it, the ASNLF/GAM ‘re-declared’ the ‘free and independent

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34 On 21 July 2002, the ASNLF changed its name to GAM through the signing of the ‘Stavanger Declaration’, which reflected GAM’s changing vision from the reestablishment of an Aceh sultanate to an independent State of Aceh based on democracy. GAM’s military wing, AGAM (Angkatan Gerakan Aceh Merdeka) was also changed to TNA (Tentara Neugara Aceh, Aceh National Army). Stavanger Declaration, Stavanger, Norway, 21 July 2002.

Sovereign State’ of ‘Acheh-Sumatra’ with the intent of severing all ties with the ‘foreign regime of Jakarta and the alien people of the island of Java.’

Aceh’s contemporary conflict was complicated by the New Order’s intolerance of separatism, demonstrated in 1989 by the launch of a counterinsurgency campaign against GAM. The establishment of a ‘Red Net Operation Implementation Command’ (Komando Pelaksana Operasi Jaring Merah) in Aceh effectively transformed the province into a ‘Military Operations Area’ (Daerah Operasi Militer, DOM) for the next decade. The human rights violations that accompanied these operations alienated Acehnese society from Indonesian state authority and created ripe conditions for the regeneration of GAM in the post-Suharto era. By mid-1998, when ‘DOM’ ended and ‘non-organic’ battalions were withdrawn from the province, Acehnese antipathy towards Jakarta had become deeply entrenched and manifested into widespread demands for retribution, compensation and social justice.

By mid-1998, Indonesia had also initiated a process of democratisation after four decades of authoritarian rule. Regime change was precipitated by the Asian financial crisis of 1997-98; Indonesia was the country hit hardest by the crisis, where rising unemployment and poverty

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36 Hasan di Tiro’s proclamation of an independent state of ‘Acheh Sumatra’ reflected his belief at that time in the reestablishment of a pre-colonial Aceh empire that encompassed large swaths of the island of Sumatra. Although he later modified his vision to an independent ‘Acheh’, he maintained that other peoples of Sumatra would choose secession from the Republic of Indonesia if given the opportunity. Interview with Hasan di Tiro, Norsborg, Sweden, 4 July 2000.


38 ‘Non-organic’ refers to troops deployed to a province on a short-term basis for specific combat exercises and counterinsurgency operations. ‘Organic’ denotes troops recruited within their own province and permanently attached to the local territorial command structure. In practice, organic troops have been deployed to provinces outside their recruitment area. In Aceh, for instance, the deep mistrust between the civilian population and Indonesian military and police made it difficult to recruit ethnic Acehnese into organic battalions. As a result, troops organic to other territorial commands were deployed to Aceh to reinforce counterinsurgency operations against GAM.
levels and soaring food prices translated into a sharp increase in crime and general socioeconomic unrest across the archipelago.\textsuperscript{39} The social impact of the economic meltdown in Aceh, along with the island of Java, East and West Kalimantan and parts of Sumatra and eastern Indonesia, was particularly profound.\textsuperscript{40} This sociopolitical and economic instability in turn saw a sharp reduction in Indonesian state power and authority. In Aceh, some centrifugal forces seized this opportunity to pressure Jakarta into providing redress for their long-standing grievances, while others began to look towards the creation of an independent polity in which they would be free to govern themselves without fear of state repression and with control over their own natural resources.

The causes of the post-New Order conflict summarised above will be revisited in later chapters. The main concern of this chapter is to establish a theoretical and methodological framework for evaluating the post-New Order state’s capacity to respond to these causes and their consequences. I begin by exploring the relationship between state capacity and society. I then review aspects of ‘transitology’, as the study of regime transitions is often called. The study asks some theoretical questions that are of relevance to the broader study of transitions to democracy. How do democratising states, and especially those with geographically dispersed ethnic minorities, project democratic ‘breakthroughs’ outwards to their peripheral territories, and why are they often unable to do so? And, why do separatist conflicts tend to intensify during transitions to democracy? While the transitions literature helps to explain the fluid and fluctuating nature of state capacity during regime change, these findings are largely based on studies of post-communist and post-authoritarian regimes in Southern and Eastern Europe and Latin America, and are only partly applicable to the Indonesian case.


\textsuperscript{40} According to one nationwide survey, Aceh was the province with the fewest ‘coping strategies’ (measured by sale of personal assets in exchange for food and reduced participation in community activities) to deal with the crisis. Sudarno Sumarto, Anna Wetterberg and Lant Pritchett, ‘The Social Impact of the Crisis in Indonesia: Results From a Nationwide Kecamatan Survey’, Development Economics Working Papers 112 (East Asian Bureau of Economic Research, 1998), pp.7, 9, 10, 21, 26. See also Isa Sulaiman, ‘From Autonomy to Periphery: A Critical Evaluation of the Acehnese Nationalist Movement’ in Anthony Reid, ed., \textit{Verandah of Violence}, p.126; Ross, \textit{Resources and Rebellion in Aceh, Indonesia}, p.24.
The transitions literature also includes few works on the capacity of democratising regimes to deal with border disputes; of those that do address this complicating dynamic, most focus on new states that have been born from countries completely dismembered by separatist movements (such as the former Soviet Union, Czechoslovakia and Yugoslavia). In the following pages, the key findings in the transitions literature are examined to establish a framework that is appropriate for evaluating Indonesia’s capacity to govern in Aceh in the five years after the New Order’s collapse.

1.3 State Capacity and Society

In order to assess Indonesian state capacity in Aceh, it is initially necessary to define the state. Within the political science literature, there is general agreement about the basic tenets of the modern state. This study adopts Michael Mann’s frequently quoted definition, which in turn draws from the seminal work of Max Weber. For Mann, the modern state is:

1) A differentiated set of institutions and personnel, embodying 2) centrality, in the sense that political relations radiate outwards from a centre to cover a 3) territorially demarcated area, over which it exercises 4) a monopoly of authoritative binding rule-making, backed up by a monopoly of the means of physical violence.

This definition is useful as it identifies the territorial and institutional components of the state. The second and fourth functional dimensions also emphasise three aspects of modern state capacity, whereby political relations, authoritative rule-making and the monopoly over the use of force determine a state’s ability to ensure societal compliance. In its modern sense, the state is further defined by the international community’s recognition of the sovereignty, legitimacy and authority of its institutions and of the fixed territories that bind them. State institutions are usually characterised by certain rules and codes of conduct that

are relatively enduring in the sense that they can withstand governmental and regime change. Although the personnel, or political actors, who are responsible for formulating and implementing state goals, are also capable of maintaining, and even strengthening their positions within the state infrastructure as the result of regime change, their behavior is more likely to fluctuate and adapt accordingly. Institutions therefore provide important insights into a state’s long-term development or regression, while personnel constitute the political variable that shape the development process. When institutions and political actors operate in tandem to support state goals and objectives, state capacity increases. Conversely, in cases like Aceh, where there has been competition between actors and institutions over the range of state resources, the state’s capacity to effectively govern may decline.43

According to both the Mann and Weberian definitions, an important test of statehood is the monopoly over the legitimate means of physical violence. This indicates that state capacity depends, at least in part, on belief by society that non-compliance with state authority will result in effective punishment. States cannot, of course, rule solely through coercion and violence, as excessive force can prove counterproductive. Though state repression is not the only cause of extra-state violence, extreme state force can create the unintended consequences of fuelling localised support for separatism and inciting mainstream mobilisation against state institutions and actors over human rights issues. As Kohli and Shue argue in the case of Brazil, ‘Technocratic competence...under the military, may have enhanced the state’s capacity to pursue technically correct economic policies, but did little to strengthen the government’s legitimacy.’44 Similarly, under Suharto, the Indonesian state’s heavy reliance on force contributed towards a loss of faith in the New Order regime’s right to rule in Aceh, East Timor and Irian Jaya. In each of these problematic peripheral territories, the state’s monopoly over the means of physical violence was also compromised by the TNI’s use of civilian militias, both before and after Indonesia began its transition to

In democratic systems of governance, state capacity is closely related to the concept of legitimacy. Legitimacy denotes a citizenry’s relative acceptance of the state’s right to rule, wield power and monopolise the use of force within its borders. A state gains and maintains legitimacy by adopting ‘rules of engagement’, or laws, policies and practices that are adhered to by the majority of its citizens. Implicit in the concept of legitimacy is the idea of shared responsibility, as ‘belief by the governed in the rulers’ moral right to issue commands’ is, or is supposed to be, reciprocated by ‘the people's corresponding obligation to obey such commands’. In Aceh, the post-New Order Indonesian state lacked legitimacy amongst many groups and individuals, most notably GAM and the student-led referendum movement (Sentral Informasi Referendum Aceh, SIRA). This raises important questions. How can a state that has lost legitimacy ensure societal compliance? And, does a lack of legitimacy necessarily preclude effective policy implementation?

In addressing these questions, it is necessary to explore the relationship between legitimacy and state capacity. While there are many ways of measuring state capacity, it is commonly understood to be contingent on the relative compliance of a citizenry to state goals and objectives. As Peter Dauvergne explains, state capacity ‘tends to rise when societal resistance declines, when powerful segments of society align themselves with the state, and when state determination is high.’ Somewhat differently, Robert

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Jackman argues that when societal resistance to state authority is high, it ‘reflects a failure of political institutions to channel demands, grievances and challenges’, representing ‘prima facie evidence that institutions have lost legitimacy.’49 Jackman sees state capacity and legitimacy as mutually reinforcing in the sense that state institutions derive legitimacy from their capacity to meet societal needs and expectations. It is true that a state’s ability to effectively govern tends to increase when its institutions, leaders and policies are seen as legitimate by the vast majority of citizens. Conversely, if a state lacks or has lost legitimacy in the eyes of its citizenry, then societal opposition to state authority is more likely to manifest, with the result that the state could rely more heavily on force or coercion to impose national unity, or become fragmented or cease to exist.

Related to state capacity and legitimacy, then, is the idea of ‘nation’, or what Benedict Anderson calls an ‘imagined political community’ that is ‘imagined as both inherently limited and sovereign.’50 All modern states derive legitimacy from their claim to embody a ‘nation-state’ in which the ‘great majority of citizens identify with [the state] to the extent of seeing it as their own.’51 It is through the construct of a shared national identity based on state norms and values that a state’s right to rule and wield power is relatively accepted by the majority of its citizens.52 When identification with the state takes precedence over, or sits comfortably alongside other ethnic, regional, and/or religious identities, the state is capable of governing with societal consent. If loyalty to another national identity by the majority of citizens precludes identification with the state, however, a nation-state does not exist. In such cases, when the nation and state come into conflict, nation(s) may seek to extricate themselves ‘from the scope of the state’s


authority, not by moving beyond the existing boundaries of that authority but by
redrawing the boundaries’ so that they are not included within them.53

As noted, the form of state capacity used to deal with national identity problems largely
depends on regime type. Repressive authoritarian regimes and military dictatorships tend
to rely more heavily on their coercive or military capabilities to suppress separatist
forces. In such cases, when nation-state boundaries are determined by force, a state’s
power and authority depends on its capacity to govern over society rather than with
societal consent.54 Authoritarian regimes may also benefit from national identity
problems by constructing and imposing a sense of nationalism that legitimises their
continued rule. This happened under the New Order, which legitimised authoritarian rule
through ‘the denial of legitimate political activity outside structures defined by the
state.’55 The obvious limitation of this approach is that coercion, force and the exclusion
of civil society from decision-making processes do not inspire public confidence in a
state’s capacity to resolve territorial disputes, and often exacerbate them. As Rudland and
Pedersen point out in their study of Burma’s military regime, ‘many conditions for a
strong regime are detrimental to state capacity.’56 That is, while a state’s coercive or
military capabilities may be strong, its capacity to meet societal needs and interests, and
to redress regional grievances, may be relatively weak.

This does not mean that democratising or democratic regimes are necessarily more
capable than authoritarian regimes of resolving their national identity disputes. As
discussed later in this chapter, separatist movements are far more likely to secede during

54 Verena Fritz, ‘State Weakness in Post-Communist Countries: The Concept of State Capacity’, Romanian
55 Richard Robison, ‘Indonesia: Tensions in State and Regime’ in Kevin Hewison, Richard Robison and
Garry Rodan, eds., Southeast Asia in the 1990s: Authoritarianism, Democracy and Capitalism (Sydney,
56 Emily Rudland and Morten B. Pedersen, ‘Introduction: Strong Regime, Weak State?’ in Morten B.
Pedersen, Emily Rudland and Ronald J. May, eds., Burma Myanmar: Strong Regime, Weak State?
transitions to democracy than under authoritarian governments. The process of democratisation creates space for different viewpoints on national identity to be heard, including ‘the voice of separatists’. However, assuming that the rights to freedom of expression and association (including the right to express dissenting views) are integral to any meaningful definition of democracy, then it follows that democracies are, or should be, more capable of achieving peaceful outcomes to their national identity problems due to their tendency towards the political processes of negotiation and compromise. In democratic systems, state capacity depends to a great extent on ‘societal capacity’, or the capacity of civil society to positively engage in decision-making and nation-state building processes. Underpinning this mutually reinforcing relationship between state capacity and societal capacity in democracies is legitimacy, as the ability of democratic leaders to settle internal disputes depends on their capacity to constructively engage with oppositional forces to negotiate mutually satisfactory outcomes; in other words, to govern with societal consent as opposed to governing over society.

Beyond these normatively reciprocal relationships between state capacity and legitimacy, and between state capacity and societal capacity, national identity problems pose a particular dilemma for democratising regimes. This dilemma revolves around the issue of how much freedom to grant separatist forces without compromising the state’s territorial sovereignty and national integrity. While democratising regimes may seek negotiated settlements to their internal conflicts, nationalist minorities can, and often do, use their increased collective capacity during regime change to pursue independence instead of

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constructively engaging in the state’s democratisation processes. When this happens, the question is whether democratisation can continue, or whether coercion and force are necessary to maintain the state in its existing form.

1.4 Democratisation and National Identity Problems

The post-New Order state’s capacity to rule in Aceh must be considered in terms of Indonesia’s rapid transition from authoritarianism rule towards democratic governance. Following the collapse of authoritarian and communist regimes in Southern and Eastern Europe and Latin America, a number of scholarly writings have focused on state capacity during regime change. This focus has included a strong normative commitment to democratisation as the ideal ‘mode of transition’, and to institutionalised democracy as the optimal outcome of the transition process.59 In states with territorial disputes, however, the question is whether democratisation can occur if there is a lack of consensus about nationhood? If so, then how do transitional regimes democratically accommodate their disparate ethnic minorities? These questions are explored in the following pages and applied to the case of post-New Order Aceh.

Transitions to democracy revolve around the processes of replacing undemocratic cultures and institutions with ones that fulfill the formal criteria of democracy. Democratic cultures typically include such norms as accountable and representative political leadership, the participation of civil society in decision-making processes, subordination of the military to civilian authority, freedom of media, speech, association and religion, and application of the rule of law. These cultures are institutionalised through the establishment of democratic structures such as representative political parties, transparent and accountable state institutions, independent electoral systems and judiciaries, the separation of powers among the branches of government, and confinement of the military to a predominantly external defence role. As many ‘third-wave’60 transitional regimes have found, however, democracy

60 The term ‘third-wave’ was first coined by Samuel P. Huntington to describe what he saw as the process of democracy expanding across the world in the twentieth century in three waves that all shared common features. Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman, Oklahoma: University of Oklahoma Press, 1991).
is difficult to achieve. The end of authoritarianism may lead to revolution, a ‘hybrid regime’ that ‘seems to be neither democracy nor dictatorship’ or a return to dictatorship. For this reason, transition theorists often underscore the inherent uncertainty of transitions to democracy by referring to the ‘indeterminacy involved in transformation’ or the ‘underdetermination’ of the democratisation process.

This uncertainty of transitions to democracy is heightened in countries with internal conflicts. Of the few writings on regime transitions that have directly addressed the complicating dynamic of national identity problems/territorial disputes, most have endorsed the core hypothesis in Dankwart Rustow’s founding essay on *Transitions to Democracy*. Rustow’s basic tenet is that before transitions to democracy can take place, there must be prior consensus amongst political actors about a state’s boundaries and the substantive values and beliefs that unite a community. Phrased differently, ‘the vast majority of citizens in the democracy-to-be must have no doubt or mental reservations as to which political community they belong to.’ While competing political actors may engage in protracted and inconclusive debate over substantive issues, they must ultimately make a ‘deliberate decision…to accept the existence of unity in diversity and, to that end, institutionalise some crucial aspect of democratic procedure.’ If differences persist over regional or ethnic issues, then conflict over state boundaries may lead to war, secession or genocide.

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64 This does not mean that regime transitions represent the sole point of uncertainty between two relatively stable systems of government. Adam Przeworski, for instance, sees the outcome of democracy as ‘a system of ruled open-endedness, or organised uncertainty’ in which only the rules of political competition are fixed. Adam Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (Cambridge: Cambridge University Press, 1991), p.13.
Linz and Stepan agree that ‘Democracy requires statehood. Without a sovereign state, there can be no secure democracy.’

Unlike Rustow, however, who views consensus over membership of a nation-state as the sole prerequisite to democratisation, Linz and Stepan explore the hypothesis that transitions to democracy can occur in the absence of a unifying nationalism. In such cases, minorities with ‘dual’ or ‘multiple’ identities (for example, when identity is primarily associated with a particular ethnicity, region and/ or religion) may be democratically accommodated by transitional regimes if states pursue non-majoritarian, non-plebiscitarian policies to ‘grant inclusive and equal citizenship that give all citizens a common ‘roof’ of state-mandated and enforced individual rights.’

This emphasis on defending both collective and individual rights as ‘the least conflictual way of articulating such a democratic non-nation-state policy’ makes theoretical and practical sense. Indeed, some nationalist minorities have been successfully accommodated into states that have adopted a rights-based approach (for example, Quebecers in Canada, Sami people in Finland, Sweden and Norway). Often, however, the rights of minorities are suppressed and subordinated to the dominant nationalist group if there is no clear consensus over state borders (for example, Chechens in Russia, Kurds in Iran, Iraq, Syria and Turkey, and Tibetans and Inner Mongolians in China).

In the Indonesian case, there was no such consensus at the point of regime change in East Timor, Aceh and Irian Jaya. The New Order’s rigid emphasis on internal unity and national cohesion meant that regional assertions of diversity and difference were either confined to the symbolic realm or repressed. Despite this, the New Order’s nation-building project was moderately successful given Indonesia’s dispersed geographical composition and ethnic, cultural and religious diversity. Aceh is not representative of Indonesia’s national-

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69 Ibid, p.33.
70 Ibid, p.34.
72 A national survey conducted in 2003-04 by the research organisation, Demos, found that forty-seven per cent of 800 respondents first identified themselves with the Indonesian nation-state, their province or district, while other fifty-three per cent primarily identified themselves with their local, ethnic or religious
building project, and until 1998, was one of only three of Indonesia’s then twenty-seven provinces with an independence movement. Even in Aceh, GAM did not enjoy the high level of grassroots support that it later attained in the post-New Order period. As James Siegel points out, the New Order’s institutionalisation of its nation-building project was so effective that the contradiction between being Acehnese and Indonesian became a largely post-Suharto phenomenon, as previously ‘for someone born in Aceh, the trajectory of maturation, taking one through the schools especially, left one ‘Indonesian’.’

Nevertheless, Indonesia’s regime change exposed the inherent weakness of the New Order’s construction and imposition of national unity. This was demonstrated not only by the growth of separatism in East Timor, Irian Jaya and Aceh, but also by the broader phenomenon of resurgent regionalism across the country. The loss of central state power, authority and legitimacy that accompanied regime change and the national economic crisis created space for Indonesia’s unresolved national identity question to resurface. This situation generated uncertainty over whether regime change had set Indonesia on an uncertain path towards democratisation, or towards inexorable disintegration.

The change of regime saw some new initiatives to address Indonesia’s national identity disputes. Most political leaders in Jakarta saw decentralisation, or regional autonomy, as an appropriate way of containing centrifugal forces, and were prepared to recognise a ‘special’ place for Indonesia’s problematic provinces within the unitary state. However, President Habibie’s remarkable decision to settle the national identity problem in East Timor by granting that province a referendum on national self-determination was widely

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73 Support for GAM was limited for more than a decade after the movement’s inauguration. The New Order’s counterinsurgency campaign in Aceh almost succeeded in crushing GAM by the early 1980s. GAM’s growth after 1986, which led to the imposition of ‘DOM’ in Aceh in 1989, stemmed from Hasan di Tiro’s ability to secure GAM funding and military training from the Libyan dictator, Colonel Muammar al-Gadhafi, as well as the continuation of centre-periphery imbalances and depredations against the civilian population that had assisted the movement's emergence. See Miller, ‘The Nanggroe Aceh Darussalam Law’, p.338.

seen in Indonesia as unacceptable and contributed towards his political defeat in the 1999 presidential election. For Indonesian nationalists, any debate about national identity must be constructed within, and seek to strengthen the territorial integrity and cohesion of the unitary nation-state, not to weaken or destroy it.

This thinking was reflected in the central government’s approach to the national identity problem in Aceh. The dominant view in Jakarta was that while the Acehnese people and territory of Aceh occupied a special position within the Indonesian Republic, the Acehnese had themselves settled the national identity issue back in the 1940s through their significant financial contribution to, and nationalist zeal for Indonesia’s independence struggle. That contemporary Acehnese nationalism primarily came into being as a reaction against the counterproductive policies and practices of the New Order did not, according to this logic, require any substantive re-thinking of Aceh’s position within the unitary state. Instead, the prevailing belief in Jakarta was that as the ‘Aceh problem’ had directly stemmed from authoritarian rule, then it could be gradually redressed through democratisation.

This attitude echoes Linz and Stepan’s view that ethnic minorities with distinct and separate identities may be peacefully accommodated within democratising regimes. The question is whether this was possible in post-New Order Aceh. That is, would Rustow’s hypothesis apply to Aceh that the absence of a unifying sense of nationalism made the growth of separatism inevitable? Or, as Linz and Stepan would argue, was the escalating conflict more the result of failed democratic reforms? This study, while accepting Rustow’s premise that national identity problems heighten the risk of conflict in the post-authoritarian era, questions his argument that consensus on nationhood is a necessary prerequisite to democratisation. Indonesia did initiate some democratic reforms, despite its ongoing national identity disputes. Jakarta also arguably had a brief window of opportunity through which to democratically accommodate the Acehnese people at the point of regime change, when separatist sentiment and activity was low compared with
later periods (discussed in Chapter Two). The argument presented here, then, is that the escalation in violence in Aceh was neither inevitable nor unavoidable, as Rustow would suggest. Rapid democratic reforms and decentralisation may also have reduced local support for GAM and encouraged the Acehnese people to constructively participate in Indonesia’s democratisation process. Of course, Indonesian political leaders argued that the Acehnese were given opportunities to help build a more democratic Indonesia, but instead chose to pursue independence. This argument, however, was also used by each of the first three post-Suharto governments to justify counterinsurgency operations against GAM.

Following Linz and Stepan, this thesis does not argue that democratisation in Indonesia was impossible in the absence of consensus on nationhood in Aceh, but rather, that the transition to democracy created new opportunities through which to politically accommodate the Acehnese people. The methodological framework presented below is used to analyse the successes and failures of the post-New Order state in this pursuit in the five years after the initiation of democratisation.

1.5 Methodology

As this methodology is positioned within the context of Indonesia’s transition to democracy, the previously discussed concepts of state capacity, legitimacy and societal capacity are viewed as normatively interconnected. This understanding of a mutually reinforcing state-societal relationship is consistent with Linz and Stepan’s emphasis on collective and individual rights as the most suitable approach to ‘democratic non-nation state’ accommodation. The methodology therefore measures the Indonesian state’s

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75 Though the different offers of autonomy and self-government to Aceh under the governments of Sukarno and Susilo Bambang Yudhoyono were made under vastly different sociopolitical and economic conditions, they demonstrated that it was possible to peacefully accommodate the Acehnese people within the Indonesian national fold.

capacity to develop effective security and autonomy policies about Aceh by the extent to which these choices were relatively accepted by the Acehnese people.

In analysing Jakarta’s capacity to effectively decentralise state power, authority and resources in post-New Order Aceh, I propose to focus on six key areas of state capacity: human rights, security, the rule of law, the allocation of state resources, societal capacity and the timing of democratic reforms. Imposing such boundaries on one’s research is necessarily limiting. However, I decided to focus on these six areas of state capacity because each is integrally related to the field of autonomy in conflict and post-conflict environments. That is, a state must possess sufficient material resources, and be capable of redistributing those resources in order to effectively implement regional autonomy and security policies. The defence of human rights, presence of the rule of law and protection of the state’s territories and citizens against external threats are also central to any meaningful conception of democracy. In democratising regimes with territorial disputes, the ability of states to peacefully accommodate their aggrieved ethnic minorities is further contingent on the timing of democratic reforms. If democratic reforms are not implemented in a timely and efficient manner, the opportunity to negotiate peaceful outcomes with separatist forces and to use societal capacity to advance the democratisation process may be lost. That is, societal capacity is ideally both a form and measurement of state capacity in democratising regimes. The methodology concludes with a discussion of the research methods used to obtain and process the data contained within this thesis.

This study departs from two polarising trends in the transitions literature by treating the methodological approaches of structure and agency as symbiotic or inter-related rather than separate or mutually exclusive. The structuralist approach, which dominated studies of regime transitions in the 1950s and 1960s, sees transitions to democracy as principally
stemming from favourable material preconditions. Since the 1980s, however, there has been a shift in emphasis to political processes and the role of elite actors in navigating the path the institutionalised democracy. While this study includes a dominant focus on political processes, it does not attempt to divorce the political interests and will of people who make decisions from their material conditions and institutionalised power relations. Rather, following Ronaldo Munck, it takes the view that the conflict between structuralist and process-driven analyses can be largely resolved by placing ‘actors and their choices in the broader context within which transitions occur.’ Lipset et al. agree that the capacity of political actors to negotiate conflict resolution is ‘linked to probabilities associated with the presence or absence of these [structural] requisites.’ That is, structural preconditions can and do influence policy-making processes, and vice versa.

Having noted the importance of both structure and agency, this combined methodological approach is used to analyse the six aforementioned areas of state capacity. The key challenges to each of these areas are briefly identified below within the context of democratising regimes with national identity disputes. These ideas are then fleshed out in the following chapters in the case of the post-New Order state’s capacity to resolve its national identity problem in Aceh through its security and autonomy policy approaches.

The first area of human rights is critical to both state capacity and legitimacy in democratising regimes. That is, states derive legitimacy from their capacity to defend and uphold the basic human rights of their citizens as a minimal standard. In democratic

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78 The two pioneering essays that shaped this reorientation in analytical focus are those by Juan J. Linz, The Breakdown of Democratic Regimes: Crisis, Breakdown and Reequilibrium (Baltimore, MD: Johns Hopkins University Press, 1978), and Guillermo O'Donnell and Philippe C. Schmitter, Transitions from Authoritarian Rule, Tentative Conclusions About Uncertain Democracies (Baltimore, MD: The Johns Hopkins University Press, 1986).


systems, this is achieved through the establishment of accountable, transparent and widely accessible civil law enforcement institutions. In democratising regimes with border disputes, however, human rights issues may pose a dilemma for transitional governments, especially after the end of authoritarian regimes that have dealt with separatist movements through harsh repression. The start of democratisation creates space for past human rights grievances to surface and manifest into collective societal action against state actors and institutions. This creates a dilemma for democratic leaders as to whether it is more prudent to leave the past behind and focus on democratic reforms, or to provide redress to regional demands for justice and compensation. As O’Donnell and Schmitter explain, immediately after the end of repressive authoritarian or totalitarian rule, ‘memories are more intense; victims (or their survivors) and victimisers are still present’. In democratising regimes with border disputes, proceeding with democratic reforms without attempting to provide redress to grievances over past human rights violations may exacerbate regional conflicts and reduce the state’s capacity to govern with societal consent. Instigating human rights trials too soon after regime change, however, may invite destabilising repercussions from the victimisers, depending on their level of access to state power, authority and resources in the post-authoritarian era.

The second related area of state capacity is security. Ideally, a state strives to protect its citizens and defend its territories against external threats. If security sector reforms do not follow the end of repressive authoritarian rule, then security forces are not likely to change their behaviour, with the result that acts of internal repression may continue. As Linz and Stepan argue, it is only by defending collective and individual rights that democratising regimes can accommodate aggrieved ethnic minorities. In democratising regimes that follow military rule or military-backed regimes, there is a risk that the military may not submit to democratic control if it does not receive an adequate defence budget, if civilian authorities are perceived as opposing military interests, or if the military lacks the will to reform. As David Pion-Berlin observed in his study of South American states, many new democracies there faced ‘foundational constraints imposed by authoritarian legacies and the

81 O'Donnell and Schmitter, Transitions from Authoritarian Rule, p.30.
82 Linz and Stepan, The Problems of Democratic Transition and Consolidation, p.33.
transition process’ that led to ‘greater continuity than discontinuity in military behavior between the pre- and post-authoritarian periods.’ Somewhat differently, Michael McFaul noted in the separatist conflicts in Armenia, Bosnia-Herzegovina, Georgia and Croatia that transitions to democracy in those countries created opportunities for military and civilian leaders with poor democratic credentials to embed themselves in nascent democratic institutions and impede, or indefinitely stall, the democratisation process.

The presence of the rule of law, then, is integral to both state capacity and legitimacy. In functioning democracies, the rule of law is upheld through the establishment of a fair and independent civil legal system whose jurisdiction applies to all of the state’s citizens, and by civilian law enforcement institutions that use minimal reliance on physical violence to protect public order up to the extent of the state’s sovereign territories. If security forces pursue political, economic or strategic interests that run counter to state goals and objectives, then the rule of law is compromised, or does not exist. If security forces do not submit to democratic control, then civilian authorities may also grant concessions to the security forces that are neither in the interests of the state nor its citizens. For instance, Kathryn Stoner-Weiss found in her centre-periphery study of post-Soviet Russia that Moscow tended to tolerate the military’s transgressions of its policies in the periphery ‘to avoid a major upheaval of the political or social system or alternately, because tolerating such transgressions was a ‘go along to get along’ strategy to make the system function.’ The problem in democratising regimes is that if these transgressions are too great, then ‘going along’ with unreformed security forces may prevent civilian authorities from institutionalising critical aspects of democratic procedure. Alternatively, in states with territorial disputes, the judiciary may implicitly or explicitly legitimise excessive state (or extra-state) violence by granting impunity to human rights victimisers while depriving the victims of legal recourse to justice.

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83 David Pion-Berlin, 'Military Autonomy and emerging Democracies in South America', *Comparative Politics* (October 1992), p.83.
The fourth area of state capacity is the state’s allocation of material resources. States need to have material resources, and be capable of effectively distributing those resources, in order to meet the needs and interests of their citizens in the form of security, health and education services and facilities and improved employment and business opportunities. In democratising regimes with border disputes, decentralisation or regional autonomy is generally seen as the most democratic way of redistributing state resources to accommodate aggrieved ethnic minorities. Decentralisation during transitions to democracy, however, entails a number of risks. The greatest of these is that separatist causes may be strengthened, leading to the fragmentation or disintegration of the nation-state. If there is no clear consensus about resource-sharing arrangements and if the ‘rules of the game’- that is, the legal and constitutional systems that govern centre-periphery power relations- are not fixed, then competitive rule-making could ensue that may cause the centre to lose its effective governing presence in the periphery. This risk is heightened in violent conflict regions, where the state infrastructure is more prone to physical attack. As Ivan Krastev observed in the Yugoslav wars, decentralisation there created a ‘democracy without politics’ situation that destroyed the new democracy even as its institutions were being established, ‘much as termites eat the foundations of a house without visibly destroying the walls.’ If pre-existing institutional weaknesses such as corruption and unaccountability are not addressed, then the state may be incapable of ameliorating regional grievances through decentralisation. From an agency perspective, decentralisation is also unlikely to be effective as a conflict management tool if central elites lack the political will to decentralise, or if predatory or personalised interests ‘hijack’ the decentralisation process by diverting the flow of material resources outside the state’s institutional reach.

As noted, the fifth area of societal capacity is viewed within this thesis both as a form and measurement of state capacity. That is, when civil society uses its collective capacity to

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88 Vedi R. Hadiz, ‘Power and Politics in North Sumatra: The Uncompleted Reformasi’ in Edward Aspinall and Greg Fealy, eds. Local Power and Politics in Indonesia. Decentralisation and Democratisation (Singapore: Institute of Southeast Asian Studies, National University of Singapore, 2003), p.120.
positively engage in nation-state building processes, then human resources become a valuable form of state capacity. In this, the study has identified a normative relationship between societal capacity, societal compliance, state capacity and legitimacy. In democratic or democratising regimes, these elements can often be differentiated. If democratic processes and institutions are lacking, however, then it is not possible to make practical distinctions between these concepts. In such cases, societal capacity and citizens’ attitudes towards the state can only be gauged by the relatively crude measurement of levels of political and armed resistance against, or cooperation with state authority. Of course, when state violence is the primary means of gaining societal compliance, it is reasonable to assume that societal capacity, compliance and legitimacy may overlap. For instance, when society uses its collective capacity to mobilise in opposition to the state, the state has clearly lost legitimacy, and hence, its ability to govern with societal consent. Beyond this, however, it is important to note that if democratic processes and institutions are absent, then the claims by leaders of ethnic minorities to popular representation also cannot be independently verified. That is, just as perceptions about the legitimacy of the state cannot be democratically determined under such conditions, nor can the claims by separatist forces to legitimately represent the needs and interests of their constituents.

Finally, the capacity of democratising regimes to accommodate their aggrieved ethnic minorities must be seen from a timing perspective. That is, states must be capable of implementing democratic reforms in a timely and efficient manner in order to reduce separatist sentiment and activity. As discussed earlier in this chapter, secessionist movements are far more likely to achieve their goal of independent statehood during transitions to democracy. As Baogang He and Anthony Reid point out, between 1974 and 1997, fifty-seven per cent of new states recognised by the United Nations were established after their ‘parent’ states embarked on democratisation processes, while the rest were all established immediately before, or after the start of transitions to democracy, usually within a three year period. That there are no exceptions to this pattern can be

89 Baogang He and Anthony Reid, ‘Special Issue Editors’ Introduction: Four Approaches to the Aceh Question’, p.295.
explained by the inherent instability of transitions to democracy, when state capacity is generally weakest, allowing separatist causes to gain political ground. Because of this high secession rate during transitions to democracy, scholars like Atul Kohli90 and Jack Snyder91 emphasise the importance of a limited time frame after regime change within which to democratically accommodate ethnic minorities. Similarly, Linz and Stepan warn that ‘if the opportunity for such ameliorative policies is lost, the range of available space for maneuver will be narrowed and a dynamic of societal conflict will probably intensify.’92 Phrased differently, if political leaders and state institutions do not act quickly during transitions to democracy to provide redress to regional grievances, then separatist causes are likely to gain local credence, with the result that the state may rely more heavily on its monopoly over the means of physical violence to remain intact, or become fragmented or disintegrate.

The six areas of state capacity outlined above will be explored in this study of Indonesia’s ability to deal with challenges from Aceh in the post-New Order era. By adopting a combined methodological approach that emphasises both agency (short-term political processes) and structure (longer-term institutional networks and material preconditions), the study seeks to identify the patterns of Acehnese compliance and non-compliance with Jakarta’s security and autonomy approaches across time and policy area. It is hoped that the following analysis of these areas of state capacity will be of some use to other research on state capacity in regimes where national identity disputes have followed the end of authoritarian rule.

At this point, it is necessary to outline the research methods used to obtain and process the information in this study. Some researchers rely on a particular formula for conducting

research, which is indeed both reasonable and time-efficient. In researching an unpredictable conflict area, however, my methods tended to vary and involved a lot of frustratingly slow experimentation during field research. In that some consistent research methods were established during field trips, these are briefly outlined below. It is hoped that these methods will assist scholars conducting research in other conflict areas, and hence save them time and unnecessary stress.

Between 2000 and 2006, I conducted seven research trips to Aceh, Jakarta and Sweden. During this period I spent one month as a visiting scholar at Banda Aceh’s Ar-Raniry Institut Agama Islam Indonesia (State Institute for Islamic Studies, IAIN), and another month in the same capacity at the Jakarta-based Centre for Strategic and International Studies (CSIS). The methodology varied according to location, institutional affiliation and political climate. In Aceh during the conflict, when people who openly discussed their political views often faced the threat of violent repercussions, I learned to conduct unstructured interviews and rarely used a tape recorder. Predetermined sets of questions generally proved as unpopular as they were inhibitive to open expression. While I kept detailed field notes in Aceh, the identities of many individuals were not recorded for safety reasons. In Jakarta, however, politicians and generals often requested lists of questions as a precondition to being interviewed. I used a tape recorder for almost all interviews conducted in Jakarta, as did several of my respondents. Despite the relatively structured format of interviews in Jakarta, however, indirect questions sometimes elicited more detailed responses. Some generals, for example, were more amenable to answering questions about the TNI’s disciplinary and behavioral problems in Aceh (often unrecorded) if these were preceded by more general questions about the military’s budgetary constraints and the challenges associated with providing adequate support and material resources to soldiers in the field. In Aceh, by contrast, most interview respondents directly answered even the most politically sensitive questions, although this comparative openness was undoubtedly influenced by the unrecorded, anonymous and unstructured nature of the interviewing process.
Institutional affiliation proved more conducive to effective field research in Jakarta than in Aceh. While the assistance provided by academic staff at Ar-Raniry IAIN was helpful, personal contacts were the primary method used to secure interviews in Aceh. By contrast, in Jakarta I experienced difficulties in independently obtaining interviews. This is where the CSIS provided invaluable assistance in organising interviews with political and military leaders on my behalf in a timely and coordinated manner. Without institutional affiliation with the CSIS, I do not believe that I would have been able to obtain interviews with high-profile politicians and generals who were otherwise virtually inaccessible.

Beyond this, I learned to selectively process data according to the circumstances and conditions under which it was obtained. In Jakarta, for instance, I was told by friends and colleagues on more than one occasion that my ‘real intentions’ as a foreigner conducting research about one of Indonesia’s most sensitive conflict areas were viewed by some with suspicion, which naturally compromised the depth and quality of certain interviews. As a foreign researcher in Aceh, I also lacked ‘inside’ knowledge of my research topic, with the result that some interview responses may have been tailored according to local perceptions of how a foreign, non-Muslim woman would have interpreted political events and circumstances. In fact, this was confirmed in 2001 by an Acehnese friend, who said he formulated his responses to my questions according to his view of how an outsider would have understood particular situations and conditions. In other cases, it may have suited the political interests of certain groups and individuals to ‘export’ information (or misinformation) through the medium of a foreign researcher. For these reasons, I remained mindful that the facts were often difficult to ascertain in an environment where the main arena for airing political grievances was on the battlefield.

I tried to extend this caution to the print and electronic media. It is upon these sources that the study relies most heavily due to their easy accessibility. In the propaganda war for Acehnese hearts and minds, however, ‘the truth’ is often difficult to ascertain. The warring parties frequently blamed each other for violent clashes, abuses against civilians
and other crimes.\textsuperscript{93} Acehnese and other Indonesian journalists were often subjected to intimidation by the Indonesian military and GAM to put a ‘spin’ on coverage of the conflict, and local media offices were known to accept bribes from Acehnese government officials in return for biased reporting on election campaigns and other political issues.\textsuperscript{94} While such practices obviously exist elsewhere, Aceh has earned a reputation over recent years as the most corrupt province in one of the most corrupt countries in the world.\textsuperscript{95} Though this study makes use of more than one source of information wherever possible, it should be remembered that some of the ‘facts’ as they are presented were the product of the politically captive environment from which they were obtained.

1.6 Structure of Study

The arguments outlined in this chapter are elaborated through a narrative analysis of Indonesian state capacity in Aceh in the post-New Order period. The dissertation is arranged into three parts that deal separately with the security and autonomy policy choices about Aceh under the consecutive governments of Bacharuddin Jusuf Habibie (May 1998-October 1999), Abdurrahman Wahid (October 1999-July 2001) and Megawati Sukarnoputri (July 2001-pronouncement of martial law in May 2003). My decision to divide these two policy approaches into separate chapters may invite criticism, especially as security and autonomy policies were often pursued in tandem by the first three post-Suharto governments. My reason for selecting this structure is twofold. First, it is easier to identify the relative strengths and weaknesses of each policy when analysed separately. Second, there was very little coordination between the government’s security and autonomy approaches in the five years after the initiation of Indonesia’s democratisation process. The study tries to be mindful, however, of the points at which these different approaches interacted and overlapped.

\textsuperscript{94} Confidential interview with Acehnese journalist, Jakarta, October 2002.
\textsuperscript{95} This was the finding of two national corruption reports in 2003 produced by Bank Indonesia’s Centre for Research and Education of Central Banking (PSPK), and the Economics Faculty of Padjajaran University (FE Unpad). See ‘Korupsi di Aceh, Penduduk Miskin Meningkat’, \textit{Sinar Harapan}, 31 March 2003.
The thesis comprises six substantive chapters. Chapter Two focuses on Aceh security policy under the Habibie administration. The two distinct phases of Jakarta’s security approach are analysed within the context of Indonesia’s sudden transition from authoritarian rule, which triggered a dramatic departure from the New Order’s Aceh approach, followed by a gradual return to repression. Chapter Three examines the autonomy legislation that was passed under Habibie, and Jakarta’s rehabilitation and reconstruction programs in Aceh to prepare the province for eventual decentralisation. Three autonomy policies are evaluated: Laws No. 22 and 25 of 1999, which devolved political, administrative and economic powers and responsibilities to all districts, and Law No. 44 of 1999, which only applied to Aceh and granted the province limited autonomy over its religious, cultural and educational affairs. This chapter also provides a historical background of ‘special autonomy’ in Aceh to help explain the rationale for choices that were made during the first critical phase of Indonesia’s transition to democracy.

Chapter Four discusses Abdurrahman Wahid government's dual-track ‘persuasive-repressive’ Aceh security approach, which comprised internationally mediated peace talks with GAM and the development of more comprehensive special autonomy legislation on one hand, and almost continuous counterinsurgency operations aimed at forcing the rebels to abandon their separatist cause on the other. The chapter argues that while Abdurrahman Wahid made some democratic gains in Aceh during his tenure, his decision to return to security operations less than two months after coming to power ultimately reduced his government’s capacity to effectively govern. Chapter Five presents an analysis of the implementation of Law No. 44 of 1999 and the obstacles involved in Jakarta’s decision to accelerate the implementation of Laws No. 22 and 25 of 1999 in Aceh. It also considers the processes involved in developing the Nanggroe Aceh Darussalam (NAD) law, which conferred broad economic and religious autonomy to Aceh, and some increased authority in the fields of political decision-making, education, security and culture.

Chapters Six and Seven examine Aceh policy development and implementation under
Megawati Sukarnoputri during her government’s first twenty-one months in office. Chapter Six focuses on the almost unabated counterinsurgency campaign, followed by the revival of a limited peace process with GAM. President Megawati’s passive leadership style, her warm relations with the TNI and personal mistrust of the NAD law are seen as major obstacles to the search for peace. Chapter Seven explores the structural and political challenges involved in implementing the three key tenets of the NAD law: aspects of Islamic law, the return of a greater share of Aceh’s natural resource revenue and provision for direct local elections. The chapter also looks at the ‘Galaksi’ (an acronym of the Gayo, Alas, Kluet and Singkil ethnic groups) movement, which acted on Jakarta’s offer of special autonomy to attempt to sever all ties with Aceh and create a separate ‘Leuser Antara’ province.

Chapter Eight presents a conclusion of the study’s findings. It is argued that in the five years after the fall of Suharto, Jakarta was unable to resolve its central dilemma of how much democratic freedom to give the Acehnese people without releasing the territory of Aceh. This dilemma was reflected in the central government’s security and autonomy policy decisions about Aceh, and the high level of disconnect between them. Further it is argued that although Jakarta had a brief window of opportunity through which to democratically accommodate the Acehnese people after the initiation of democratisation, a lack of political will combined with institutional constraints imposed by Suharto’s authoritarian legacy and the national economic crisis prevented the development of a coherent political policy on Aceh. This in turn reduced the state’s governing presence in the province and allowed the TNI to reassert its power and presence in Aceh, with the result that violence became the usual method for gaining Acehnese compliance. That is, without a clear commitment towards a rights-based approach to conflict resolution, the state gradually returned to the New Order practice of governing over Acehnese society instead of with Acehnese consent.
PART ONE

BACHARUDDIN JUSUF HABIBIE
CHAPTER TWO

NEW REGIME, NEW SECURITY STRATEGY?
CHAPTER TWO
NEW REGIME, NEW SECURITY STRATEGY?

The government...should hang 3,500 soldiers who slaughtered Acehnese during recent military operations. If it does so, I would remain loyal to Indonesia, and if not I would probably join the Free Aceh Movement.

Acehnese agricultural worker, June 1999.¹

In [East] Timor, it’s just like in the United States, Puerto Rico. Aceh is just like, for the United States, Georgia. You cannot separate Georgia– or New York, or Alaska, or California or Washington– from the United States of America.

President B. J. Habibie, August 1999.²

At the start of Indonesia’s transition to democracy, Aceh’s security situation was highly unstable, but not yet critical. Aceh was still reeling from more than a decade of war and widespread human rights abuses committed during the infamous DOM period, and local support for separatism was relatively weak. Even GAM agreed with TNI data that only fifty-four guerillas with forty-eight firearms remained active in Aceh’s jungles, the lowest recorded estimate of the rebels’ military strength in the post-New Order conflict.³

Despite the low levels of GAM activity at the start of B. J. Habibie’s presidency, state power in Aceh was extremely weak. The fractured nature of the national political landscape, combined with the devastating impact of the 1997–98 national economic crisis, translated into a loss of state authority throughout the archipelago, and particularly in problematic peripheral provinces like Aceh. The TNI was institutionally weakened by internal factional divisions, the impact of the economic crisis on many military businesses and the regime transition process itself, which saw the TNI become widely portrayed as the primary instrument of authoritarian

² ‘No Province can break away, says Habibie’, *The Straits Times*, 5 August 1999.
repression. Though Aceh’s DOM status was not formally lifted until August 1998, the TNI’s reduced power became apparent almost immediately after the New Order’s collapse. With Suharto’s resignation, the military lost all control over the flow of information coming out of Aceh as the newly liberated national media began to report extensively on depredations by security forces. Several Acehnese student organisations, which had formed in early 1998 when regime change looked increasingly probable, staged mass rallies, demonstrations and hunger strikes. While Aceh’s reform movement, like its national counterpart, was led by students and reform-minded NGOs, Acehnese demands mainly coalesced around a province-based agenda that called on Jakarta to end DOM and state violence, punish rights perpetrators and compensate Acehnese victims and their families.

There were two key phases in Aceh security policy under Habibie. The first phase, from August to December 1998, represented the clearest departure from the New Order’s military strategy in dealing with separatism by looking towards a negotiated solution to the Aceh conflict. During this period, President Habibie attempted to reintegrate Acehnese hearts and minds back into Indonesia’s ‘big family’ through such initiatives as instigating the first human rights investigations in Aceh, ending DOM, withdrawing thousands of non–organic military troops from the province and granting amnesty to hundreds of Acehnese political prisoners. The second phase, from January 1999 to the end of Habibie’s presidency in October, involved a shift towards a dual track ‘persuasive–repressive’ strategy, with renewed security operations on one hand, and efforts to achieve conflict resolution through political mechanisms (such as the development of ‘special autonomy’ legislation) on the other.

This chapter explores the circumstances and attitudes that contributed towards this policy shift, and the impact of Jakarta’s changing security strategy on Indonesian state capacity in Aceh. It is argued that the decision to return to security operations five months after the end of DOM represented a disproportionate response to the level of separatist activity at that time in Aceh. This decision, it is argued, was more related to shifting power relations in Jakarta than to what was happening on the ground. The more time that elapsed after Suharto’s resignation, Habibie’s presidency (which was never widely popular) steadily weakened, allowing TNI interests and priorities in Aceh to gain political ascendancy, with the result that the TNI was able to gradually
reassert itself as the primary defender of internal unity and national cohesion. Further, it is argued that the decision to return to security operations reduced the Indonesian state’s capacity to effectively govern in Aceh. While the renewed operations were formally under police auspices, the lack of coordination between the military and regional police commands, combined with the incapacity of Aceh’s undersized and under-resourced police force to restore law and order, created opportunities for the TNI to gradually reassert its power and presence in Aceh. The indiscriminate application of state violence that characterised these renewed operations cost Jakarta much needed political legitimacy in Aceh and made its dual track approach look schizophrenic. This disconnect between the Habibie administration’s persuasive and repressive Aceh approaches is explored in greater depth in Chapter Three. The primary concern of this chapter is to evaluate the processes of security decision-making about Aceh, and the impact of these choices on central state capacity in the province within the political context of Indonesia’s early transition to democracy.

2.1 The Habibie Administration

In discussing Aceh security policy development under B. J. Habibie, it is initially necessary to examine the main forces at work within his administration. Habibie’s Reform and Development (Reformasi Pembangunan) Cabinet, which was sworn in on 23 May 1998, was characterised by at least three distinguishing features. The first was the strong presence of TNI officers with backgrounds of direct or indirect involvement in rights abuses. Second, unlike the final New Order cabinet, the elite modernist Islamic organisation, ICMI (Ikatan Cendekiawan Muslim se-Indonesia, Indonesian Association of Muslim Intellectuals) was well represented in the interim government. Formerly headed by Habibie under Suharto, ICMI constituted the new president’s main support base. Third, while Habibie’s government contained a number of new appointments, there was a high degree of continuity; for example, all four

4 With five serving ABRI officers, Habibie’s government contained a slightly stronger military presence than Suharto’s final Seventh Development Cabinet.
5 ICMI predominantly comprised elite members of Indonesia’s second largest Islamic organisation, Muhammadiyah. When the Suharto-backed organisation was formed in 1990, it was seen as an attempt to counteract a secular nationalist ABRI faction that was becoming increasingly critical of the New Order’s corrupt practices, and to contain a rising anti-authoritarian Muslim upper middle class, which sought to increase the influence of political Islam in government decision-making. For more detailed studies of ICMI, see, for example, Robert William Hefner, ‘Islam, State and Civil Society: ICMI and the Struggle for the Indonesian Middle Class’, *Indonesia*, No. 56 (Ithaca, New York, October 1993), pp.1-37; Ahmad Bahar et al., *ICMI Kekuasaan dan Demokrasi* (Yogyakarta: Pena Cendekia Indonesia, 1995).
coordinating ministers and the armed forces (ABRI)\textsuperscript{6} commander were retained. Though Habibie’s cabinet was largely a product of the New Order regime, it was created within a highly volatile national political and economic context. The loss of state power, authority and legitimacy that accompanied Suharto’s resignation and the national economic crisis made the new government more susceptible to public pressure to adopt a democratic reform agenda as the ‘only game in town.’

The willingness and capacity of the ministers in Habibie’s administration to apply Indonesia’s new democratic game to Aceh varied over time, and according to particular policy issues. For instance, while Indonesia’s generals were divided over security sector reform issues such as reducing the military’s direct involvement in politics, they were largely united in opposing Habibie’s human rights agenda in Aceh. Although the TNI officers in government initially tolerated rights investigations into abuses from the DOM period, their resistance gradually intensified (for example, by disavowing responsibility for soldiers who committed abuses) as Habibie’s presidency weakened.

Habibie’s appointments of officers who were implicated in rights violations caused some concern in Aceh about Jakarta’s capacity and willingness to redress Acehnese calls for justice and compensation. Causing particular controversy in Aceh was Habibie’s assignment of the politically sensitive Home Affairs portfolio to Major General Syarwan Hamid, who, in his previous capacity as Chief of North Aceh’s Military Operations Command during the early DOM period (1991-92), had been responsible for introducing the infamous ‘fence of legs’ (pagar betis) operations strategy into Aceh, whereby villagers had been forced to sweep through areas that were believed to have been occupied by GAM guerrillas ahead of TNI troops.\textsuperscript{7} The first sign of Acehnese resentment over Syarwan Hamid’s ministerial appointment was

\textsuperscript{6} In April 1999, the armed forces (Angkatan Bersenjata Republik Indonesia, ABRI) were formally separated into the army (Tentara Nasional Indonesia- Angkatan Darat [TNI-AD], lit; Indonesian National Army- Land Force), navy (Angkatan Laut, TNI-AL), air force (Angkatan Udara, TNI-AU) and police force (Polisi Republik Indonesia, Polri).

in June 1998, when thirteen university students in Banda Aceh went on a three-week hunger strike to demand that he be brought to justice.\(^8\) The same students accused General Wiranto, whom Habibie reappointed ABRI Commander/ Defence and Security Minister, of collusion in war crimes in his former role as Presidential Adjunct to Suharto, and later, as ABRI Commander during the final months of the New Order.\(^9\)

Another minister with military ties to Aceh was the returning Coordinating Minister for Political Affairs and Security, Lieutenant General Faisal Tanjung. Like General Wiranto, Faisal Tanjung had served as ABRI Commander during the late DOM period (1993-98). Faisal Tanjung was believed to have condoned the atrocities committed by ABRI’s Special Forces Command (Kopassus) in Aceh, as the then Kopassus Commander, Lieutenant General Prabowo Subianto, had admitted to directly reporting to him.\(^10\) Habibie’s new Secretary General for the Ministry of Education and Culture, Colonel Sofyan Effendi, had also preceded Syarwan Hamid as Operations Commander of the North Aceh 011 Lilawangsa Military Command in 1989-91, when some of the worst atrocities during DOM reportedly occurred.\(^11\) Sofyan Effendi’s immediate superior at that time, Major General H. R. Pramono, was appointed Inspector General of the Ministry of Industry and Trade. As former Chief of the North Sumatran Regional Military Command (Kodam Bukit Barisan), Pramono had been renowned for his territorial strategy of co-opting Acehnese society into the war against GAM, which had included ordering Acehnese civilians to kill GAM guerrillas.\(^12\) Lieutenant General Agum Gumelar, who had served as an intelligence officer in Aceh, and later as Chief of Staff at Kodam Bukit Barisan, was also

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\(^{12}\) Major General H. R. Pramono was Commander of Kodam Bukit Barisan, which supervised Aceh operations during DOM, from June 1990 to April 1993. In November 1990, Pramono issued the public order to the Acehnese people that ‘if you find a terrorist [GAM member], kill him. There’s no need to investigate him.’ Robinson, ‘Rawan is as Rawan Does’, pp. 137, 142-3; Kell, The Roots of Acehnese Rebellion, pp. 66-7, 79.
promoted under the new government to the position of Governor of the military think-tank, Lemhanas (National Resilience Institute).  

President Habibie’s chief military advisors also included two former Kopassus commanders who had previously undertaken tours of duty in East Timor. Lieutenant General Muhammad Yunus Yosfiah, who had led a Kopassus unit blamed for the deaths of five foreign journalists in East Timor in 1975, was awarded the politically sensitive Information portfolio. It is worth noting, however, that in his ministerial capacity, Yunus Yosfiah reverted to a surprisingly reformist position, and often defended the freedom of the mass media, despite its critical coverage of the TNI. Another of Habibie’s key military advisors was Major General Sintong Panjaitan, the new Secretary of Development Operations (Sesdalopbang). Sintong Panjaitan was another former Kopassus commander in East Timor, whose involvement in the 1991 Santa Cruz massacre in Dili had later led to his dismissal. Although the returning Minister for Transmigration and Settlement of Forest Squatters, Lieutenant General Abdullah Mahmud Hendropriyono, did not form part of Habibie’s inner circle, his influence over Aceh security choices gradually increased as Habibie’s political power became more attenuated. Known by some as the ‘Butcher of Lampung’, Hendropriyono had previously been the district commander of a Kopassus unit in the Sumatran province of Lampung that had stormed a village in February 1989, killing more than one hundred villagers.

Habibie’s appointment of generals with questionable human rights records to politically strategic positions implied that the search for a negotiated solution to the Aceh conflict would be difficult. Habibie also had uneasy relations with the TNI’s dominant secular  

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15 At the time of his ministerial appointment, Yunus Yosfiah was also ABRI Chief of Staff for Sociopolitical Affairs (Kassopol) and head of the ABRI faction in Indonesia’s then highest legislative decision-making body, the People’s Consultative Assembly (*Majelis Permusyawaratan Rakyat* MPR).  
nationalist reform faction, which included such politically influential figures as General Wiranto, Agum Gumelar, Hendropriyono and ABRI’s then Chief of Social and Political Affairs Staff, Susilo Bambang Yudhoyono. Though Habibie enjoyed some support from more conservative generals, such as Syarwan Hamid and Feisal Tanjung, they became increasingly marginalised as the secular nationalists achieved predominance within the TNI under Wiranto. While internal divisions initially impeded the TNI’s capacity to act cohesively, Habibie’s political power base was too small and fragile to manipulate these divisions to his advantage. Unlike Suharto, Habibie had no military background and ICMI had been treated with growing suspicion by secular nationalist generals since its inception in 1990. In his former capacity as Suharto’s Minister for Research and Technology, Habibie had also been widely resented by Indonesia’s military leadership for his authority over, and poor management of organisations that fell under traditional areas of TNI influence, such as defence equipment procurement. Nevertheless, in the political turmoil that accompanied regime change, the majority of generals decided, at least temporarily, to cooperate with Habibie until a more suitable presidential candidate could be found. That most senior generals tolerated Habibie’s leadership was also premised on the condition that the new president refrain from interfering in the TNI’s affairs, including its security sector reform process.

Like the TNI, ICMI was internally divided at the point of regime change. Although ICMI members broadly coalesced around issues such as proportional representation and the idea of elevating indigenous (pribumi) Muslim Indonesians to influential positions in government, business and society, there were divisions between the newly powerful pro-Habibie faction in government and the state bureaucracy, and an anti-Habibie group of independent Islamic modernists. Unlike Indonesia’s two

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18 During the late New Order, these factions were also known as the anti–Suharto, ‘red–and–white’ (secular nationalist) faction and the pro–Suharto, ‘green’ (conservative Islamic) faction. These divisions continued under Habibie, but lessened over time.

19 In 1989, Habibie was appointed to manage a new strategic industries board (BPIS), which included state weapons and military equipment businesses. Habibie’s poor economic acumen, combined with his failure to consult TNI leaders on several costly purchases (the most famous being a fleet of East German warships that cost more to repair than to buy) earned him enduring enemies within the armed forces.


21 See, for example, Adam Schwarz, A Nation in Waiting: Indonesia’s Search for Stability, 2nd ed. (St. Leonards, NSW: Allen & Unwin, 1999), pp.182-4.
largest Islamic organisations, the Nahdatul Ulama (NU) and Muhammadiyah, ICMI’s elite membership also lacked strong grassroots support.

With its emphasis on divisive concepts such as ‘minority’ (non-Muslims) versus ‘majority’ (Muslims), and ‘pribumi’ versus ‘non-pribumi’ (usually denoting ethnic Chinese), ICMI’s reform agenda did not directly relate to, or represent Acehnese interests and concerns. Unlike most generals, however, the ICMI reformists in Habibie’s government tended to sympathise with the justice demands of Aceh's almost entirely Muslim population. ICMI’s reformist political discourse about redressing the perceived injustices against Indonesia’s Muslim majority under the New Order saw the organisation become a vehicle through which well-connected Acehnese political and community leaders were able to gain influence with, and apply pressure on the central government. ICMI’s Secretary-General, Adi Sasono, whom Habibie appointed Minister for Cooperatives, Small and Medium Enterprises, was particularly outspoken in calling on the government in which he served to investigate rights abuses, foster economic development and initiate rehabilitation programs in Aceh.22 Another ICMI reformist, Justice Minister Muladi, argued that Habibie should offer different forms of compensation to Acehnese victims and their families, such as restoring the tarnished names of political prisoners, providing financial assistance to the families of deceased victims, granting free medical treatment and handicapped facilities to surviving victims, and offering education scholarships to Acehnese orphans.23 Other broadly Islamic figures within the Habibie administration who believed the Acehnese should be compensated for their suffering under Suharto included the Religious Affairs Minister, Malik Fajar, Minister for Manpower, Fahmi Idris, State Minister for Investment/Chairman of the National Investment Coordinating Board, Hamzah Haz and the Minister of Food and Horticulture, AM Saefuddin. Hamzah Haz and AM Saefuddin were also leaders of the Islam–based United Development Party (Partai Persatuan Pembangunan, PPP),

22 Adi Sasono had actively campaigned for regional economic reform in the final years of the New Order. On 8 August 1996, Adi Sasono, acting on behalf of ICMI, presented a two-page petition to Suharto, urging him to address regional discontent by introducing socioeconomic reforms. It was signed by then ICMI President, B.J. Habibie. ‘ICMI: Dukung Orba, Tingkatkan Pembaruan’, Republika, 9 August 1996; ‘Adi Sasono: Aceh belum diberi apa-apa’, Bisnis Indonesia, 28 October 1998.
which had generally performed better in legislative elections in Aceh than in other provinces under the New Order.24

In addition to these broadly Islamic and military groupings, there were many other cleavages and subgroups within Habibie’s government. Personal loyalties and party interests also influenced the perspectives and attitudes of different ministers. While it was sometimes difficult to ascertain how and why different decisions were made during this period of great political and economic uncertainty, alliances tended to form over particular Aceh issues, such as the timing and scope of human rights investigations, and whether a conciliatory approach or a combined persuasive–repressive approach was necessary to restore law and order in Aceh. Within the TNI, for example, the New Order attitude that counterinsurgency operations were needed to eliminate GAM remained strong. By contrast, ministers with ICMI backgrounds generally believed that acceding to Acehnese demands for rights investigations, rebuilding and reforming Aceh’s economic infrastructure and recognising the province’s ‘special’ place in the Republic by granting the Acehnese people powers of autonomy were necessary preconditions to conflict resolution. Within Indonesia’s fragmented national political landscape, however, the bases of elite conflict and cooperation were often neither binding nor enduring. Alliances also tended to shift and regroup as Habibie’s presidency weakened, and as the TNI regained some of its former political influence.

2.2 Persuasion
From the start of his presidency, Habibie endeavored to distinguish himself as a democratic leader. Amidst growing public agitation for democratic change, greater media freedom and an end to authoritarian control and repression, Suharto’s appointed successor arguably had little choice. However, while Habibie was to a large extent swept along by the tide of pressure for political change, he surprised everyone by introducing some radical reforms during his interim presidency. For instance, while it could be argued that any Indonesian president would have been forced to introduce wide-ranging reforms to stabilise the country, Habibie made the remarkable

and widely unpopular decision to resolve the East Timor conflict by offering that province the option of an internationally monitored referendum on independence.

When Habibie came to power, the biggest security challenge facing Indonesia was the threat of national disintegration. With the end of centralised rule, long suppressed ethnic, regional and religious tensions erupted across the archipelago, leading to widespread violence, riots and social dislocation. While many regions demanded a more equitable share of the nation’s wealth and power through decentralisation, or regional autonomy as it is called in Indonesia, East Timor, Aceh and Irian Jaya (later renamed Papua) presented increasingly serious challenges to the bonds of national unity.

As noted, Acehnese support for separatism was still relatively weak at the start of Habibie’s presidency compared with later periods. The province was still in shock after more than a decade of rape, torture, summary executions, theft and a litany of other crimes committed against civilians during DOM. Although some 400 GAM rebels returned to Aceh from Malaysia and other countries throughout 1998, there was little evidence of rebel activity during this period. During this period, anti-Jakarta and anti-TNI demonstrations were largely organised and coordinated by university student groups such as Farmidia (Reform Action Forum for Islamic Students in Aceh Special Region), Somaka (Students Solidarity for the Case of Aceh) and KARMA (Aceh Student Action for Reform). That these student demands mainly focused on human rights issues and not Acehnese independence may be at least partially attributed to the fact that DOM had not yet ended and thousands of non-organic troops remained in Aceh. After more than a decade of war, many Acehnese wanted the

25 Interview with Amni Marzuki (Senior GAM representative/ negotiator), Banda Aceh, 18 July 2006.
26 Some of these student organisations also held rallies in Jakarta. On 30 July 1998, for example, dozens of Somaka members staged a demonstration in front of the United Nations headquarters to demand the end of DOM, while KARMA rallied with the same demand in front of the Indonesian Legal Aid Foundation (Yayasan Lembaga Bantuan Hukum Indonesia, YLBHI) headquarters. Bambang Sujatmoko, Bambang Sukmawijaya and Nurlis Effendi. 'Korban Jaring Merah di Bukit Tengkorak', Gatra, No. 38/ IV, 8 August 1998; 'The Killing Field di Aceh', Tempo Interaktif, 3–8 August 1998.
27 There is no reliable public information on the number of security forces personnel stationed in Aceh in May 1998. Several sources agree, however, that during the worst part of the DOM period (mid-1990-1993), there were a total of 12,000 security forces personnel stationed in Aceh. While this number was low compared with troop levels in the post-New Order conflict, Rizal Sukma noted (citing Aceh’s then governor, Ibrahim Hasan) that some 60,000 civilians had been mobilised during DOM to assist the TNI security operations and to provide intelligence. See Rizal Sukma, Security Operations in Aceh: Goals, Consequences and Lessons, Policy Studies 3 (Washington D.C.: East-West Center,
opportunity to live in peace. Independence demands may also have been muted at the point of regime change because there appeared to be cautious optimism amongst Aceh’s resurgent civil society that democratic change was possible. As one Acehnese student said at the time, ‘I don't want a separate country…I just want a different Indonesia.’

At first, Habibie was quite responsive to Acehnese justice demands. On 4 June 1998, two weeks after coming to power, Habibie sent the first of two National Human Rights Commission (Komnas HAM) delegations to Aceh to investigate reports about widespread rights violations committed during DOM. Komnas HAM was also assigned the task of investigating several mass graves that had been exhumed in different parts of Aceh, but mostly in the districts of Pidie, North and East Aceh.

This decision formed part of Habibie’s National Plan of Action on Human Rights that sought to ratify and implement international human rights instruments throughout Indonesia over a five-year period. The timing of this reform initiative was crucial because the TNI was still internally divided and not in a strong position to oppose the investigations. However, the Komnas HAM investigation failed to alleviate the strong sense of betrayal in Aceh. A key reason for this was that the Commission released contradictory findings that only 944 Acehnese had been killed or disappeared during DOM, and yet some 3,000 women had been widowed ‘because their husbands died or disappeared’, and 15,000 to 20,000 Acehnese children had been orphaned. In August 1998, when Komnas HAM released its report, it was angrily rejected by Acehnese student leaders and humanitarian NGO representatives, some of whom cited considerably higher fatality figures ranging from 10,000 to 39,000. While

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32 ’ABRI to withdraw troops from Aceh, The Jakarta Post, 13 August 1998.'
these figures sound extraordinarily high, the actual death toll from the DOM period is not known, and the more time passes the less likely it is to ever be revealed. Many sources have also failed to distinguish between ‘victims of violence’ and ‘fatalities’ from that period. For this reason, even less controversial estimates of the fatalities during DOM tend to be located within the broad range of 1,600\textsuperscript{34} to 6,000\textsuperscript{35} deaths.

The Komnas HAM report was also rejected, for different reasons, by Indonesia’s armed forces. General Wiranto condemned Komnas HAM for publicising its findings without first consulting ABRI, and even suggested that the human remains that were exhumed from mass graves in Pidie, North and East Aceh may have been victims of the 1965-66 national purging of suspected communists.\textsuperscript{36} Wiranto’s argument was refuted by the Komnas HAM Chairman, Baharuddin Lopa, however, who pointed out that the army belts that had bound the hands of the excavated corpses were only manufactured after 1991.\textsuperscript{37} Other generals made equally implausible claims. For instance, the 011 Lilawangsa North Aceh Commander, Colonel Dasiri Musnar, denied the existence of any ‘killing fields’ in Aceh, arguing that Komnas HAM had included in its report casualties from Aceh’s colonial war against the Dutch.\textsuperscript{38} According to Dasiri Musnar, those Acehnese civilians who had disappeared during DOM were actually illegal migrants who had sailed to Malaysia to avoid being ‘butchered’ by GAM, and had drowned after jumping overboard near Malaysia’s coastline to avoid detection by immigration authorities. Musnar therefore reasoned that ‘in the event that they didn't make it or got lost at sea, how can ABRI be blamed for that?’\textsuperscript{39}

A more common TNI claim, which added fuel to the growing sense of anger in Aceh, was that DOM had never existed because there was no legal doctrine by that name. An outspoken advocate of this claim was Habibie’s new Inspector General of Industry and

\textsuperscript{34} ‘Over 1,600 rights abuses in Aceh’, \textit{The Jakarta Post}, 6 October 1998.
\textsuperscript{35} See, for example, Smith, ‘Aceh: Democratic Times, Authoritarian Solutions’, p.76.
Trade, Major General H. R. Pramono, a former Kodam Bukit Barisan commander during the worst of the DOM period (1990-93). According to Pramono, Aceh had never been a military operations area because ‘if there was ‘DOM’ then all the activities in every area would have been organised by the military, but we didn't do that. The activities for development/ society [in Aceh] continued to proceed as usual.’\(^{40}\) While it is true that DOM had no legal status and that the military command system and operations in Aceh between 1989 and 1998 were both formally called \emph{Komando Pelaksanaan Operasi Jaring Merah} (Red Net Operations Implementation Command)\(^{41}\), the province had been a military operations area in practice. During his tenure as Aceh’s Regional Operations Commander, Pramono had also organised such ‘activities’ as ordering civilians to kill GAM rebels, and staging religious rallies in association with the MUI (\emph{Majelis Ulama Indonesia}, Indonesian Ulama Council) as part of the military’s strategy to co-opt local community and religious leaders into its territorial campaign.\(^{42}\) Beyond this, however, the legal (or illegal) status of DOM was beside the point. Soldiers could not be blamed for DOM as such, but they could be prosecuted for human rights abuses. That there was no legal doctrine called DOM should have afforded security forces personnel less, not more, legal protection.

The TNI also sought to contain the growing negative publicity over its past excesses by conducting its own human rights investigations. In June 1998, the military conducted an internal investigation into forty-three cases of rights violations cases by security forces personnel.\(^{43}\) These cases were not restricted to Aceh, and mainly sought to respond to international condemnation over the kidnappings of twenty-four human rights activists.


\(^{41}\) This Kolakops (Operations Implementation Command) was also divided into operations sectors (\textit{sektor}). Matthew N. Davies, \emph{Indonesian security forces responses to resurgent Papuan separatism: an open source intelligence case study}: Working Paper 361 (Canberra: Strategic and Defence Studies Centre, Australian National University, 2001), p.12.

\(^{42}\) Kell, \emph{The Roots of the Acehnese Rebellion}, pp. 66-7, 79.

\(^{43}\) This investigation was headed by ABRI Police Commander/ Deputy Attorney-General for Intelligence, Major General Syamsu Djalal. ABRI had been placed under pressure to investigate the abductions of several students after one NGO activist, Pius Lustrilanang, told Komnas HAM in April 1998 that he had been kidnapped and tortured by ABRI officers. Puis subsequently testified before the U. S. Congress, inspiring other Indonesian victims to publicly recount their experiences. As a result of these testimonies, the United Nations High Commission on Human Rights threatened to draft an anti-Indonesian resolution if the cases were not investigated. However, only eleven Kopassus officers were subsequently detained as a result of this investigation. See ‘Pius Lustrilanang: Saya Ingin Semua Ini Diakhiri’, \emph{Kompas}, 29 April 1998; ‘11 Tersangka Kasus Penculikan Ditahan’, \emph{Suara Pembaruan}, 11 July 1998.
in the months leading up to Suharto’s resignation. A second fact–finding mission, which only applied to Aceh, and over which the TNI only exerted informal influence, was established in July 1998 by the DPR (Dewan Perwakilan Rakyat, People’s House of Representatives). While the TNI did not directly control this investigation, it was led by Lieutenant General Hari Sambono, who headed the ABRI faction in the national parliament. According to Hari Sambono, the purpose of the DPR mission was not to legally process rights violations cases from DOM, but to collect data on ‘the security and political aspects of conditions in Aceh’ to inform future policy decisions.44 The findings of Hari Sambono’s report, which were submitted before the DPR along with the Komnas HAM report, were ambiguously framed so as to include no direct references to abuses against Acehnese civilians by Indonesian security forces personnel. As Hari Sambono explained, while his eight-member delegation ‘did not research the full extent of the human rights violations’, it concluded that the consequences of Operasi Jaring Merah were ‘caused by the GPK [government term for GAM] as well as by military operations’, which created conditions under which ‘a person who is directly or indirectly helping GPK can become a victim’.45

The Komnas HAM and DPR investigations posed a dilemma for the Habibie administration over whether it was more prudent to address Acehnese demands for justice, or to bury the past and concentrate on democratic reforms. Instigating human rights trials directly after the New Order’s collapse may have destabilised Habibie’s already fragile presidency by inviting repercussions from the TNI. Proceeding with the national process of democratisation without attempting to redress one of the primary causes of Aceh’s contemporary conflict, however, threatened to further erode Jakarta’s capacity to govern in Aceh due to growing local discontent over this issue. An additional risk of delayed action on human rights issues was that it threatened to further diminish Habibie’s political legitimacy, which had never been strong, in the eyes of the wider population. Although the majority of Indonesians did not believe that Aceh should secede from Indonesia, by mid-1998 the mass media had turned Aceh into a national political issue, and public opinion was firmly in favour of

45 GPK (Gerakan Pengacau Keamanan, Security Disturbance Movement) was a government term for GAM. When presenting his report, Hari Sambono also specified that what he meant by GPK was ‘security disturbers who are headed by that Hasan Tiro’. ‘Wawancara Hari Sambono: ’Aceh Tak Perlu Pasukan Dari Luar’, Tempo Interaktif, 3-8 August 1998.
compensating the Acehnese people for their suffering under the New Order. Tapping into this public sympathy, the Minister for Cooperatives, Small and Medium Enterprises, Adi Sasono, publicly criticised the government in which he served after just four months for ‘not giving the Acehnese anything’. 46

Despite the TNI’s opposition to human rights investigations, however, the military did cooperate with Habibie’s persuasive Aceh approach, at least initially. In early August 1998, General Wiranto followed Habibie’s instruction to visit the North Aceh capital of Lhokseumawe to announce the end of DOM and the planned withdrawal of non–organic troops from Aceh. 47 Wiranto also followed Habibie’s order to apologise for ‘the conduct of ABRI troops who caused severe losses to the Acehnese people’ under Suharto. 48 While most Acehnese cautiously welcomed the end of DOM, rumours surfaced almost immediately after Wiranto’s visit of covert military operations to conceal or destroy evidence of rights abuses, which prompted teams of villagers to organise round-the-clock vigils to guard Aceh’s mass grave sites. 49 Wiranto’s apology also failed to achieve the desired outcome of promoting peace and reconciliation in Aceh, especially as it was followed only days later by his inflammatory remark that suspected communists from the 1965-66 mass killings may have been included in the Komnas HAM report. 50 Acehnese anger over Wiranto’s comments soon manifested into a series of public demonstrations in the province’s urban centres, organised by student and NGO leaders. At the heart of the protesters’ demands were calls for Wiranto to recant his ‘unfair’ and ‘inhumane’ remarks 51, and

47 In July 1998, Aceh’s then Governor, Syamsuddin Mahmud, sent a formal letter of appeal to Habibie urging him to end DOM as ‘the presence of ABRI units that originate from outside Aceh only feels like a disturbance at the moment because their actions make the community feel unsafe.’ Aceh’s DPRD Speaker, H. Teuku Djohan, also petitioned the DPR on 27 July to end DOM and return soldiers to their barracks. ‘The Killing Field di Aceh’, Tempo Interaktif, 3–8 August 1998; ‘DPRD Aceh: Cabut DOM, Tarik Pasukan!’, Apakabar.net, 30 July 1998.
49 In August 1998, Acehnese villagers who knew the whereabouts of mass graves were reportedly visited by unknown men who warned them not to speak to reporters or NGOs. Aceh’s Legal Aid Institute (LBH) also reported that six bodies containing signs of torture were dumped on the road outside Banda Aceh following a series of public statements about military depredations in Aceh. Louise Williams, ‘Indonesia: Locals guard grave sites as troops withdraw’, Sydney Morning Herald, 21 August 1998; Tapol, ‘Aceh emerges from years of state terror’ (Bulletin No.148), September 1998.
for ABRI to ‘take full responsibility under the law for all the many abuses perpetrated against the people of Aceh and identify those persons directly responsible.’\textsuperscript{52} The demonstrators also accused Wiranto of stigmatising the Acehnese people through his statement that the central government no longer considered it appropriate to refer to GAM as 'GPK' (\textit{Gerakan Pengacau Keamanan}, Security Disturbance Movement), which would henceforth be labeled 'GPL' (\textit{Gerakan Pengacau Liar}, Wild/Unauthorised Disturbance Movement).\textsuperscript{53}

The withdrawal of non–organic TNI troops from Aceh presented Jakarta with a complex array of security challenges. A key dilemma for civilian authorities was how to contain the rising social discontent on the ground and at the same time meet Acehnese demands for a reduced security presence. Large numbers of security forces personnel had been stationed in Aceh since the discovery of oil and gas in North Aceh in the mid–1970s. For more than a generation, extensive business, social and political networks had been established by soldiers and police officers posted to the province. There were also family connections and marriages with Acehnese civilians. Many Acehnese men had joined the TNI during the New Order, which, like the state bureaucracy, had provided opportunities for upward socioeconomic and political mobility. As one Acehnese journalist whose father later became a prominent politician explained, ‘My grandfather had twelve wives and more than fifty children. My father joined the TNI to escape a life of poverty. The other children remained in Saree [village] and stayed poor. Later, they joined GAM…and applied increasing pressure on my father to give them money.’\textsuperscript{54} Although the TNI had gained notoriety for its excesses in Aceh under Suharto, the military had also formed an integral part of the province’s governing apparatus, which complicated its withdrawal.\textsuperscript{55}

An immediate challenge after the end of DOM was how to redeploy the thousands of non–organic soldiers who were trained in anti–guerilla warfare. The TNI was not in a position to keep paying the surplus troop salaries; the largely self-funded military had

\textsuperscript{52} Tapol, ‘Aceh emerges from years of state terror’, September 1998.

\textsuperscript{53} ‘ABRI to withdraw troops from Aceh’, \textit{The Jakarta Post}, 13 August 1998.

\textsuperscript{54} Confidential interview in Jakarta, 11 November 2001.

\textsuperscript{55} Conversely, an Acehnese NGO worker likened the TNI’s protracted presence in Aceh to a ‘tumour’, which could only be removed with great pain. Interview, Lhokseumawe, 24 August 2000.
incurred losses to its businesses as a result of the 1997-98 national economic crisis.\textsuperscript{56} Despite this, the TNI never seriously considered downsizing and Habibie’s refusal to intervene in the military’s internal reform process did not create pressure to do so. Inadequate funding, however, increased the likelihood that soldiers would engage in business activities that were beyond the state’s fiscal reach. For instance, from mid–1998, there were reports of growing military involvement in an underworld gang war based in Medan between two militant youth organisations, the \textit{Pemuda Pancasila}\textsuperscript{57} and the \textit{Ikatan Pemuda Karya}\textsuperscript{58} over extortion activities in Aceh.\textsuperscript{59} There were also claims that TNI deserters had either joined GAM, or had formed criminal gangs in Aceh whose activities were reported as being those of GAM.\textsuperscript{60}

Perhaps the biggest problem was that Jakarta seemed to treat the end of DOM as a policy in itself, as it was not accompanied by any clear directives or provision of additional resources to strengthen civil law enforcement institutions. There can be no doubt that Habibie’s order to withdraw non-organic troops from Aceh was well-intentioned. However, it was also a simplistic response to a complex situation as law and order cannot be restored in a security vacuum. During his Aceh visit, General Wiranto had alluded to this lack of a coherent Aceh policy by stating that responsibility for Aceh’s security situation would henceforth be placed ‘in the hands of the people of Aceh, namely the \textit{ulama}, community leaders, teachers, government officials and all of its community, including all ABRI units belonging to the regional police and military resort commands.’\textsuperscript{61} What role the broader Acehnese community was supposed to play in provincial law enforcement was not specified, and the only enthusiastic response to Wiranto’s announcement came from the MUI, which had


\textsuperscript{57} \textit{Pemuda Pancasila} was a TNI creation that had worked closely with the military in Medan since the early 1960s, when it played an important role in responding to communist labour organisations.

\textsuperscript{58} \textit{Ikatan Pemuda Karya} (IPK) was formed as a splinter group of \textit{Pemuda Pancasila} (PP) in the 1980s. Unlike PP, the IPK had forged close ties with the New Order’s ruling party, Golkar. Violent clashes between PP and IPK had occurred in Medan since the 1980s.

\textsuperscript{59} Matt Davies noted that a TVRI report in 2000 estimated there were 200,000 \textit{Pemuda Pancacila} members in Aceh. See Davies, \textit{Indonesian security forces responses to resurgent Papuan separatism}, p.40.

\textsuperscript{60} By early 2000, Aceh’s Regional Police Chief, Bahrumsyah Kasman, estimated that seventy per cent of reported GAM activity was actually conducted by TNI–Polri deserters or prison escapees. ‘\textit{DPRD Pertanyakan Ikrar Setia}, \textit{Serambi Indonesia}, 8 March 2000.

\textsuperscript{61} ‘ABRI to withdraw troops from Aceh’, \textit{The Jakarta Post}, 13 August 1998.
been co-opted into the TNI’s territorial campaign against GAM during DOM. Although the MUI lost considerable influence and credibility in Aceh immediately after the initiation of democratisation, the response to Wiranto’s statement by Aceh’s MUI Chairman, Professor Ibrahim Husen, was disturbingly reminiscent of that period. ‘We will assemble the ulemas throughout Aceh. Then we can find the strategy to restore the security back to normal again’, said Ibrahim Husen.

In practice, of course, it was Indonesia’s security forces, and not Acehnese community groups, that assumed primary responsibility for law enforcement after the end of DOM. With the non–organic troop withdrawal, it was envisaged that responsibility for the protection of public order would shift from the TNI to the police force. As the Acehnese-born ABRI Chief of General Staff, Lieutenant General H. Fachrul Razi, explained:

The ABRI unit [in Aceh] is merely for reinforcement. They are placed under the police operational command. The controlling command is done by the Police Resort [district command] and the Regional Police [provincial command].

A key problem with this new arrangement, however, was that Aceh’s police force was understaffed, under-resourced and lacked the training and operational capacity to deal with Aceh’s complex security environment. Although paramilitary police (Brigade Mobil, Brimob) had been involved in counterinsurgency operations against GAM under Suharto, Brimob lacked adequate intelligence, discipline and resources to manage internal disputes. According to Fachrul Razi, Aceh’s police force needed to be increased three or fourfold, since ‘the ideal ratio for the police and the community should be 1:350, while the police ratio [in Aceh] at the present time is 1:1,200.’ As no additional funding, training or resources were forthcoming from Jakarta, however, Fachrul Razi conceded that was an unrealistic expectation.

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62 During DOM, the military had sent teams of MUI ulama to the worst conflict areas to hold prayer meetings, make door-to-door visits and distribute propaganda material as part of the military’s territorial campaign against GAM. In July 1990, Aceh’s former MUI Chairman, Ali Hasjimy, had also publicly announced that the MUI was ready to ‘spearhead’ government efforts to overcome GAM. Kell, The Roots of Acehnese Rebellion, pp.77-82.


64 ‘I Felt Also As Insulted...’ Gatra, Vol. IV, No. 43, 12 September 1998.

65 Ibid.
There were also confusing chains of command. In Jakarta, the TNI was in the process of developing a ‘New Paradigm’ through which to reform itself in consultation with legislators from Indonesia’s then highest legislative decision-making body, the MPR (Majelis Perwakilan Rakyat, People’s Consultative Assembly). These security sector reforms, which were both initiated and managed by the TNI, included plans to separate the military from the national police force (Kepolisian Republik Indonesia, Polri), and to place the police in charge of domestic security while the military were to revert to a largely external defence role. However, there was no legal basis for the separation until April 1999.66 Meanwhile, in 1998, the remaining organic TNI battalions in Aceh continued to act autonomously from the regional police as they were only directly accountable to their territorial command units. This trend continued even after the formal separation of the forces, and contributed towards the reduced effectiveness of future police-lead operations in Aceh.

The TNI’s territorial system, which loosely parallels the civilian administration from the national level to villages across the country and constitutes the TNI’s principal power structure, was left largely untouched by Indonesia’s reform process. As a result, the TNI retained a high level of informal access to political power and state resources in the regions. From 1985 until January 2002, when Aceh’s Iskandar Muda regional military command was re-established (see Chapter Six), the Medan-based Kodam Bukit Barisan supervised the military commands and operations in Aceh, Jambi and North and West Sumatra.67 Directly subordinate to this in Aceh are two military resort commands (Korem). The Lhokseumawe-based Korem 011 Lilawangsa manages subordinate military commands and operations in eastern Aceh, while the Banda Aceh-based Korem 012 Teuku Umar covers the western part of the province. By contrast, the police only has one Regional Police Headquarters (Mapolda), located in Banda Aceh. At the district

66 The separation of Indonesia’s armed forces was mandated in two MPR rulings, TAP MPR No.VI and No.VII of 2000. TAP MPR No.VI/2000 separated the police force from the army, while TAP MPR No.VII outlined the functions of the two forces.

67 From 1956 until 1985, Aceh had its own Iskandar Muda Kodam. The decision to close it was part of an initiative by the then ABRI Chief, General Benny Moerdani, to streamline the armed forces by reducing the number of Kodam from seventeen to ten, and to cut military expenditure based on a 1982 Defence Review. As a result of this reform, Kodam Iskandar Muda and the West Sumatran Kodam August 17 in Padang were merged into the Kodam Bukit Barisan. See Karaniya Dharmasaputra, Andari Karina Anom and Adi Prasetya, 'Pataka Gajah Putih Berkibar Lagi', Tempo, Vol. 30, No. 48 (28 January-3 February 2002), p.31; Haseman, 'To Change a Military- The Indonesian Experience', p.24; Douglas Kammen and Siddharth Chandra, A Tour of Duty: Changing Patterns of Military Politics in Indonesia in the 1990s (Ithaca, New York: Cornell Modern Indonesia Project, Southeast Asia Program, Cornell University, 1 July 1999), p.20.
(kabupaten) and sub-district (kecamatan) levels, the military and police both have commands, known by their acronyms as Kodim and Koramil for the military, and as Polres and Polwil for the police (see Glossary).68 Both security systems are further divided along functional lines.69 Under Habibie, numerous ad hoc military and police structures also remained active outside these formal command systems for intelligence, interrogation and counterinsurgency operations. During Operasi Satgas Wibawa 99 (Operation Task Force Authority 99), for example, informal interrogation centres called Tactical Force Post (Pos Satuan Taktis, Sattis) were used to torture civilians on at least two occasions.70 It was also at the district and sub-district command levels that the military later revived the New Order practice of recruiting civilian militias, or ‘people’s defence organisations.’

The shift in primary responsibility over internal security from the TNI to Polri also challenged traditional attitudes within the armed forces.71 The subordination of the police to the military under the New Order had left a lingering perception that the relationship between the forces was unequal, ‘like between a father and son.’72 The TNI seemed reluctant to relinquish its control over internal security, particularly in conflict areas like Aceh where even some police leaders conceded their incapacity to uphold the rule of law.73 Tensions between police and military units in Aceh occasionally erupted into violent clashes and attempts to shift blame for rights abuses

68 It is worth noting that these police and military structural formations did not always run parallel as Polres boundaries were sometimes overlapped by Korem and Kodim boundaries. In Aceh, there was also no police equivalent for Korem 011 Lilawangsa and Korem 012 Teuku Umar. See Matthew N. Davies, TNI and Polri Forces in West Papua: Restructuring and Reasserting Sovereignty, http://members.optusnet.com.au/lismatt/papua_brief_davies_aug06_namemod2.pdf, 2006, pp.8, 10, 16.

69 For more detailed analyses of these command systems and their functions see, for example, International Crisis Group, Indonesia: National Police Reform (ICG Asia Report No. 13, 20 February 2001), pp.5-9; Matthew N. Davies, Indonesia’s War over Aceh. Last stand on Mecca’s porch (London and New York: Routledge, 2006), pp.68-100.

70 During the DOM period, these units in Aceh were called Satgas (Task Force). In East Timor, the equivalent was SGI (Satuan Tugas Intel, Intelligence Task Force). Another term, Satgassus, which applied to Kopassus SGI in Aceh during DOM, was used at the Korem level, and later at the Kodam organisational level. Tapol. 'It's the Military Stupid!' Paper presented at International Workshop. Violence in Indonesia: Its Historical Roots and its Contemporary Manifestations, Leiden University (13-15 December 2000), p.8; Davies, Indonesian Security Forces Responses to Resurgent Papuan Separatism, pp.16-27, 64-67; Davies, Indonesia’s War over Aceh, pp.60-62, 170-72.


73 See, for example, ABRI Chief of General Staff, Lieutenant General H. Fachrul Razi, in 'I Felt Also As Insulted…' Gatra, Vol. IV, No. 43, 12 September 1998.
in the years after Suharto’s downfall. In February 1999, for example, soldiers shot into a crowd of civilians in East Aceh an incident that became known as the Idi Cut Massacre (discussed later). During that incident, the soldiers ordered dozens of youths onto trucks and ordered them to say that police/Brimob officers were responsible for the shooting.

Another problem was the TNI’s historical interpretation of, and justification for state violence as a necessary mechanism for defending national unity, which cast doubt over the military’s capacity to exercise restraint in police operations. As noted, within the TNI, there remained a high level of continuity in the New Order attitude that any policies to end separatism must begin with the elimination of the separatists. Given that the police shared the same view, it was equally uncertain whether Aceh’s regional police units, which had operated as an extension of the TNI under Suharto, would be capable of reverting from an offensive position to a defensive role in the post-New Order period. That Brimob and Polri were only surpassed by the TNI in their acts of aggression against the civilian population also did not inspire confidence amongst Acehnese civilians that the police would transform into a credible civilian law enforcement agency in the post-New Order era. Indeed, in the absence of retraining programs and additional resources to facilitate this transformation, there was little incentive to reform.

Like Indonesia’s other conflict areas, Indonesia’s security forces also had strong economic reasons for remaining in Aceh. Like most sectors of Indonesia’s economy, the TNI’s vast business empire, which contributes to two-thirds to three-quarters of its total budget, suffered financial losses in the national economic crisis, which in turn impeded its functional and operational capacity. The armed forces also suffered from the same sorts of problems that had weakened the New Order government and contributed towards its demise, such as corruption, fiscal mismanagement and inflated prices for military purchases. Under the New Order, Aceh’s natural resource wealth had provided the security forces with lucrative opportunities for self-enrichment.

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74 The most detailed scholarly work to date on inter-force clashes and enmity in Aceh is Matt Davies’ Indonesia’s War over Aceh, pp.112-115.
During DOM in particular, the military had become embedded in every sector of Aceh’s war economy. As James Siegel observed, under Suharto, it was ‘widely known that a peasant could not even sell a cow without giving 10% to the army.’

The best known military businesses in Aceh under the New Order were the TNI’s protection of state assets such as ExxonMobil Oil Indonesia (EMOI) and the Arun natural gas installations in the Lhokseumawe Industrial Zone (ZILS). In his former capacity as Operations Commander of Korem 011 Lilawangsa, Habibie's Secretary General for Education and Culture, Colonel Sofyan Effendi, had justified the New Order’s ‘very strict’ security approach in North Aceh as necessary for defending ‘five major industries important to the nation's economic growth.’

Soldiers and police officers were also involved in Aceh’s marijuana industry, illegal logging and fishing, the sale of arms to GAM, extortion activities, commercial crops such as palm oil and coffee, and exporting native fauna such as Sumatran tigers and exotic birds.

As the end of DOM threatened to bring an end to these opportunities for personal and institutional benefit, it seemed unlikely that the security forces would willingly put an end to Aceh’s war economy. There was also the risk that sections of the security forces would subvert or ignore central government policy directives if they endangered benefits derived from a pre–existing order, such as micro–level business interests that operated outside state control.

With the police effectively in charge of law enforcement after the end of DOM, state power in Aceh dramatically declined. This loss of authority was perhaps best demonstrated when 659 non–organic TNI troops were withdrawn from the North Aceh capital of Lhokseumawe 31 August 1998, and only fifty police officers were deployed to contain some 2,000 rioters. When the Lhokseumawe riots spiraled out of control and spread to other parts of North and East Aceh, General Wiranto announced that the non-organic troop withdrawal would be postponed until law and

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77 Robinson, 'Rawan is as Rawan Does', pp.66, 137, 142-143.
78 In 1990, the TNI had launched an anti-narcotics campaign (Operasi Nila) in Aceh, which had led to the arrest of forty-seven soldiers who were involved in marijuana smuggling. ‘Haz points to disgruntled generals’, Laksamana.net, 10 July 2002.
order could be restored.\textsuperscript{82} It was not until 11 September that the violence, looting and burnings of buildings had sufficiently subsided for the remaining non-organic battalions to be redeployed.\textsuperscript{83}

The Lhokseumawe riots raised questions about who was responsible for inciting them, how many non–organic troops were withdrawn from Aceh, and why the remaining organic troops were so slow to provide police assistance.\textsuperscript{84} One possible explanation for the reluctance by organic TNI troops to assist the police was that the TNI, or at least sections of the army, saw the continued destabilisation or deterioration of Aceh’s security situation as an opportunity through which to gradually reassert the military’s power and presence in Aceh, and to return to a more direct role in government decision–making. While the army and police blamed GAM for the riots, local legislators and NGOs accused the TNI of engineering the violence.\textsuperscript{85} Lhokseumawe residents claimed that soldiers had paid Acehnese youths to travel by truck to incite riots in other cities.\textsuperscript{86} There were also rumours that up to 6,000 non–organic troops had secretly returned to Aceh to create chaos.\textsuperscript{87}

This last claim was difficult to verify. It was unclear how many non-organic troops, and from which forces (for example, Kostrad, Kopassus, marines), had been stationed in Aceh during the final months of DOM. While most ‘guestimates’ of TNI–Polri numbers during DOM were around 12,000\textsuperscript{88} troops, the Indonesian government did not publicly release figures on the subject. What was clear from the widely publicised troop withdrawal, however, was that large numbers of non-organic battalions had left Aceh. This was later confirmed by the North Aceh 011 Lilawangsa Military Resort Commander, Colonel Daisiri Musnar, who stated that TNI troop levels in Aceh had

\textsuperscript{82} During the first three days of the Lhokseumawe riots, two civilians were killed, twelve were wounded, approximately 300 buildings were burnt down. Up to 150 prisoners also escaped from the city jail. 'Ditangguhkan, Penarikan Pasukan dari Aceh', \textit{Kompas}, 2 September 1998.
\textsuperscript{83} 'Aceh Bebas Pasukan Jaring Meraht', \textit{Serambi Indonesia}, 10 September 1998.
\textsuperscript{85} Amongst those who blamed the TNI for instigating the riots were Ismail Hasan Metareum (Chairman of the PPP in Aceh) and Munir, founding Chairman of the national-based human rights NGO, Kontras. 'Kerusuhan Aceh Diduga Hasil Operasi Intelijen ABRI', \textit{Siar News Service}, 3 September 1998.
\textsuperscript{86} Kees Van Dijk, \textit{A Country in Despair}, p.229.
\textsuperscript{87} This view was expressed by Amrin Sugilfen, Coordinator of Forum Peduli HAM Aceh (Forum for Concern about Human Rights) in 'ABRI Kembali Kuasai Aceh', \textit{Xpos}, No. 36/ I/ 5, 11 September 1998.
been reduced by sixty-five per cent immediately after the end of DOM, although he too did not provide an actual figure.\textsuperscript{89}

In the absence of any coherent Aceh policy after the non-organic troop withdrawal, the vacuum in Indonesian state power and authority in Aceh created space for the increased mobilisation of anti–Jakarta and anti–TNI sentiment. After their key demand to end DOM was met, Acehnese student groups and NGOs turned their attention to calls for a Truth Commission to investigate human rights perpetrators. It was during this period that Acehnese civil society underwent its first phase of consolidation. On 3 September, eighteen NGOs and rights advocacy forums united to form Koalisi NGO HAM Aceh (Aceh NGO Coalition for Human Rights).\textsuperscript{90} The goals of this non–partisan coalition were to raise national awareness about rights violations in Aceh, to investigate and collect data on abuses, to provide legal and humanitarian assistance to the victims and secure compensation and rehabilitation facilities and services from Jakarta for the victims and their families.\textsuperscript{91} This campaign was conducted on several fronts. During the final months of 1998, Koalisi NGO HAM Aceh staged several demonstrations and petitioned Jakarta, foreign governments and international human rights organisations to take action on human rights issues.\textsuperscript{92} By late 1998, several member organisations of Koalisi NGO HAM Aceh, such as the Jakarta–based Kontras (Commission for Disappeared Persons and Victims of Violence) and Citra Desa Indonesia (Village Image Indonesia), were also making extensive use of the internet by hosting online discussion forums and posting press releases on their websites to raise global awareness about the atrocities committed in Aceh.

\textsuperscript{89} Daisiri Musnar also noted that he had opposed Wiranto’s order to withdraw the non-organic troops at the time. 'Col. Daisiri Musnar: 'Prove my Involvement', \textit{Tempo}, 26 February 2001.
\textsuperscript{90} Coalition member organisations included Forum LSM Aceh, Walhi Aceh, Suloh, Kelompok Kerja Transformatif Gender (KKTG) Aceh, Forum Perempuan Aceh (FOPA), Citra Desa Indonesia (CDI), Cordova, Yayasan Pembinaan Masyarakat Desa (Yadesa), Lembaga Bantuan Hukum (LBH) Banda Aceh, Kontras Aceh, Lembaga untuk Hak Azasi Manusia (LeuHAM) Aceh, Yayasan Anak Bangsa (YAB), Lembaga Pembelaan Lingkungan Hidup (LPLH), Suara Hati Rakyat (SAHARA), Yayasan Biduk Alam (YBA), PAPAN Aceh Barat, PUSPA Aceh Tengah and FORKOM Aceh Selatan.
\textsuperscript{91} NGO Coalition for Human Rights, \textit{Aceh Fact Sheet} (1998).
\textsuperscript{92} The International Forum for Aceh (IFA) in New York also played a role in promoting human rights awareness about Aceh. 'Masyarakat Di New York Kumpulkan Bantuan AS$2,000', \textit{Waspada}, 10 September 1998.
Acehnese civil society demands also became economically oriented after the end of DOM. Some NGOs demanded a fairer share of Aceh’s resource wealth through wide-ranging autonomy, higher wages and improvements to living conditions and employment opportunities. These economic issues are discussed further in Chapter Three. It is important to note here, however, that like the rest of Indonesia, Aceh’s deteriorating economy after the national financial crisis had a destabilising impact on provincial security. With the economic collapse, rising poverty and unemployment heightened pre-existing sociopolitical tensions throughout the province. The economic crisis also deepened political cleavages between Acehnese society and local politicians, most of whom had endorsed the TNI’s large presence in Aceh during the New Order and were widely seen as corrupt. Long-standing interpersonal tensions also resurfaced over financial issues. An Acehnese friend’s father, for instance, who was a prominent provincial politician, was killed by his GAM relatives after he refused their growing demands for money. During a visit to the family’s village in Aceh Besar district, however, the local GAM commander described his relatives as ‘traitors’ who had fled to Jakarta.

There was also anger over the perceived economic exploitation by multinational companies in Aceh, specifically over ExxonMobil’s oil and gas operations in North Aceh. On 10 October 1998, eleven NGOs released a three-page media statement outlining Acehnese grievances against EMOI, such as the ‘negligible contribution’ made by the company to Aceh’s economy, the forced displacement of villagers from their land and the pollution of crops in surrounding areas. The most serious

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94 In October 1998, the Director of Banda Aceh’s public mental health hospital estimated that forty per cent of his patients suffered from ‘psycho-social issues caused by the soaring price of basic commodities, unemployment and political tension.’ ‘Crisis hits mental health’, The Jakarta Post, 10 October 1998.
95 Though tensions within this family had been simmering under Suharto, they had been contained by the pre-existing social order. This friend’s grandfather had twelve wives and more than fifty children, most of whom had remained in the village and later joined GAM. The friend’s father had joined the TNI as a young man to escape a life of rural poverty. As he rose through the ranks of the military and became a moderately wealthy politician, he was able to provide regular financial assistance to his GAM relatives in the village. It was only after the collapse of the national economy that the family’s demands for money increased. In the political power vacuum after the end of DOM, provincial politicians were also increasingly vulnerable as the TNI’s capacity to provide protection waned, and as local support for GAM increased. Miller, ‘Elusive Truth’, Inside Indonesia, No.81 (Jan–Mar 2005), p.10.
96 In 1983, discharge from EMOI’s Cluster 1 flooded and contaminated local rice fields and shrimp farms. After a series of similar incidents, the people of Pu’uk village, whose land was contaminated in
allegation, however, was that EMOI had supported atrocities committed during DOM through its provision of facilities (such as command posts that were used as torture chambers) and equipment (including excavators for digging mass graves) to ABRI personnel. While neither EMOI nor the central government publicly acknowledged the NGO statement at that time, this issue became the subject of a protracted international lawsuit under the next three governments.

Another manifestation of growing Acehnese anger towards the Indonesian state was the resurgence of a petrus (pembunuhan/ pembunuh misterius, mysterious killings/killers) phenomenon in Aceh in October 1998. Unlike later petrus killings in 1999, the first Acehnese victims were all suspected Indonesian military or government spies (known as cuak, mata-mata militer [military spy] and TPO [tenaga pembantu operasi [operations assistance staff]]). Implying that the killers were GAM rebels or their supporters, the Banda Aceh-based Serambi Indonesia newspaper noted that ‘these people who become [petrus] victims are always known as TPO.’ At first, there was a distinct lack of public sympathy for petrus victims, who were generally regarded as ‘traitors’ and ‘criminals’. It was only after 16 February 1999, when General

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97 EMOI reportedly built a Tactical Force Post (Pos Satuan Taktis, ‘Pos 13’) that was used by ABRI personnel to interrogate victims before moving them to other locations. The PT Arun oil and gas company (in which EMOI is a shareholder) also built the infamous Kamp Rancong (Dagger Camp), where Kopassus personnel allegedly tortured and killed Acehnese civilians. The EMOI road was used to transport corpses to the mass grave sites at the nearby Sentang Hill and Tengkorak (Skull) Hill. ‘Mobil Oil dan Pelanggaran HAM di Aceh’, *Down to Earth*, No.39, November 1998.

98 On 11 June 2001, the International Labour Rights Foundation launched a lawsuit on behalf of eleven Acehnese conflict victims over abuses committed by ABRI personnel who had guarded the EMOI North Aceh installations. On 29 July 2002, the U.S. State Department urged a federal judge to consider possible discrimination by the Indonesian government (including the threat of Indonesia ending its cooperation with the U.S. against the ‘war on terror’) towards the US if a negative verdict was delivered. On 20 October 2005, a US Federal Court found that there was no legal basis under federal law for the case against ExxonMobil to proceed. Larry Niksch, *Indonesian Separatist Movement in Aceh* (CRS Report for Congress, Foreign Affairs, Defence and Trade Division, 25 September 2002), p.6; ‘Villagers’ suit will be in a state court’, *The Houston Chronicle*, 21 October 2005.


100 Even media coverage of these early petrus killings tended to treat suspected spies as criminals. One Acehnese journalist, for example, likened the plight of suspected spies to an Acehnese proverb: ‘Nyung sulet krehkoh, nyang toh boh mira muka’ [Those who like to be deceitful are always restless, just as a chicken that always lays eggs is red in the face]. Nurlis Effendi, 'Kini Giliran Cuak Yang Dikejar & Dirhalis', *Bumi Rencong Post*, No. 50/ IV, 31 October 1998. See also Waspada Samosir, 'Mengapa Cu'ak Stres Pasca DOM?’, *Star News Service*, 6 January 1999.
Wiranto introduced a controversial policy to shoot rioters on the spot, that the motives behind the Aceh killings became more ‘mysterious’ in nature and there was a dramatic increase in shooting victims.\textsuperscript{101}

While \textit{petrus} killings took on a distinctive and often localised meaning in post-Suharto Aceh, the \textit{petrus} phenomenon was not new to Indonesia. Under the New Order, \textit{petrus} killings had constituted one of the more cruel and unusual forms of state violence.\textsuperscript{102} During Habibie’s presidency, different manifestations of the \textit{petrus} phenomenon also emerged in East, Central and West Java, and in other conflict areas such as East Timor, Irian Jaya and Maluku.\textsuperscript{103}

One feature of the first \textit{petrus} killings in Aceh was that they were not especially mysterious in nature. It is questionable whether the murders would even have been labeled \textit{petrus} if the post–Suharto political climate had not been so rife with conspiracy theories. For instance, the first four killings of suspected Indonesian spies in GAM’s traditional stronghold of Pidie district were described by Koalisi NGO HAM Aceh as ‘summary killings’ by angry locals who had taken ‘the law into their own hands.’\textsuperscript{104} The only other district where \textit{petrus} killings took place in late 1998–early 1999 was North Aceh, which, like Pidie, was the site of some of the worst atrocities during DOM. Unlike the Pidie killings, the North Aceh \textit{petrus} murders were generally committed by small groups and individuals.\textsuperscript{105} In both districts,

\textsuperscript{101} Koalisi NGO HAM Aceh noted that the \textit{petrus} killings in Aceh after mid-February 1999 ‘reminded us of the 80s in Jakarta.’ Koalisi NGO HAM Aceh (Campaigning and Networking Division), \textit{Kejamnya Petrus Aceh (Bentuk Pelanggaran HAM Berat di Aceh)}, 4 April 2000, media release.

\textsuperscript{102} From 1982-85, the killings of 5,000 to 10,000 petty criminals by ABRI personnel were commonly referred to as \textit{petrus}. It was only later that Suharto admitted that ABRI troops were responsible. Many of the corpses, which were dumped in public viewing places as part of the New Order’s strategy to reduce national crime, had tattoos; presumably this was seen as a sign of criminality or lawlessness. For a more detailed study of \textit{petrus} killings, see Justus M. Van der Kroef, ‘“Petrus’: Patterns of Prophylactic Murder in Indonesia,” \textit{Asian Survey}, 25, No. 7 (7 July 1985), pp.745-759. See also Freek Colombijn, ‘Explaining the Violent Solution in Indonesia’, \textit{The Brown Journal of World Affairs}, Vol. IX/ I (Spring 2002), p.52.

\textsuperscript{103} Although \textit{petrus} killings became the subject of several conspiracy theories under Habibie, the victims varied according to region. For example, in the East Java city of Banyuwangi, Islamic clerics (\textit{kyai}) and local community leaders who were suspected \textit{dukun santet} (black magic practitioners) were killed by mysterious ‘ninja’ death squads. ‘Operasi Militer di Banyuwangi’, \textit{Xpos}, No. 41/ I, 10-16 October 1998; ‘Ribuan Orang Buru Benda Bercahaya Di Banyuwangi’, \textit{Suara Pembaruan}, 20 November 1998.

\textsuperscript{104} Koalisi NGO HAM Aceh (Campaigning and Networking Division), \textit{Kejamnya Petrus Aceh (Bentuk Pelanggaran HAM Berat di Aceh)}, 4 April 2000, media release.

however, the motive was clear. The corpse of Zainal Abidin, from North Aceh’s Blang Kandang district, for example, was found with his throat slit and two pieces of paper attached to his body reading ‘You are a killer of the nation’, and ‘Cuak’ (Acehnese: spy).\(^{106}\)

These early petrus killings in Aceh pointed to two key areas of state incapacity. The first was Indonesia’s dysfunctional legal system, which led civilians to pursue justice through extrajudicial means. The second was the incapacity of the police force to contain the violence as none of the petrus killers were ever captured. According to the North Aceh Police Chief, Lieutenant Colonel Iskandar Hasan, Acehnese society was to blame for refusing to cooperate with the police, since ‘without the people's help, it is nonsense to think the police can do much.’\(^{107}\) That no suspected spies ever sought police protection, however, reflected the general lack of confidence in the police as a legitimate civil law enforcement institution. It was likely that suspected spies would have been further stigmatised by their communities if they had approached the police. For example, after the first petrus killing of a farmer in Pidie, who reportedly had ‘intimate’ ties with the TNI\(^{108}\), dozens of other Pidie residents who were alleged TNI collaborators fled to the jungle rather than seek police protection.\(^{109}\)

By late 1998, Acehnese anger towards Jakarta was also starting to translate into increasing support for GAM. One factor that contributed toward GAM’s growth was the return of about 400 GAM rebels to Aceh throughout 1998 who had been involved in the movement’s weapons smuggling operations and propaganda campaign in Malaysia during DOM. The resurgence of GAM was also inadvertently facilitated by Habibie’s decision to grant amnesty to 562 Acehnese political prisoners (naripidana politik, napol) in August 1998\(^{110}\) as part of his government’s national reconciliation agenda in Aceh.\(^{111}\) Curiously, official sources only identified thirty-two GAM

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\(^{110}\) Most of the 562 Acehnese political prisoners were released on Indonesia’s 53\(^{rd}\) Independence Day on 17 August 1998. Those who were not immediately released had their sentences reduced by up to eight months. All the designated prisoners were then serving sentences of three to twenty years. ‘Aceh prisoners to be released’, *The Jakarta Post*, 13 August 1998.

\(^{111}\) In part, Habibie’s decision was advised by Komnas HAM, which recommended that Aceh’s provincial government award compensation to Acehnese war widows, orphans and victims of violence,
members amongst the released political prisoners\textsuperscript{112}, although it is likely that many of those who were released were suspected GAM sympathisers or supporters. GAM rebels were also included amongst the 150 prisoners that escaped from Lhokseumawe’s city jail during the August–September 1998 riots.\textsuperscript{113}

From November to December 1998, GAM’s growth was demonstrated by a series of pro–GAM rallies, arson attacks on Indonesian state facilities and killings of Indonesian security forces personnel. These incidents were largely confined to small pockets of North and East Aceh, however, and GAM activity remained low compared with later periods. The first incident, on 2 November 1998, began with a GAM ‘blessing of arms’ ceremony in Syamtalira Bayu sub-district near Lhokseumawe.\textsuperscript{114}

While those who attended the GAM rally later marched down the Bukit Raya road to Lhokseumawe, chanting ‘\textit{Aceh merdeka}’ (free Aceh) and removing Indonesian flags from several government buildings along the way, the rally ended peacefully when the crowd was stopped by Brimob troops in Meunasah Blang Kandang village in Muara Dua sub-district.\textsuperscript{115}

It was only on 15 November 1998 when Brimob troops returned to Meunasah Blang Kandang and surrounded the home of a local GAM commander, Ahmad Kandang, that violence erupted, killing one Brimob officer and one civilian. Ahmad Kandang had recently returned from Malaysia, and had trained in GAM’s military camp in Libya in the mid–1980s. He was also wanted by the police for robbing a Lhokseumawe bank.\textsuperscript{116} Despite Ahmad Kandang’s GAM ties, Aceh’s Regional

\textsuperscript{112} ‘so that the community doesn't commit acts of revenge.’ According to SIRA, however, many other Acehnese were subsequently imprisoned to take the place of those who political prisoners who were granted amnesty. ‘Komnas HAM: Lepaskan Semua Kasus Napol Aceh’, \textit{Waspada}, 23 August 1998; interview with Ruslan Rz, Banda Aceh, 30 August 2000.

\textsuperscript{113} ‘Aceh prisoners to be released’, \textit{The Jakarta Post}, 13 August 1998.


\textsuperscript{115} ‘Ahmad Kandang’ was wanted by the police for stealing Rp.450 million (US$189,000) from the Lhokseumawe branch of Bank Central Asia (BCA) in an armed robbery in February 1997.
Police Chief, Colonel Mohammad Rodja strangely refused to blame GAM for the incident, stating that it was ‘more the consequence of dissatisfaction by the local community, including problems about road building and other social problems.’

Equally odd were claims by villagers who witnessed the incident that Ahmad Kandang walked calmly out of his house during the five-hour shootout without being captured or shot at by the police. Dozens of other villagers were subsequently arrested, however, and were only released one week later after signing statements that denounced GAM and pledged allegiance to the Indonesian state.

The search for Ahmad Kandang would soon become a catalyst in Jakarta’s decision to return to security operations. In late December 1998, three other incidents in the surrounding areas of Syamtalira Bayu sub-district in Lhokseumawe, and in Lhok Nibong along the border between North and East Aceh, also helped to bring an end to the TNI’s patience both with GAM and with President Habibie’s persuasive Aceh approach. In the first incident on 21–22 December, one senior Lilawangsa Military Resort Commander, his wife, three soldiers and two civilians were seriously injured when an angry mob blocked the highway from Lhokseumawe to Medan. Riots had erupted in the area after an Acehnese woman accused an Indonesian soldier of forcibly removing her headscarf after evening prayers (shalat tarawih) on the first day of Ramadhan. In the violence that ensued, the rioters set fire to several buildings, including the Bayu police station, the TNI sub-district headquarters (Koramil), the Bayu sub-district council, the local religious affairs office and the Lhokseumawe courthouse.


118 Human Rights Watch, Indonesia: The May 3, 1999 Killings in Aceh. The author was informed in informal communication that Ahmad Kandang was a Brimob informer, though this was not verified by a second source.
119 According to the Regional Police Chief, Mohammad Rodja, forty-six people were arrested. According to HRW, sixty villagers were arrested. ‘Kapolda: Kasus Kandang Bukan GAM’, Serambi Indonesia, 22 November 1999; Ibid.
120 'Massa Serbu Makoramil Bayu', Serambi Indonesia, 22 December 1998.
The last two incidents involved the killings and kidnappings of Indonesian security forces personnel. In the second incident on 29 December, seven soldiers were dragged from a bus by an angry mob along the Lhokseumawe–Medan highway. Six of the soldiers were subsequently killed, while one managed to escape. Although the killers were never identified, TNI spokesmen blamed GAM for the lynching because ‘the ‘brain’ of someone who would cause the disappearance of ABRI soldiers must be GPK.’ As if to prove the military’s point, on 30 December Ahmad Kandang allegedly left a message on the telephone answering machine of the 011 Lilawangsa Military Commander, Johny Wahab, claiming responsibility for two other kidnappings of Indonesian soldiers near the North Aceh EMOI installations. According to Johny Wahab, Ahmad Kandang had refused to negotiate the return of the kidnapped soldiers because ‘ABRI has already killed thousands of people.’ Johny Wahab immediately responded by ordering helicopters to drop hundreds of leaflets on Meunasah Blang Kandang village requesting information on the whereabouts of the missing soldiers. When no information was forthcoming, Operasi Satgas Wibawa 99 was launched in North Aceh on 2 January 1999. Although this operation was formally under police auspices, it was described by the human rights NGO Kontras as a return to DOM in everything but name.

123 The mob conducted a ‘sweeping’ (penyapuan) operation of the passengers in vehicles that passed through Lhok Nibong village in East Aceh's Simpang Ulim sub-district, which intersected the highway near the North Aceh border. About 200 people armed with knives and machetes stopped one bus containing eighteen soldiers from Infantry Battalion Yonif 113 Bireuen, who were returning from Christmas leave in Medan. Seven of the soldiers who were searched were dragged off the bus because they did not have identification cards (Kartu Tanda Penduduk, KTP). Three of the soldiers were shot dead and their bodies were later recovered from the Arakundoe River, one was hung from a tree, another was found laying face down near a police post, while another was found with gashes to his head, a broken foot and a smashed right eye. 'Gegana 'Menyisir' Ke Aceh: 5 Anggota ABRI Tewas, 2 Disandera, 1 Cedera', Waspada, 31 December 1998; 'Tiga Mayat ABRI Pengapang di Sungai Arakundoe', Serambi Indonesia, 2 January 1999.


125 TNI Sergeant, Syaefuddin, and Acehnese born marine officer, Major Edyanto Abbas, were kidnapped. The corpse of Edyanto Abbas was found on 22 March 1999 in Cot Trieng village, Muara Dua sub-district, with his throat slit. 'Komandan Marinir Diculik', Serambi Indonesia, 2 January 1999; 'Mayor Edi Dibunuh', Serambi Indonesia, 23 March 1999.


127 The operations soon expanded to East Aceh.

2.3 Return to Repression

While the shift from a persuasive to a more repressive Aceh approach putatively stemmed from intensifying GAM activity, preparations to adopt a tougher stance in dealing with Indonesia’s internal disputes had begun in Jakarta almost two months earlier. That is, before the shooting at Ahmad Kandang’s house on 15 November 1998. On 9 November, a Council for the Enforcement of Security and Law (DPKSH, Dewan Penegakan Keamanan dan Sistem Hukum) was established through Presidential Decree No.191 of 1998 to advise the government on controlling threats to national stability and to coordinate strategies to resolve it.129 When the central government first acknowledged the existence of the DPKSH in December 1998130, it announced that the Council was not an extension of the Operations Command to Restore Security and Order (Kopkamtib) that had been used to control dissent under the New Order.131 Indeed, there were key differences between the DPKSH and New Order agencies like Kopkamtib and Bakorstanas (Badan Koordinasi Ketahanan Nasional, Coordinating Agency for National Stability). Unlike these agencies, the DPKSH was located outside the formal security hierarchy and its primary function was advisory, not operational.132 Beyond these differences, however, some of the advice that was provided to the government by the DPKSH closely resembled decisions that had been made by New Order security agencies.133 It was the DPKSH, for instance, that informed the decision to redeploy thousands of non-organic troops to Aceh under the renamed Mass Riot Repression Force (Pasukan Penindak Rusuh Massa, PPRM).134

The creation of the DPKSH marked the start of a shift in authority over Aceh security decisions from President Habibie to General Wiranto. While Habibie formally headed the DPKSH, Wiranto was in charge of its daily operations and held considerably more influence over the Council’s smaller, more powerful thirteen-member executive

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132 Unlike DPKSH, Kopkamtib, for example, had the power to make arrests.
When the DPKSH was established, many generals were becoming increasingly frustrated by Habibie’s uncertain experiment with democracy, as well as with the democratisation process itself, especially in problematic provinces like Aceh where the police evidently lacked the capacity to protect public order. In the absence of any clear Aceh policy direction from August to December 1998, it seemed to many TNI officers that it would only be a matter of time before GAM resurfaced. Even Habibie’s TNI ‘allies’ on the DPKSH executive committee, including Syarwan Hamid and Sintong Panjaitan, prioritised the defence of national security over democratic reforms, which appeared to lack substance and direction. While there were several civilian ministers on the DPKSH Executive— including Muladi (Justice Minister), Ali Alatas (Foreign Minister) and Malik Fajar (Religious Affairs Minister) – it was the seven generals, with their superior knowledge and experience in security matters, who tended to dominate the Council’s proceedings.

From the start of *Operasi Satgas Wibawa*, Wiranto was clearly in charge of Aceh security policy. On 31 December 1998, the ABRI commander had foreshadowed the decision to return to security operations in Aceh by warning that ‘although the Acehnese people had wanted 'DOM' to be removed and the troops to be withdrawn to their barracks, the actions by a small group in that region will tarnish the convictions of Acehnese society and ABRI alike.’ While Habibie remained conspicuously silent about the renewed operations, Wiranto became increasingly outspoken on Aceh and other domestic security issues throughout 1999.

Though *Operasi Satgas Wibawa* was restricted to North and East Aceh, it sparked outrage amongst Acehnese civil society groups throughout the province. According to Wiranto, the goal of the Kamtibmas (Restoration of Security and Public Order Operation), which was supported by 2,000 non–organic TNI and Polri troops, was to reestablish a ‘feeling of safety’ amongst Acehnese society, and by inference, to destroy GAM. The violence that accompanied the operations, however, saw *Wibawa*
(Authority) become colloquially known as an acronym for Wiranto Basmi Warga Aceh (Wiranto Exterminates the Acehnese People). On the second day of operations alone, nine civilians were killed, thirty-one were injured and nineteen of that number required hospitalisation. By the end of Operasi Satgas Wibawa in February 1999, at least forty-six civilians had been killed, ninety had been hospitalised and an estimated 160 arrests had been made. Nor had the security forces made any progress towards their goal of eliminating GAM (discussed later).

Operasi Satgas Wibawa was a public relations disaster. By mid-January 1999, TNI and Polri leaders were already conceding the operation’s failure after the media and humanitarian NGOs reported widely on two incidents at an informal interrogation centre, or Pos Satuan Taktis, in Lhokseumawe. In the first incident, on 5 January, 137 men were detained at Lhokseumawe’s Indonesian National Youth Committee (Komite Nasional Pemuda Indonesia, KNPI) building for four days. For the first two days of their detention, the men were forced to lay face down with their hands tied behind their backs, and several of the men were beaten and tortured. On 9 January, the KNPI was again used as a Pos Satuan Taktis to interrogate thirty-nine men and one woman from Ahmad Kandang’s village of Meunasah Blang Kandang and the neighbouring village of Kuta Blang. This second incident revealed the unequal relationship between the police and military in the ‘police–led’ operations. Although the forty youths were arrested by a police unit commanded by Lieutenant Colonel Iskandar Hasan, the military took over the interrogation process. The interrogations were conducted by TNI Major (Infantry) Bayu Nadjib, the former commander of the six soldiers who were murdered along the Lhokseumawe–Medan highway on 29 December 1998. During the interrogations, Major Bayu Nadjib ignored requests by the police to stop beating the detainees with an electric cable. Later that evening, Nadjib returned to the KNPI with about fifty soldiers, who proceeded to beat the

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142 Various news sources.
144 ‘Dibebaskan, 137 Tahanan’, Serambi Indonesia, 7 January 1999.
detainees so badly that four later died from their injuries, while twenty-three were hospitalised and thirteen sustained light injuries.145

The treatment of civilians in the KNPI incidents highlighted a common perception within Indonesia’s armed forces that GAM rebels and Acehnese civilians were inseparable. A variation of this view was expressed by the new Kodam Bukit Barisan commander, Major General Abdul Rachman Gaffar:

GAM are like fish in the water. GAM are the fish and society is the water. If the fish feel as if they are going to be attacked by the TNI, they will run [sic] to their parents in the villages.146

The elusive nature of GAM guerillas and their ability to easily blend into the local population, especially in the countryside, where support for GAM was strongest, constituted a key difficulty in Operasi Satgas Wibawa, as well as in later security operations. Rather than create a culture of caution and restraint within the military, this confusion generated a culture of recklessness, with civilian casualties often being recorded in TNI statistics as GAM members or their supporters.

While the systemic behavioural and disciplinary problems within Indonesia’s security forces remained unaddressed during Operasi Satgas Wibawa, these operations were conducted in a vastly different political context than in the DOM period. The national climate of greater political openness and media liberalisation reinforced pressure for security sector reform and punitive action against perpetrators of human rights violations. The negative publicity that surrounded the second KNPI incident, for example, led to Major Bayu Nadjib’s dismissal from the TNI and subsequent sentencing by a Banda Aceh military court to six years imprisonment for manslaughter.147 Four other soldiers were also dismissed from Korem 011 Lilawangsa and sentenced to seven years each for slapping, kicking and beating the KNPI detainees with pistols and electric cables.148 While Acehnese civil society groups

146 Interview with Major General Abdul Rachman Gaffar, Jakarta, 31 October 2002.
protested that the prison sentences were unacceptably lenient\textsuperscript{149}, such trials would have been unthinkable during DOM. These were also the first TNI personnel to be sentenced for Aceh violations in the post–New Order period, and the trials were conducted in a timely manner.

The TNI soon demonstrated, however, that there were limits to its willingness to prosecute soldiers for depredations in Aceh. National condemnation over the KNPI violations forced the military to punish some of the perpetrators. But after a massacre in the East Aceh village of Idi Cut on 3 February 1999, the TNI decided to terminate \textit{Operasi Satgas Wibawa} rather than hold fresh trials. The Idi Cut affair also marked the start of a shift in the military’s Aceh strategy toward a series of more covert \textit{Sadar Rencong} (lit. Beware of the [traditional Acehnese] dagger) security operations, which, unlike \textit{Operasi Satgas Wibawa}, were not publicly announced, at least at the time they were launched.

The Idi Cut affair began with a GAM rally on the evening of 2 February, which was attended by up to 10,000 villagers. The size and frequency of these GAM rallies (called \textit{dakwah}, or ‘preaching’ rallies)\textsuperscript{150} had increased since the start of \textit{Operasi Satgas Wibawa}, and were often advertised through pamphlet distributions. When the crowd attempted to leave the rally at 12.30am on 3 February, soldiers opened fire on civilians and shot at the tyres of departing vehicles. Army trucks were then used to dump the corpses of the victims into the nearby Arakundoe River. Six corpses were later recovered from the river, while a seventh shooting victim was found in his vehicle. At least seventy-four civilians were wounded during the incident, and by late February thirty people were still missing. During the Idi Cut incident, soldiers had also ordered fifty-eight youths, who were detained and interrogated for two days in the East Aceh capital of Langsa, to state that Polri/ Brimob officers were responsible for the shootings.\textsuperscript{151}

\textsuperscript{149}‘Matanya pun Berkaca-kaca...’, \textit{Serambi Indonesia}, 31 January 1999.
\textsuperscript{150}Although GAM maintained that their cause was nationalist and not religious, \textit{dakwah} were often held at local mosques, where political and religious rhetoric and symbolism were often mixed.
The Idi Cut massacre had a profound impact on the radicalisation and unification of Acehnese civil society. Not only did it demonstrate in the eyes of many Acehnese people the hollowness of Indonesia’s democratisation process in Aceh, but it also showed the limits of Jakarta’s capacity and willingness to dispense justice for rights abuses. Although Wiranto told the DPR that a fact–finding team would be deployed to Aceh to investigate the Idi Cut massacre, no soldiers were subsequently brought to trial. Colonel Johny Wahab, who headed the 011 Lilawangsa Korem that supervised operations in Idi Cut, expressed his disappointment that the Acehnese ‘people and ABRI always want to clash’, but made no mention of prosecuting the responsible soldiers. The East Aceh Police Chief, Lieutenant Colonel R. Suminar even cast doubt over ABRI’s involvement, stating that ‘if it is true that ABRI did this, then we will transfer the handling…to the police and military authorities.’

The Idi Cut massacre led to a shift in Acehnese expectations of Jakarta. Frustration over the central government’s inaction on human rights and democratic reforms was replaced by new questions about Aceh’s position as part of the Indonesian Republic. The emergence of such civil defiance was possible, even amidst ongoing security operations, because the collapse of the New Order had ended the prevailing climate of fear in Aceh. The predominance of the TNI over Acehnese society was no longer absolute, and the army’s legitimacy was increasingly called into question by the mass media and Aceh’s reform movement, which collectively formed the moral pulse of the province. Somewhat differently, Colonel Johny Wahab claimed that it was only because ‘ABRI’s image is at its lowest ebb’ that a ‘house rat’ like Ahmad Kandang was able to persuade ‘local people that ABRI has carried out mass murder[s] of their families during the DOM status.’

The radicalisation of Acehnese society also directly stemmed from Habibie’s decision to resolve another of Indonesia’s internal conflicts by granting East Timor a referendum on independence. On 31 January– 4 February 1999, 386 Acehnese student, human rights, youth and religious leaders from 106 provincial groups and

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organizations convened a ‘Congress of Students and Youth of Away Acehnese’ in Banda Aceh. By its conclusion, the Congress had decided that ‘based on the historical facts and empirical evidence’, Acehnese youth and students were left with no alternative but to fight for:

…self determination based on independence, freedom and justice for the Acehnese people peacefully, juridical[ly] and democratically. [A] REFERENDUM is the only best solution for the freedom and sovereignty of Aceh with respect and justice. The observing of the REFERENDUM will be supervised by the United Nations or any other International institutions formally appointed and legitimised by the United Nations.\textsuperscript{157}

To promote their East Timor–style referendum demand, the Congress formed an umbrella organisation, SIRA (Sentral Informasi Referendum Aceh, Aceh Referendum Information Centre), which was mandated to ‘free the Acehnese people from external and internal colonization and oppression, and to fight for the realization of civil society.’\textsuperscript{158} Conspicuously, the day after the Congress, the Banda Aceh–based Serambi Indonesia newspaper published a front–page excerpt of Habibie’s announcement that ‘If the people of East Timor don’t want us to implement development and cannot share the spirit of our program of struggle, then they can adapt by themselves or separate [from Indonesia] in a peaceful manner.’\textsuperscript{159}

SIRA worked rapidly to promote its referendum proposal and consolidated support throughout the province by forging networks with pre–existing student, religious, human rights and Islamic groups and organisations. Days after SIRA’s formation, one of its member organisations, SMUR (Solidaritas Mahasiswa Untuk Rakyat, Student Solidarity with the People) presented a pro–referendum banner containing thousands of signatures to Aceh’s Governor, Syamsuddin Mahmud and urged him to ‘personally deliver’ it to President Habibie.\textsuperscript{160} In April 1999, the referendum movement also found an important institutional ally in the 75,000 member Ikatan Santri Aceh (Aceh Santri [devout Islamic] Association). Ikatan Santri Aceh students had become increasingly politically active following the establishment of SIRA, and often

\textsuperscript{158}SIRA, \textit{An Overview of SIRA} [no date].
\textsuperscript{159}‘Timtim bisa Lepas jika tak Mampu Ikut Irama’, \textit{Serambi Indonesia}, 5 February 1999.
participated in pro–referendum rallies. On 7 April 1999, the students held a province–wide *dayah* (Islamic boarding school) meeting, where they decided to change their name to the Arabic *Rabithah Thaliban Aceh* (Union of Acehnese Students) to reflect their ‘solidarity with the aspirations of Acehnese society’ to peacefully resolve the conflict by holding an internationally monitored referendum on Acehnese independence. Although the *Rabithah Thaliban Aceh* President, Tgk. Bulqaini Tanjungan, explained that Acehnese *dayah* students were united with SIRA, he emphasised that the organisation’s primary concern was, and always had been, to promote Islamic education throughout Aceh.

While SIRA and GAM were divided over such issues as peaceful versus armed struggle and the form of a future independent Acehnese state, the two groups became increasingly united throughout 1999. SIRA’s biggest criticism of GAM, as articulated by SIRA President, Muhammad Nazar, was that:

> GAM doesn’t give Acehnese society a choice about their own future. Hasan Tiro wants a feudal system, not democracy… [he] has been away from Aceh for so long that he is no longer relevant for many Acehnese.

According to a GAM commander in Aceh Besar district, however, the students were naïve for believing that Jakarta would ever agree to hold a referendum on Acehnese independence:

> The students in the cities are also our children and we do not fight against our children. We are all family in Aceh. But one day when our children realise that the Javanese are liars, they will return to us.

SIRA and GAM were also divided along broad socioeconomic and geographic lines. SIRA was conceived and driven by an educated urban middle class. By contrast, GAM’s strongest support base had traditionally been in the countryside, where about seventy percent of the population live, and where agriculture and small–scale industry

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162 *Rabithah Thaliban Aceh Di Mata Umat, Latar Belakang singkat Berdiri Rabithah Thaliban Aceh (RTA), Posisi RTA Di Mata Umat, Arah RTA Secara Umum, Penilaian Dan Harapan Terhadap (RTA).* [no date].
163 Interview with Tgk Bulqaini Tanjungan, Banda Aceh, 10 September 2000.
164 Interview with Muhammad Nazar, Banda Aceh, 29 August 2000.
165 Interview with local GAM commander named ‘Bantah’ in Saree village, Aceh Besar, 8 December 2000.
are the primary means of employment.\textsuperscript{166} It was also in Aceh’s rural areas that the worst fighting took place during DOM, which helped to widen pre–existing urban–rural cleavages.\textsuperscript{167}

Despite their differences, GAM and SIRA worked increasingly closely throughout 1999 in the face of a common enemy: the TNI. GAM flags were often raised at pro-referendum rallies and SIRA’s 1999 ‘Profile Paper’ even stated that ‘the Acehnese people also stand on their opinion and commitment to struggle for independence under control [of the] ASNLF [GAM].’\textsuperscript{168} Pro–referendum banners and placards were erected along roadsides throughout the province, but particularly in Aceh Besar, Pidie and North and East Aceh. By April 1999, SIRA had also built seventy-eight coordination posts throughout Aceh, each of which was manned by two students whose task was ‘to familiarise the referendum and to monitor the violations of human rights.’\textsuperscript{169} Around this time, another increasingly common sight became walls sprayed with pro–referendum graffiti and peppered with bullet holes, reflecting the armed forces’ growing agitation with the students.

The security forces assisted the growing cooperation between GAM and SIRA by identifying both groups as a security threat. According to Colonel Johny Wahab, SIRA represented ‘a new conflict in dealing with security in Aceh.’\textsuperscript{170} The 012 Teuku Umar TNI Commander, Colonel Syarifuddin Tippe, agreed that SIRA and GAM ‘are helping each other to face ABRI and the government through a variety of political, clandestine and armed fronts.’\textsuperscript{171} These Korem Commanders were directly accountable to the recently appointed Kodam Bukit Barisan Commander, Major General Abdul Rachman Gaffâr, who viewed support for SIRA as tantamount to embracing separatism, which he warned would ‘no longer be tolerated amongst

\begin{itemize}
\item \textsuperscript{166} BPS/ BAPPEDA, \textit{Aceh Dalam Angka} (2000), p.32
\item \textsuperscript{167} During DOM, the TNI had also controlled the flow of information and movement within Aceh. As one Banda Aceh journalist explained: ‘I was shocked in 1998. Of course we heard rumours about terrible things happening [elsewhere in Aceh], but we really didn’t know how bad or widespread it was. I always felt safe during DOM.’ Interview with Acehnese, Banda Aceh, 30 August 2000.
\item \textsuperscript{168} Muhammad Nazar, \textit{Short SIRA Profile}, 1999.
\item \textsuperscript{169} ‘Aceh students stage protest for referendum’, \textit{The Jakarta Post}, 14 April 1999.
\item \textsuperscript{170} ‘Campaign for vote on free Aceh’, \textit{The Straits Times}, 10 March 1999.
\end{itemize}
Acehnese society, because it will jeopardise that society and cost more innocent lives.\textsuperscript{172}

Beyond this dominant TNI attitude, the security forces were not in a strong position to start cracking down on SIRA and refrained from putting a stop to pro-referendum rallies and demonstrations. When the first of three consecutive \textit{Sadar Rencong} operations replaced \textit{Operasi Satgas Wibawa} in February 1999, however, shootings into crowds became increasingly frequent. According to Koalisi NGO HAM Aceh, it was during this period that shootings into crowds by security forces became more commonplace than rape, torture and disappearances.\textsuperscript{173} There was also a sharp rise in the mysterious (petrus) killings of civilians, suggesting that GAM and mobs of angry locals were no longer the principal perpetrators.\textsuperscript{174} From 16 February to December 1999, for instance, there were 281 petrus killings in Aceh, compared with just fifteen between October 1998 and 15 February 1999.\textsuperscript{175}

During the build–up to Indonesia’s June 1999 general election, visible divisions emerged within the Habibie administration over the Aceh issue. Habibie’s presidency had steadily weakened following his widely unpopular decision to grant East Timor a referendum on independence. Meanwhile, Wiranto and other generals pushed for a greater security presence in Aceh. The TNI’s growing influence over Aceh security decisions became clear after a DPKSH meeting in early February 1999. Previously in January, Habibie had met with thirty-nine Acehnese representatives at the presidential palace in Jakarta to discuss Aceh’s political and economic future within a ‘special autonomy’ framework. The president had also promised to address the Aceh delegation’s concerns about worsening security conditions and the need to deliver

\begin{footnotesize}
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\item In Jakarta, it was a well known ‘secret’ that Abdul Rahman Gaffar was hand-picked by Wiranto, and that he directly reported to Wiranto’s ‘unofficial’ advisor on Aceh, Major General Sjafrie Syamsuddin. In July 1998, Major General Sjafrie Syamsuddin was appointed Assistant for Territorial Affairs to the Acehnese-born ABRI Chief of General Staff, Lieutenant General H. Fachrul Razi. Sjafrie was very close to Wiranto, and later became part of the TNI commander’s formal advisory team, or expert staff (Staf Ahli Menko Polkam). 'Pangdam I/BB: Mendukung Referendum Sama Dengan Mendukung Ide Separatis', \textit{Waspada}, 17 June 1999; 'Selasa milik Garnadi dan Timbul, Rabu giliran Syafrie', \textit{Tempo Interaktif}, 27 December 1999.
\item Koalisi NGO HAM Aceh (Data and Information Section), \textit{Daftar nama-nama korban penembakan misterius (petrus)}, 19 October 1998–2 June 1999, Fact sheet.
\item Koalisi NGO HAM Aceh (Campaigning and Networking Division), \textit{Kejamnya Petrus Aceh (Bentuk Pelanggaran HAM Berat di Aceh)}, 4 April 2000, media release.
\end{enumerate}
\end{footnotesize}
justice and compensation to the Acehnese people through the ‘DPKSH, which actually I lead’. While the DPKSH agreed that Habibie should visit Aceh to try to find a ‘concrete solution’ to the conflict, it also endorsed Wiranto’s plan to establish a special military task force to respond to riots and security disturbances in Aceh and other conflict areas. As a result of this decision, an ‘elite’ Mass Riots Repression Force (PPRM) was established to ‘rush to trouble spots, isolate the unrest to prevent it spreading and then to quell the strife.’ The DPKSH also supported Wiranto’s proposal to shoot rioters and security disturbers on the spot. Reflecting the continuing subordination of the police to the military, the National Police Chief, General Roesmanhadi, told police officers that they would be dismissed if they disobeyed Wiranto’s order to shoot rioters on the spot, arguing that such action would ‘boost the National Police’s dignity.’

In fact, Jakarta’s hardening Aceh approach led to a complete loss of faith in Indonesian authority in the eyes of many Acehnese people. On 25 March, the day before Habibie was due to pay his first presidential visit to Aceh, about 5,000 student demonstrators assembled at Banda Aceh’s Baiturrahman mosque to demand a referendum on Acehnese independence. The protestors also condemned Habibie’s planned visit on the grounds that thousands of soldiers were anticipated to be deployed to Aceh to reinforce security. During the demonstration, Brimob and TNI troops interpreted the size of the crowd (and taunts by students) as ‘a show of force’, and fired warning shots into the air. They then fired tear gas and rubber bullets into the crowd, injuring 163 civilians and hospitalising 120 of that number. Two soldiers were also injured after being pelted with rocks by students.

Not surprisingly, Habibie was greeted by a smaller than anticipated audience when he arrived in Banda Aceh the following day. Many students decided to boycott the presidential address, and those who attended left disappointed after Habibie avoided directly addressing the issue of an Aceh referendum, stating that the MPR would be

the final authority on such a decision. Habibie’s Aceh visit, however, coincided with the start of the 1999 general election campaign, and the president arrived with a nine–point Aceh policy plan that seemed to be aimed at winning Acehnese votes. This plan was far from comprehensive as it completely overlooked security issues and only focused on economic development projects, education and social rehabilitation programs. Habibie’s development initiatives (discussed further in Chapter Three) included developing the island district of Sabang as an ‘Integrated Economic Growth Area’ (Pembangunan Ekonomi Terpadu, Kapet), expanding the Banda Aceh Iskandar Muda airport and rebuilding Aceh’s railway network. To promote education, Habibie announced plans to restore the status of Aceh’s Islamic boarding schools (dayah), set aside land for practical (apprentice) work at the state–run Syiah Kuala University in Banda Aceh, and provide scholarships for the education and welfare of Acehnese orphans. In his emotional speech, Habibie also announced that ‘after discussions with my beloved wife, we have decided to adopt children who are scarred DOM victims to be raised as the children of Bacharuddin Jusuf Habibie.’ The president further offered to provide proper funerals for deceased DOM victims, to grant 350 surviving victims accreditation certificates as civil servants and to create an additional 2,188 jobs for the victims’ families. Habibie also agreed to grant amnesty to forty GAM rebels on the condition that they promised to obey the law.

Without addressing the numerous systemic problems associated with the ongoing security operations in Aceh, it was difficult to see how these conciliatory gestures would win back Acehnese hearts and minds. Habibie’s conspicuous omission of security issues from his nine–point plan also reflected his lack of authority over the armed forces. The DPKSH played no role in advising the nine–point plan, which was developed by Habibie’s new Presidential Advisory Team on Aceh (Tim Penasihat Presiden Urusan, TPPUA), in association with ICMI.

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185 ‘40 Aceh political prisoners released’, *South China Morning Post*, 24 March 1999.
The TPPUA was created on 5 March through Presidential Instruction No.74/M/1999 with a mandate to find a ‘comprehensive solution’ to Aceh’s conflict.\(^\text{187}\) Habibie’s decision to form the TPPUA appeared to have been an independent initiative, which perhaps reflected a basic civil-military split within the government over the Aceh issue, both in terms of personnel and the strategies they advocated. However, the TPPUA did comprise an eclectic membership, including an Acehnese political commentator (Fachry Ali), a general (Lieut. Gen. Surjadi Soedirdja) a legal academic (Ismail Sunny), an Acehnese businessman (Ibrahim Risjad), an ulama (Alie Yafie), and an Acehnese community leader (Mustafa Abubakar). The team was led by Habibie’s new chief advisor on Aceh, H. Usman Hasan, a career diplomat and former Golkar candidate in Aceh’s 1998 gubernatorial election.\(^\text{188}\) Usman Hasan saw resolution of the Aceh conflict in terms of social justice based on Islamic principles; he was an outspoken advocate of implementing Islamic law in the province (see Chapter Three). In contrast to the TNI, the TPPUA urged Habibie to respond to Acehnese justice demands by investigating human rights violations, releasing political prisoners, improving the socioeconomic welfare of Acehnese society and ‘taking care’ of some 1,400 orphans, 6,000 widows and 800 handicapped victims of the conflict.\(^\text{189}\) ICMI publicly endorsed the advice provided by the TPPUA in a four–page report, and further urged the government to grant Aceh broad autonomy and to withdraw non–organic security forces from Aceh.\(^\text{190}\) While these recommendations formed the basis of Habibie’s nine–point Aceh plan, however, the new policy did not address the central Acehnese demand to end ongoing human rights abuses and state violence.

Meanwhile, on 1 April 1999, security sector reforms were passed by the MPR, which formally separated the armed forces and made the police primarily responsible for internal security. Some 3,000 active soldiers who held civilian posts were also forced to retire from the army if they wished to retain those positions.\(^\text{191}\) While these reforms were consistent with Indonesia’s democratisation process, Polri remained directly subordinate to the Ministry of Defence, which was then headed by General Wiranto.

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Sections of the military also sought to compensate for their reduced political influence by applying pressure on the government to expand the TNI’s territorial command system. The most outspoken advocates of territorial expansion included General Wiranto himself and the TNI Chief of Staff, General Subagyo Hadisiscwoyo, who proposed up to seven new Kodam in conflict regions that included Aceh, Maluku, West Kalimantan and Irian Jaya. According to Subagyo, the new Kodam were necessary to defend Indonesia’s territorial integrity and to stem rising sociopolitical unrest.\(^\text{192}\) In Aceh, which sits alongside the geopolitically strategic Malacca Straits, the TNI could have, and later did under Megawati Sukarnoputri’s presidency, justify the establishment of a new Kodam as part of its external defence function (see Chapter Six). Expanding the TNI’s territorial structure may also have created new jobs for low–ranking officers. Most importantly, territorial expansion promised to strengthen the military’s informal access to political and economic power in the regions.

After May 1999, when the TNI succeeded in establishing the new Kodam XVI Pattimura in Ambon,\(^\text{193}\) General Wiranto began to apply more pressure on Habibie to reinstate Aceh’s Kodam Iskandar Muda. Ignoring the loud protests by Acehnese civil society groups, Wiranto argued that the planned Aceh Kodam was ‘in line with the aspirations of the local administration, community as well as religious leaders.’\(^\text{194}\) There was an element of truth in Wiranto’s statement, as some provincial government leaders and officials were becoming alarmed by the growth of GAM and SIRA and supported an ongoing military presence in Aceh. A minority of community leaders and businesspeople also preferred to deal with the TNI–Polri than with GAM. Acehnese religious leaders were divided between the pro–integration MUI, the pro–referendum Rabithah Thaliban Aceh and a ‘floating mass’ of mostly rural independent ulama from the dayah, who became more politically aligned with SIRA as Aceh’s security situation deteriorated throughout 1999.\(^\text{195}\) To his credit, Habibie resisted Wiranto’s calls to reinstate Aceh’s Kodam Iskandar Muda by indefinitely

\(^\text{192}\) If these Kodam had been reinstated, they would have returned the military’s territorial structure to the pre- 1982 configuration. ‘Idealnya Ada 17 Kodam’, Kompas, 22 March 1999.
\(^\text{194}\) ‘Govt may declare state of emergency in Aceh’, The Indonesian Observer, 18 August 1999.
\(^\text{195}\) Interview with Tgk. Zamzami (senior HUDA representative), Banda Aceh, 12 September 2000
‘postponing’ the plan. National public opinion was also firmly against the proposed Aceh Kodam, which in turn influenced the attitudes of the leaders of major parties such as Golkar, the United Development Party (PPP) and Megawati Sukarnoputri’s Indonesian Democratic Party of Struggle (PDI-P).

The TNI did, however, strengthen its ongoing internal defence role in Aceh through the formation of the Mass Riot Repression Force (PPRM). In practice, the PPRM was not a new force, comprising pre-existing non-organic army, police, navy, air force and intelligence officers who received limited additional training in riot control. The catalyst for Wiranto’s decision to deploy the PPRM to Aceh was an incident that involved soldiers shooting into a crowd of civilians in Cot Murong village in Dewantara sub-district, North Aceh. On 3 May, soldiers opened fire on 5,000 to 7,000 villagers who were attending a *dakwah Aceh Merdeka* (GAM proselytising rally). Although the soldiers responsible for the shootings claimed they had only used rubber bullets in self-defence after the crowd threw stones at their Koramil headquarters, hospital staff later removed lead bullets from thirty-eight corpses and 115 wounded civilians. Video coverage of the Dewantara massacre (also known as the Simpang KKA incident) also showed soldiers shooting at fleeing civilians.

Despite evidence implicating the army in the Dewantara massacre, General Wiranto announced that PPRM troops would be immediately deployed to Aceh to contain

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199 There are conflicting reports on the timing of the establishment of the PPRM. Most media sources from this period reported that the PPRM was only established in late February-early March 1999 (see, for example, ‘Military chief launches crack anti-riot squad’, *The Straits Times*, 2 March 1999). According to Rizal Sukma, however, 2,000 PPRM (comprising TNI and Polri troops) were deployed to Aceh to support *Operasi Satgas Wibawa* in early January 1999. Rizal Sukma, *Security Operations in Aceh: Goals, Consequences, and Lessons* (citing Priyambudi Sulistiyanto, ‘Whither Aceh?’, *Third World Quarterly*, 22(3), p.445), p.13.
those ‘provocateurs’ whom he claimed were responsible for the incident. Wiranto’s decision was strongly supported by Acehnese politicians in the DPRD and in the North Aceh district legislature (DPRD–II), who were concerned about the political influence of GAM and SIRA. While the Dewantara incident was not seen as mysterious (or petrus) by Acehnese civil society groups, some local politicians also urged the civilian population to take action against mysterious ‘provocateurs’. On 11 May, for example, the Deputy Head of Aceh’s DPRD, Colonel Yusri Hadjerat, issued the bizarre order to Acehnese society that ‘If you meet a provocateur, whether they belong to GAM or the military, or whoever, they must be killed…in accordance with the law.’ Of course, this was an impossible instruction as no such law existed. What Yusri Hadjerat’s order reflected, however was a common view at that time that mysterious provocateurs were responsible for the general lawlessness, which in turn gave rise to numerous conspiracy theories. Yusri Hadjerat, for instance, irrationally argued that the provocateurs were ‘communists’, and urged ‘religious leaders, local leaders and the government to unite in the face of the threat of communism.’

According to the Korem 011 Lilawangsa commander, Colonel Johny Wahab, GAM were the real provocateurs. Although there was nothing unusual in this military view, Johny Wahab’s defence of the soldiers who were involved in the Dewantara massacre was equally implausible. According to Johny Wahab, the soldiers had simply been following instructions to protect a guided missile installation in the area that could have destroyed the entire city of Lhokseumawe had it exploded. Like the Idi Cut massacre, none of the soldiers who were involved in the Dewantara incident were brought to trial. The series of violent incidents under Johny Wahab’s command, however, had made the Korem 011 Lilawangsa commander a liability to the TNI, and he was replaced just one month after the Dewantara massacre by Colonel Syafnul Armen.
After the deployment of PPRM troops to Aceh on 7 May 1999, Aceh’s security situation dramatically deteriorated.²⁰⁸ Military spokesmen justified sending 16,000 troops to contain a few hundred armed GAM guerillas by arguing that the rebels were a national security threat.²⁰⁹ Between May and early August 1999, however, the rule of law did not exist in Aceh and 211 people, including forty-four security forces personnel, were killed in armed clashes, compared with a total of 450 fatalities in the eleven months after the end of DOM.²¹⁰ Shortly after the PPRM arrived, Aceh also developed a massive internal displacement problem, particularly in Pidie, North and East Aceh, where fleeing villagers sought refuge in mosques, schools and other public buildings. When PPRM troops started patrolling villages to enforce security during the build-up to the 1999 general election, an estimated 70,000 civilians became internally displaced and many faced starvation as escalating attacks on public transport prevented the delivery of emergency supplies.²¹¹ By August, Aceh’s humanitarian crisis had spiraled out of control after more than 100,000 civilians fled their homes to escape the violence.²¹² The sharp increase in civilian casualties also inadvertently helped GAM and SIRA to wage the most successful ‘boycott’ campaign of the 1999 general election in Aceh, where only 988,622 valid votes recorded, representing less than half the official figure from the 1997 general election.²¹³

Habibie’s response to the growing violence was to launch fresh human rights investigations. Acting on the advice of the TPPUA and ICMI, Habibie established a twenty-seven member ‘Independent Commission for the Investigation of Violence in Aceh’ on 30 July 1999 to investigate atrocities committed in the province since

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²⁰⁸ ‘Wiranto Kirim Pasukan TPPUA: Kamtibmas Oke, Tempur No!’, Serambi Indonesia, 7 May 1999.
²¹² Figures on the number of refugees in Aceh in August range from 100,000 to 150,000, with 60,000 of that number coming from Pidie. ‘Aceh: A case for special treatment’, The Indonesian Observer, 7 August 1999; ‘Govt may declare state of emergency in Aceh’, The Indonesian Observer, 19 August 1999.
August 1996.\textsuperscript{214} Despite Wiranto’s protest that such a move was ‘unnecessary’, the Commission went on to document accounts of some 5,000 rights violations cases in a comprehensive 484–page report, which was later presented to President Abdurrahman Wahid in November 1999.\textsuperscript{215}

From a capacity perspective, these fresh investigations failed to improve Jakarta’s ability to govern with Acehnese societal consent. Habibie did not indicate how he would act on the findings of the investigation; nor did the central government demonstrate any clear commitment towards ending state violence. However, withdrawing the PPRM troops from Aceh in mid-1999 was a far more complicated process than the non–organic troop withdrawal had been after the end of DOM. Local support for GAM and SIRA skyrocketed in the months leading up to East Timor’s independence ballot. According to one opinion poll conducted in June 1999 by the Medan-based \textit{Waspada} newspaper, fifty-six per cent of Acehnese wanted a referendum on independence, compared with 23.5 percent who preferred broad autonomy within the Indonesian Republic.\textsuperscript{216} After September 1999, when East Timor proved that secession was achievable, Acehnese support for separatism continued to grow as the civilian population coalesced around SIRA. From a government and military standpoint, withdrawing the PPRM forces from Aceh would have endangered Indonesia’s territorial sovereignty by ceding control to the separatists. This assessment represented an important shift in government thinking since 1998, when Habibie’s ‘persuasive’ Aceh approach had been premised on the assumption that the military’s withdrawal could facilitate conflict resolution. Following the arrival of the PPRM troops, however, it became clear that no plans would be made to withdraw the non-organic security forces from Aceh until after a political solution to the conflict had been found. That is, a purely non-military solution to the conflict was no longer seen by Jakarta as a realistic option.


\textsuperscript{216} ‘Hasil Lengkap Jajak Pendapat Waspada: 56% Referendum Dan 25,3 % Otonomi Luas’, \textit{Waspada}, 7 June 1999.
The Habibie administration’s capacity to find a political solution to Aceh’s worsening conflict was impeded by serious structural and political problems. The state infrastructure in Aceh was dysfunctional and had ceased to operate in many areas amidst the escalating violence. By early August 1999, an estimated 10,000 Acehnese students were unable to attend school, either because their schools or homes had been burnt down, or because their families had no income or had fled their villages.\textsuperscript{217} GAM also targeted Indonesian government offices. Between June and September 1999, for example, seventeen of the twenty-seven sub-district government offices in North Aceh were burnt down, creating a vacuum in Indonesian state authority.\textsuperscript{218} Indonesian bureaucrats and state officials were no longer able to enter GAM–controlled areas.\textsuperscript{219} On 24 September, GAM ordered all ‘Indonesian–Javanese’ government employees to permanently vacate their offices by 1 October. The guerillas exempted media offices, hospitals and schools from the evacuation order, however, claiming that those institutions were needed to assist the ‘liberation of our land…by our own means.’\textsuperscript{220} As a result of this order, Indonesian state authority was instantly crippled in GAM’s stronghold of Pidie, where 600 of 948 village heads (\textit{keuchik}) resigned within one week.\textsuperscript{221} The state’s capacity to effectively function in Aceh was further impaired by a series of mass strikes (\textit{mogok massa}) in August 1999. On 4–6 August, the entire province came to a standstill after student leaders and humanitarian NGOs called on the civilian population to suspend all daily activities in solidarity with their brothers and sisters who were suffering during the ongoing security operations.\textsuperscript{222}

Amidst these different forms of protest, General Wiranto announced plans to launch a new counterinsurgency operation against GAM. The second phase of the \textit{Sadar Rencong} operations (\textit{Operasi Sadar Rencong II}, OSR–II), which started in early August 1999, involved an additional 6,186 Polri officers and 5,000 non–organic TNI
troops, bringing the total number of security forces in Aceh to 32,000. According to the Kodam Bukit Barisan commander, Major General Abdul Rachman Gaffar, the aim of OSR–II was to disarm some 250–300 armed GAM guerillas. Although the TNI attempted to deflect negative publicity over the new operations by announcing plans to open dialogue with Acehnese civilians to ‘obtain sympathy from the people’, the operation included orders to shoot armed civilians on sight.

In Jakarta, meanwhile, TNI leaders began applying pressure on Habibie to declare martial law in Aceh. As Habibie had recently announced plans to launch fresh rights investigations in Aceh, the military’s growing calls for a state of emergency may have sought to protect troops in the field by positioning the Aceh operations within a legal framework. Martial law would also have sealed the military’s formal control over the province. In July 1999, the Coordinating Minister for Political Affairs and Security Minister, Lieutenant General Feisal Tanjung, requested the imposition of martial law in Aceh and Irian Jaya during a DPR plenary session. Feisal Tanjung also submitted a State Safety and Security Draft Law to the DPR. This bill included the replacement of Indonesia’s 1959 State of Emergency Law (as well as a related 1960 government regulation on procedures for requesting military assistance) with a provision stipulating that the president must consult the DPKSH about declaring a state of emergency. As the TNI already dominated the DPKSH, the security bill threatened to make the president a mere signatory to the military’s decisions on national security. However, only the armed forces faction in the DPR supported the state security bill in its entirety, and it was not passed as legislation. Amongst the wider population, there was also strong opposition to the controversial draft law, and the three major DPR factions, the PPP, PDIP and Golkar, expressed reservations about the ‘excessive power of the president’ (who formally headed the DPKSH) outlined in the bill.

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223 ‘Six Aceh rebels shot dead on second day of general strike’, The Straits Times, 6 August 1999.
225 ‘Rebels bring Aceh to a standstill; TNI firm’, The Indonesian Observer, 14 August 1999.
227 Wiranto was in Singapore receiving a medal on the day of the DPR plenary session. ‘Kegiatan Separatis semakin Meningkat’, Media Indonesia, 20 June 1999.
228 ‘Martial law may be called in Aceh, Irian: Minister’, The Jakarta Post, 20 July 1999.
229 ‘New security bill must be stopped’, The Indonesian Observer, 23 August 1999.
Also at the July 1999 DPR plenary session, Feisal Tanjung called for legislation to recruit civilian militias to defend national security in Aceh and Irian Jaya. Although civilian paramilitaries had been recruited to serve in armed forces auxiliary units since the early 1980s as part of the military’s ‘Total People’s Defence and Security System’, their legal status remained somewhat ambiguous. Since January 1999, however, the TNI had been recruiting and training unemployed youths as civilian militias in preparation for the 1999 general election campaign. Wiranto had justified the recruitment of some 40,000 ‘Ratih’ (Rakyat Terlatih, Trained People) as necessary to assist Indonesia’s 200,000-member national police force in defending public order. Though it could be reasonably argued that there was insufficient time to train more police officers before the 1999 general elections, it is noteworthy that the TNI commander did not suggest initiatives to improve the functional capacity of Indonesia’s undersized police force.

Although the DPR did not legislate to form civilian militias, they were used in the 1999 security operations in Aceh. In Aceh, these civilian militias, which largely comprised Javanese transmigrants, were known as Wanra (Perlawanan Rakyat, People’s Resistance), and were deeply unpopular amongst the local population. Wanra had provided auxiliary assistance to Indonesian security forces during the

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231 The 1945 Constitution (Article 179) regulates the ‘right and duty of all able citizens to assist in the maintenance of the independence of the Republic’ and ‘in the defence of the territory.’ Article 180 also stipulates ‘compulsory service in the armed forces’ by ‘volunteers and conscripts.’ The constitution provided the basis for Law No. 23/1959 on ‘Military Emergency Authority’, which instructs residents to contribute their time and service towards national defence in a state of emergency. Law No. 20 of 1982 on ‘Points for Defence and Security’ further stipulates active public participation in emergency situations, although this must be in the form of military conscription. As Aceh was not at that time under emergency rule, sections of the military wanted a supporting regulation, or a separate law, to formally conscript civilian militias. Sulangkang Suwalu, ‘Habibie dan Wiranto Coba Manipulasi UU No. 20/1982’, IndoNews, 23 December 1998; Sri Wahyuni and Emmy Fitri, ‘Experts disagree on how to disband militia groups’, The Jakarta Post, 18 November 2002.


233 According to Wiranto, the Ratih would perform the same function as the military-recruited civilian ‘People’s Security Force’ (Kamra), which had supported ABRI as an informal auxiliary force under the New Order. ‘Pangab: Jebolan DPR Bisa Jadi Danyon Ratih’, Indomedia, 8 January 1999.

234 Under the New Order, the government’s large-scale transmigration program in Aceh had resulted in socioeconomic inequities between the local population. While many transmigrants in Aceh were small business owners and agricultural workers, their presence was widely seen as a government strategy to ethnically dilute Acehnese culture, religion and traditions. At the sub-district and village levels, transmigrant Wanra, or Kamra, had also been incorporated into auxiliary military and police units.
1999 general election campaign in Aceh. In early August 1999, some 2,000 *Wanra* were also incorporated into OSR–II. Most military and political leaders in Jakarta denied the existence of any civilian militias in Aceh. It was clear, however, that the idea of sending militias to Aceh was supported by the generals in government. In addition to the public statements made by Feisal Tanjung and Wiranto, the Minister for Transmigration and Settlement of Forest Nomads, Lieutenant General Hendropriyono, also proposed to ‘create a new transmigrant security system’ in Aceh and Irian Jaya ‘that will take the form of *Perlawan Rakyat [Wanra]*’.

Of course, as the conflict worsened and local support for GAM steadily increased, transmigrants also became victims of violence. In 1999, thousands of transmigrants were forced to flee Aceh. On 20 September 1999, 123 transmigrants set up camp at the Polri compound in Pidie district after receiving threats from GAM and the local population. In one particularly violent incident on 3 October 1999, 228 migrant homes were burnt down in a single night in the North Aceh district of Samalanga.

The scale and increasing frequency of these attacks reflected both the growth of GAM and rising hostility towards Jakarta. As one of Habibie’s TPPUA advisors, Ali Abdullah, had predicted, ‘the government’s inaction and the military’s bloodbath will simply turn the province into a recruiting ground for the Free Aceh Movement.’ It is true that the indiscriminate application of state violence helped to create a new generation of GAM fighters. In early October 1999, the rebels announced the formation of a new ‘elite’ battalion comprising 120 GAM fighters to strengthen the existing guerilla army. East Timor’s successful secession had also inspired

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238 ‘Victims of GAM in Aceh to get top priority for resettlement program’, *The Indonesian Observer*, 8 October 1999.
239 ‘100-an Transmigran Coba Duduki Pendopo’, *Serambi Indonesia*, 21 September 1999.
241 Susan Sim, ‘Heat is on Jakarta to talk peace in Aceh’, *The Straits Times*, 12 August 1999.
242 A GAM spokesman from Bireuen, Abu Zulfa, described the ‘elite’ AGAM fighters as ‘mentally and physically superior’ to other GAM fighters because they were trained in both guerrilla warfare and ‘human rights knowledge.’ Eriko Uchida, ‘Indonesian Military Violence in Aceh Continues’, 29 October 1999 [http://www.geocities.com/TheTropics/Cove/4232/9911/LIA-aceh-9910.html](http://www.geocities.com/TheTropics/Cove/4232/9911/LIA-aceh-9910.html)
unprecedented confidence in, and support for SIRA’s referendum demand. Even GAM agreed to abandon its armed struggle if Jakarta granted Aceh a referendum on independence. If it refused, however, GAM vowed to ‘die as martyrs in order to fulfill the will of the people to hold a referendum.’

The ongoing violence also helped to radicalise Aceh’s independent ulama. On 23 July 1999, an independent ulama, Tgk. Bantaqiah, and fifty-two of his students and family members were killed by PPRM troops at his Islamic boarding school in the West Aceh village of Blang Meurandeh (Beutong Ateuh sub-district). Bantaqiah was a critic of the Indonesian state’s secular policies and had refused to be co-opted into the New Order’s religious institutions. He had also been recently released from prison as part of Habibie’s amnesty plan. When Bantaqiah and his followers were killed at his Islamic boarding school, TNI and Polri described him as a marijuana farmer and a ‘trouble maker’ with close ties to GAM. There was probably some truth in this latter claim, although a Komnas HAM investigation found no evidence to support this or the allegation that Bantaqiah grew marijuana. The killing of Tgk. Bantaqiah demonstrated to Aceh’s independent ulama that they were just as vulnerable to state violence as ordinary civilians. On 13–14 September, some 500 sub-district level ulama met at the Syiah Kuala Funeral Complex in Banda Aceh, where they pronounced their support for SIRA’s referendum proposal ‘to stay with or separate

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244 For a more detailed account of Tgk. Bantaqiah’s life and death, see Amran Zamzami, Tragedi Anak Bangsa: Pembaruan Tengku Bantaqiah dan Santri-santriannya (Jakarta: P.T. Bina Rena Pariwara, February 2001).
246 According to the Korem 012/Teuku Umar Commander, Colonel Syarifuddin Tippe, TNI troops had been attacked twice before arriving at Bantaqiah’s Islamic boarding school (dayah). He also claimed that several AK–56 and AK–47 firearms, pistols, ammunition, knives and two kilograms of marijuana had later been retrieved from Bantaqiah’s compound. ‘LBH Banda Aceh Ajukan Surat Protes Ke Panglima TNI. Serambi Mekkah Kembali Bersimbah Darah’, Radio Nikoya 106.15 FM [transcript], 27 July 1999; ‘Killing in Beutong Ateuh, West Aceh District’, Kompas (1999).
247 Twenty-four low ranking soldiers and one civilian were later prosecuted in May 2000. They were all convicted in a connectivity court, and received sentences ranging between eight-and-a-half to ten years. No senior officers were sentenced as the commanding officer, Lieut. Col. Sudjono, ‘disappeared’ on 18 January 2000 before the trial began. ‘Jaksan Agung: Tanpa Sudjono, Sidang akan Tetap Digelar’, Kompas, 17 February 2000; Aulia Andri, ‘Anggota Kostrad Tersangka Bantaqiah, Bawa Oleh-oleh Ganja ke Jakarta’, detikcom, 24 May 2000.
from the Republic of Indonesia.' It was also at this meeting that the independent ulama decided to play a more active political role by forming HUDA (Himpunan Ulama Dayah Aceh, League of Acehnese Islamic Boarding School Ulama), which became the ‘parent’ organisation of Rabithah Thaliban Aceh. With the establishment of HUDA, clear divisions emerged between the independent sub-provincial level ulama and the urban–based MUI, which closely cooperated with Indonesian authorities. There were also tensions between HUDA and the DPRD; the latter institution made no effort to include HUDA in government plans to development and implement Islamic law in Aceh. Instead, both the Habibie administration and provincial government leaders focused their efforts on empowering the MUI, which was the only Acehnese ulama organisation to endorse the Habibie administration’s offer of ‘special autonomy’ as a political solution to the Aceh conflict (see Chapter Three).

2.4 Conclusion

By the end of Habibie’s presidency, it seemed that Jakarta had lost the battle for Acehnese hearts and minds. The civilian administration was dysfunctional and had ceased to operate entirely in the worst affected conflict areas. The police force, which had been unable to shed its military legacy, was not viewed as a credible law enforcement body. Similarly, the TNI, which continued to subordinate human rights to concerns about territorial sovereignty and national unity, was seen as anti–Acehnese. This policy environment saw Acehnese civil society, which would otherwise have been divided along urban and rural and socioeconomic lines, become increasingly united in the hope of an East Timor–style exit option.

It is questionable whether Acehnese separatism would have escalated to the extent that it did if Habibie had not granted East Timor a referendum on independence. It is also unclear whether Acehnese society would have been satisfied even if Jakarta had met its demands to prosecute human rights perpetrators within the armed forces. What

249 ‘Ulama Tuntut Referendum’, Serambi Indonesia, 16 September 1999; ‘AGAM Dukung Hasil Musyawarah Ulama Aceh’, Waspada, 18 September 1999.
251 Ibid.
was clear was that Acehnese separatist demands only escalated after the return to security operations five month after the end of DOM.

The capacity of the Habibie administration to restore law and order in Aceh was impeded by political, economic and structural factors. Politically and economically, there was no coherent Aceh policy. The end of DOM was not followed by substantive democratic reforms in Aceh, and the police force did not receive additional training and human and material resources to adequately protect public order. Human rights investigations only resulted in the prosecution of a handful of perpetrators, and were conducted amidst ongoing abuses by Indonesian security forces personnel. Acehnese political prisoners who were granted amnesty by the government were also released into an unstable sociopolitical environment in which employment opportunities were limited. When Habibie released his nine–point Aceh policy plan ten months into his presidency, it did include limited regional development and rehabilitation projects but overlooked important security issues. Nor did Jakarta seek to address Aceh’s unresolved national identity question by asking the Acehnese what they wanted or how they could be persuaded to remain part of the Indonesian Republic.

A key obstacle to democratisation in Aceh was the TNI’s control over its own internal reform process, which mainly sought to deflect public pressure for change. Despite the functional and institutional separation of the police and the military, the TNI was reluctant to relinquish its internal defence role and refused to disband its territorial command system that ensured its access to political and economic opportunities in the regions. The police had no jurisdiction over the TNI, which remained accountable to Kodam Bukit Barisan and acted autonomously from the Regional Police command in Banda Aceh. Polri also remained under the command of the Ministry of Defence, led by Wiranto. Rather than strengthen the undersized and under-resourced national police force to prepare for its greater responsibility, however, Wiranto invested military funding and training into the recruitment and training of civilian militias ‘to assist the police.’ 252 Entrenched behavioural and disciplinary problems within the armed forces also remained unaddressed, and there were no social programs to

252 In January 1999, Wiranto estimated that the TNI would need to invest Rp.10.6 billion (US$1,325,000) from its 1999/2000 budget to train civilian militias at army training camps. ‘Pangab: Jebolan DPR Bisa Jadi Danyon Ratih’, Indomedia, 8 January 1999.
improve police relations with Acehnese society, or to develop the public image of the regional police as a ‘user friendly’ force.

Finally, timing played an important role in the Habibie administration’s capacity to deal with the Aceh conflict. Habibie’s capacity to develop ameliorative Aceh policies lessened the more time that elapsed after the New Order’s collapse. If the government had immediately implemented wide-ranging political and economic reforms in Aceh then it is unlikely that local support for GAM would have gathered momentum so rapidly. Disbanding the TNI’s territorial command system while the army was still reeling from the shock of Suharto’s resignation may also have delayed or prevented the TNI from reconsolidating its power in Aceh in the post-authoritarian order. There is also the question of whether rapid fiscal decentralisation to Aceh would have reduced separatist activity by creating employment opportunities and demonstrating Jakarta’s commitment toward redressing centre-periphery inequities. Or, would the Acehnese people have pursued independence anyway? It is impossible to know whether the post-New Order conflict could have been reduced if policies had been implemented in a different sequence or managed more effectively. As the next chapter will demonstrate, however, by the time Aceh was eventually granted ‘special autonomy’ in September 1999, most Acehnese saw the offer as too little too late.
CHAPTER THREE

DECENTRALISATION: AN EXCLUSIVE AFFAIR
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DECENTRALISATION: AN EXCLUSIVE AFFAIR

The government has yet to prove [its pledge] of wide-ranging autonomy. It is something which is non-existent. All this time, everything is handled in a centralised manner...Unlike Jakarta and Yogyakarta, there’s no law that supports Aceh’s status as a special region. The status was reached in Aceh through a mission of negotiations with the then Darul Islam [rebel leaders]... Aceh has been treated the same as other regions. The name ‘special region of Aceh’ is merely that, a name.

Syamsuddin Mahmud, Governor of Aceh, July 1999.¹

In fact, autonomy is not the real issue at all, but it is a question of decolonisation of the Dutch East Indies, which has got a new name as the Republic of Indonesia...To accept the [sic] autonomy means we are perpetuating the Indonesian colonisation on Aceh.

Dr. Husaini Hasan, former GAM Chief of Staff, April 1999.²

The DPR formally recognised Aceh’s ‘special’ place within the Indonesian Republic by passing ‘special autonomy’ legislation one month before the end of B. J. Habibie’s presidency. This initiative followed the introduction of two other autonomy laws that devolved limited political, economic and administrative authority to all sub-provincial administrations. The decision to grant the Acehnese additional powers in the fields of Islamic law, education and adat (customary law) was based on the dominant assumption in Jakarta that the contemporary conflict had directly stemmed from the central government’s failure to honour the terms of the Darul Islam settlement. While Jakarta’s offer of Islamic law would have redressed the religious grievances of Aceh’s Darul Islam rebel leaders, however, the structure and expectations of Acehnese society had undergone a major transformation since the late 1950s. By September 1999, GAM and SIRA were more politically influential than the ulama, and regional calls for

Islamic law had been supplanted by demands for an East Timor–style referendum on Acehnese independence.

This chapter examines the Habibie administration’s efforts to contain the Aceh conflict through the development of legislation on decentralisation. It begins with a brief history of ‘special autonomy’ in Aceh to help explain the rationale for autonomy choices that were made under the first post-Suharto government. The chapter then examines the development of three autonomy laws. Law No. 22 of 1999 on ‘Regional Government’ and Law No. 25 of 1999 on ‘Fiscal Balance Between the Central Government and the Regions’, which were passed by the national parliament on 23 April 1999 and came into effect on 1 January 2001, devolved limited political, economic and administrative responsibility to all district and city administrations. Law No. 44 of 1999, which only applied to Aceh, was passed on 22 September 1999 and formally acknowledged the ‘Special Status of the Province of Aceh Special Region’ in the fields of religion, education and customary law. Habibie’s initiatives to provide redress to the growing socioeconomic unrest in Aceh through his nine–point plan will also be discussed.

In the following pages, it is argued that the 1999 autonomy laws did not accommodate Acehnese demands or aspirations. Laws No.22 and 25 of 1999 were too general to deal with Aceh’s specific set of grievances. While Jakarta formally recognised Aceh’s special status through Law No. 44/ 1999, the largely symbolic legislation did not respond to the main causes and consequences of the contemporary conflict such as ongoing rights violations and the perceived historical exploitation of Aceh’s natural resource wealth. Further, it is argued that the development of Law No. 44/ 1999 was an exclusive process in that the drafters did not consult Acehnese civil society groups and organisations about their expectations of special autonomy. There was also a strong lack of grassroots support for Jakarta’s offer of limited special autonomy to Aceh, which was passed amidst intensifying counterinsurgency operations, abuses against the civilian population and deteriorating social and economic conditions.

3.1 Background to Aceh’s Special Status
The Habibie administration’s offer of special autonomy to Aceh was set against a background of broken autonomy promises by past Indonesian governments. When the Acehnese people agreed to join the newly independent Indonesian state in 1949, it was
based on the twin assumptions that Aceh’s important contribution to the nationalist struggle against Dutch colonial rule would entitle it to an equitable stake in the Republic’s future, and that Indonesia would be founded on, and strive to uphold Islamic principles.3 State power and authority in Aceh were still weak during this period as national political leaders were largely concerned with the task of nation-state building from the centre.

After the Dutch formally transferred sovereignty to the Republic of the United States of Indonesia in 1949, the Acehnese people enjoyed broad autonomy from Jakarta for less than one year before centre-periphery tensions arose. In December 1949, Acehnese leaders had persuaded the Deputy Prime Minister, Sjafruddin Prawiranegara, to issue a government decree that created a separate Province of Aceh by dissolving the military region of Aceh in North Sumatra. After the Dutch handover of sovereignty to Indonesia, however, national political leaders queried the constitutionality of Sjafruddin’s decision, which was made three days after the government in which he had served was dissolved.4 Responding to rising resentment over the decision in North Sumatra, the Home Affairs Ministry decided that the decree violated an earlier government decision to only divide the island of Sumatra into north, south and central administrative components. This dispute came to a head in 1950, when Aceh was reintegrated into North Sumatra as part of Jakarta’s administrative reorganisation of the Republic into just ten provinces. Importantly, it was also then that Indonesia abandoned the Dutch federal system to establish a unitary state.5 The strong sense of betrayal over this decision in Aceh was exacerbated by the subsequent influx of non–Acehnese, non–Muslim migrant workers and military troops into the region, as well as deteriorating socioeconomic conditions after Aceh’s special foreign exchange arrangement was terminated and a greater portion of the national budget began to be allocated to Java than to the outer islands.

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In September 1953, Acehnese resentment erupted into insurgency when local rebels, led by Aceh’s most prominent ulama, Teungku M. Daud Beureueh, joined the broader Darul Islam revolt that had begun in West Java and sought to transform Indonesia into a federation of Islamic states (Negara Islam Indonesia, NII). It was only after January 1957, when the Sukarno government reestablished the ‘Province of Aceh’, which raised hopes amongst some Darul Islam leaders that Aceh would soon be free to implement Islamic law that Acehnese involvement in the Darul Islam rebellion gradually subsided.

The first offer of ‘special autonomy’ to Aceh was made on 26 May 1959, when President Sukarno agreed in principle to grant Aceh Daerah Istimewa (Special Region) status by conferring broad autonomy over religion, education and customary law (adat) to the province, within guidelines set by the 1945 Constitution and other relevant statutes. This compromise offer responded to an earlier autonomy proposal by Hasan Saleh, the former Darul Islam army Chief–of–Staff and leader of a Darul Islam splinter faction (called Revolutionary Council, Dewan Repolusi). Unlike Daud Beureueh, who vowed to continue the Darul Islam struggle, Hasan Saleh pragmatically realised that the only way to win concessions for Aceh was by adopting a regional approach to the rebellion’s Islamic goals. Another factor in Saleh’s reluctant acceptance of autonomy was that Jakarta had made it clear that it considered federalism to be tantamount to returning to the discredited Dutch colonial system. This argument against federalism would later resurface in national debates about decentralisation in the post–Suharto era.

The biggest difficulty concerning the implementation of Aceh’s Daerah Istimewa formula was that it lacked clear parameters. At first, former Revolutionary Council leaders (who dominated the new provincial government) referred to the controversial 1945 Jakarta Charter, which contained a clause obliging Muslims to adhere to Islamic

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6 Hardi, S. H., Daerah Istimewa Aceh, p.132.
8 This in principle offer of autonomy was identical to the limited special autonomy legislation that was passed in 1999 under the Habibie administration.
9 At that time, Hasan Saleh was supported by about three-quarters of the then active Acehnese Darul Islam army. Ibid, pp. 230-3.
law, to establish guidelines for implementing *Syari’ah* in Aceh.¹⁰ This apparent bid to reintegrate Aceh’s Islamic goals into the national debate about Indonesia’s ideological foundations did not sit comfortably with Jakarta, however, which decided that Aceh’s special status did not exempt it from adhering to the same rules and regulations that applied to the other provinces.

Amidst these unresolved tensions, Daud Beureueh continued to wage his Darul Islam struggle from the mountains. By the early 1960s, however, Aceh’s Darul Islam movement had been weakened by factionalism, defections and counterinsurgency operations, and Beureueh’s campaign had lost much of its earlier momentum. From his initial proclamation of Aceh’s membership of a *Negara Islam Indonesia* (Islamic State of Indonesia) in 1953, Beureueh was forced to modify his demands in September 1961 to the ‘implementation of Islamic law in Aceh, in particular, and Indonesia, in general.’¹¹ Acting on Beureueh’s compromised military capacity and softer rhetorical stance, the central government decided to reopen negotiations with the rebels. In early 1962, these talks culminated in a ‘spiritual settlement’ between Jakarta and Aceh, in which the latter was allowed to enforce Islamic law for Muslims within its territory.¹² What the Sukarno government achieved, and what successive post-New Order governments would attempt to emulate with varying degrees of success, was conflict resolution through a combination of negotiations and security operations.

After more than a decade of relatively peaceful centre–periphery relations, Acehnese discontent resurfaced in the early 1970s. As discussed in Chapter One, the centralising policies and practices of Suharto’s New Order did not accommodate Acehnese expectations to restore Islam as a dominant sociopolitical force. The 1971 discovery of vast oil and natural gas reserves in North Aceh and subsequent growth of the Lhokseumawe Industrial Zone (*Zona Industri Lhokseumawe*, ZILS) fuelled regional resentment as most of the profits were not returned to Aceh. Local anger was

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¹⁰ The ‘Jakarta Charter’ was proposed in 1945 by Islamic leaders as a preamble to the Indonesian Constitution. Though it was not adopted, it has remained a contentious constitutional issue that Islamic parties have attempted to revive in the post-Suharto era.


compounded by the forced resettlement of Acehnese villagers to make way for the expansion of ZILS, as well as the arrival of skilled migrant workers to operate the oil and gas operations, and the increased armed forces presence to defend the lucrative national asset.\textsuperscript{13}

As Acehnese ulama became increasingly politically marginalised by the New Order’s secular nationalist policies, so did their calls to implement the Daerah Istimewa formula. In 1968, for example, Aceh’s provincial government passed regional regulation No.6/1968 on the enforcement of aspects of Islamic law (Syari’ah). This regulation required Acehnese Muslims to observe rituals and obligations pertaining to the ‘five pillars of Islam’: to pray five times daily, pay zakat (religious tithe to the poor), profess the Islamic faith, adhere to the Muslim fasting month of Ramadhan, and, if physically and financially capable, undertake a pilgrimage to Mecca. Conspicuously absent from the regulation, however, were provisions to create institutions to promote and enforce Syari’ah. Nor did Jakarta formally approve the regulation to enable its implementation.\textsuperscript{14} Although Islamic courts had operated in Aceh since the late 1940s\textsuperscript{15}, their jurisdiction became increasingly restricted after the start of the New Order. In another unsuccessful bid to substantiate Aceh’s Daerah Istimewa status, provincial politicians sought to improve the quality of Islamic education for primary school students. This initiative stemmed from local concerns that the religious education curriculum in state schools was less comprehensive than that provided by traditional Islamic boarding schools. Though Aceh’s two leading tertiary institutions, the Indonesian State Islamic Institute (Institut Agama Islam Negara, IAIN) and the more secular Syiah Kuala University presented the Departments of Education and Religion with proposals to integrate the two curricula, neither department issued a response. Instead, Jakarta made its position clear by allocating far more funding to secular education.\textsuperscript{16}

\textsuperscript{13} Kell, \textit{The Roots of Acehnese Rebellion}, pp.13-28.
\textsuperscript{14} Morris, \textit{Islam and Politics}, pp. 270–6.
The final disappointment concerning Aceh’s *Daerah Istimewa* status came when the New Order issued Law No.5 of 1974 on ‘The Principles of Regional Government Administration.’ At first glance, this legislation appeared to endorse regional autonomy. The autonomy provision in the legislation was effectively nullified, however, by other clauses that reinforced Jakarta’s control over regional administrations. Law No. 5/1974 made the president the final authority on gubernatorial appointments, and the governor became responsible for managing provincial government affairs on the president’s behalf. Where Aceh was mentioned in the somewhat macabre elucidation of Law No. 5/1974 (Article 93), it stipulated that the ‘Province of the Special Region of Aceh’ would be treated the same as the other provinces in relation to such administrative items as the burial of corpses and the Nuisance Act. In 1991, Suharto’s reform-minded Home Affairs Minister, General (ret.) Rudini, explained that the reference to autonomy in Law No. 5/1974 was about ‘administrative and development affairs’ and not ‘politics, defense and security.’ In practice, however, the legislation only granted autonomy over regional administrative and development initiatives that had first been approved by Jakarta.

Although the New Order government had been aware of growing regional resentment since the late 1980s, which led to limited decentralisation initiatives in the early 1990s, it was not until Indonesia’s 1997–98 economic crisis that substantive steps were taken to review Law No. 5/1974. When Suharto’s final Seventh Development Cabinet was installed in March 1998, the new Coordinating Minister for Development Supervision and State Administrative Reforms, Hartarto Sastrosoenarto, drafted a Presidential Decree to prepare for the revision of Law No. 5/1974. The Home Affairs Minister, General (ret.) R. Hartono, also issued a ministerial decree to establish a team to prepare three new laws, including one outlining the functions of central and regional

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18 Aceh’s other administrative responsibilities as outlined in the elucidation included management of regional services and industries such as deep wells, the production and sale of ice and other carbon hydrate commodities, off-shore fisheries, communication and overland traffic, the mining of minerals and forestry.


20 In his capacity as Home Affairs Minister (1988-93), Rudini conducted a two-year national campaign, which revealed widespread dissatisfaction with Jakarta for its neglect of regional needs and aspirations. Mark Turner, Owen Podger, Maria Sumardjono and Wayan K. Tirthayasa, *Decentralisation in Indonesia, redesigning the state* (Canberra: Asia Pacific Press, Australian National University, 2003), p.11.
representatives. Led by a reform-minded political scientist named Ryaas Rasyid, this team later became known as the Team of Seven, which played a central role in drafting the autonomy legislation under Habibie.²¹

Also at the start of Indonesia’s financial crisis, Suharto took the first steps toward redressing Aceh’s long-standing religious grievances. In stark contrast to 1968, when Jakarta had ignored Acehnese proposals to improve Aceh’s Islamic education system, the province received a ‘religious development’ budget of Rp.1 billion (US$360,000) in 1997 to upgrade sixty-six Islamic boarding schools.²² This policy shift formed part of a national trend that had begun in 1990, when Suharto established ICMI in an attempt to attract Islamic political support for his weakening presidency. In January 1998, Aceh’s governor, Syamsuddin Mahmud announced that Jakarta had approved further plans to double Aceh’s Islamic boarding school budget in the 1998-99 financial year to Rp.2 billion (US$230,000).²³ Despite Indonesia’s deepening financial crisis and the change of regime, an additional eighty-five Acehnese Islamic boarding schools were upgraded over the next year under Habibie’s presidency.²⁴ Unfortunately, as Aceh’s security situation worsened, there would be few other signs of progress.

3.2 The Reform Era

Upon coming to power, Habibie accelerated the plans for decentralisation that had begun under the last New Order cabinet. On 28 May 1998, Habibie announced that a team of political scientists (Ryaas Rasyid’s Team of Seven) within the Home Affairs Department would start drafting a series of political reform laws.²⁵ Habibie also ordered Hartarto Sastrosoenarto, who was retained as Coordinating Minister for Development Supervision, to prepare a cabinet paper on issues that needed to be

²³ Ibid. This apparent discrepancy in the exchange rate can be explained by the national economic crisis. In 1997, the average annual exchange rate with the US dollar was Rp.3,600. After January 1998, however, when the rupiah collapsed, the average annual exchange rate plunged to Rp.11,500 to one US dollar.
²⁴ These included forty-three Madrasah Ibtiidaiyah (Primary Schools), twenty-one Madrasah Tsanawiyah (Junior High Schools) and twenty-one Madrasah Aliyah (Senior High Schools). Directorate of Foreign Information Services of the Directorate General for General Information, Department of Information, Indonesian Government. Indonesia’s Handbook, No. 30 (2000).
addressed in Law No. 5 of 1974, such as fiscal balance and the functions of the provincial and central governments.26

This push towards decentralisation was influenced by both international and domestic forces. The 1997–98 economic collapse reduced Indonesia’s independent decision-making capacity as international lending and donor agencies prescribed policy advice in exchange for financial disbursements. In particular, the World Bank and the International Monetary Fund (IMF) were consulted throughout the drafting of Indonesia’s autonomy laws, and promoted decentralisation as a way of strengthening local institutional capacity and democratic governance.27

The loudest calls for decentralisation, however, came from the regions. While Acehnese elites with close ties to Jakarta would later become the strongest advocates of a ‘special autonomy’ solution to the Aceh conflict, they were not organised at the start of Habibie’s presidency. Local elite expectations of autonomy during this period tended to focus on redressing historical economic imbalances by granting Aceh greater control over its natural resource revenue. One outspoken Acehnese advocate of fiscal decentralisation was the former Director of Social Sciences at the Syiah Kuala University, Dr. Alfian Ibrahim, who argued that if Aceh were allowed to retain seventy per cent of its natural resource profits, then the province would ‘become almost as rich as Singapore.’28 Such inflated estimates of Aceh’s natural resource wealth were common; rich neighbouring countries like Singapore and Brunei had captured local imagination since the discovery of oil and gas in the 1970s. GAM also envisaged an independent Acehnese state as rich as Brunei, in which the Acehnese people would no longer have to work for the benefit of outsiders.29 Implicit in this sort of speculation was the idea that if Aceh had control over its natural resources then the profits would be evenly distributed amongst the civilian population. As Chapter Seven explains, however, after Aceh was granted seventy per cent of its oil and natural gas mining

27 For example, one of Indonesia’s ‘Letters of Intent’ to the IMF (dated 16 March 1999), states that ‘Fiscal decentralisation legislation that is now in Parliament has been closely coordinated with the IMF and the World Bank.’ http://www.imf.org/external/np/loi/1999/031699.htm
revenue for eight years in after-tax proceeds through the implementation of the Nanggroe Aceh Darussalam (NAD) law, only a handful of local and national elites derived any material benefits.

During Habibie’s first few months in power, Acehnese civil society groups and organisations were primarily concerned with human rights and security issues. Although public attention turned to economic issues after the end of DOM, groups such as Koalisi NGO HAM Aceh, Farmidia and KARMA tended to demand financial compensation from Jakarta rather than autonomy. Koalisi NGO HAM Aceh, for example, called on the central government and the ExxonMobil Oil Indonesia (EMOI) to financially compensate and rehabilitate victims of atrocities that were committed ‘with the support of both Mobil Oil and Arun.’ In the fallout from the national economic crisis, there were also calls for increased employment and business opportunities and improved public facilities and social services. By 1998, only 1,200 of Aceh’s 5,541 villages that were located close to urban centres had access to safe drinking water. There were also deep cleavages between a small urban elite and the rest of the civilian population, which largely subsisted on agriculture and small-scale industry. These divisions were particularly pronounced in North Aceh, where sixty-five per cent of the densely populated district lived in about 700 villages with inadequate access to running water and electricity around a global centre of oil and natural gas production. While socioeconomic discontent had been largely suppressed under the New Order, the destabilising national economic crisis and regime change saw Aceh’s urban and rural poor become increasingly restless.

Regime change also brought to the political fore pre–existing tensions between Acehnese civil society and the provincial government. This horizontal conflict would later impede the government’s capacity to gain community support for ‘special

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33 In 1998-89, the population of North Aceh was approximately 550,000 people.
34 Major Heros Paddupai, for example, who commanded a security restoration operation in North Aceh in March 1998, expressed concerns that poverty in North Aceh was generating social unrest. Isa Sulaiman, ‘From Autonomy to Periphery: A Critical Evaluation of the Acehnese Nationalist Movement’ in Anthony Reid, ed., *Verandah of Violence*, p.126
autonomy’ legislation, which was conceived and driven by local and national political elites. Following the initiation of democratisation, Aceh’s governing elite found it increasingly difficult to establish political legitimacy. Many had closer political and business ties with Jakarta than with the local population. Sections of the community also held Aceh’s political leaders responsible for condoning the atrocities that were committed against civilians during the DOM period. In August 1998, for example, Aceh’s former governor, Ibrahim Hasan, was punched in the nose by an angry civilian for abuses committed during his tenure (1986–93).35 Although provincial politicians supported civil society demands to end DOM after the New Order’s collapse, many had also silently endorsed the large security presence in the province under Suharto. While it could be reasonably argued that provincial government leaders had no choice, they were widely seen as lacking a clear commitment towards conflict resolution as a result.

Another pre–existing problem that would later seriously impede the Indonesian state’s capacity to implement autonomy in Aceh was systemic corruption. Local political elites were widely regarded as corrupt. During Aceh’s gubernatorial election campaign in May 1998, for example, students had rallied outside the DPRD building in Banda Aceh to protest against the renewed candidature of Governor Syamsuddin Mahmud, whom the students accused of engaging in the New Order practices of KKN (Korupsi, Kolusi, Nepotisme).36 In Aceh, as in the rest of the country, there had been growing calls for an end to KKN practices (and the New Order regime itself) since the start of the economic crisis. Public opposition to Syamsuddin Mahmud’s reelection had been growing since March 1998, when the governor admitted that Rp.9.3 billion (US$1.07 million) was ‘missing’ from Aceh’s 1997-98 annual provincial budget (APBD) of Rp.288.9 billion (US$33.22 million), placing further constraints on the provincial economy for the 1998-99 financial year.37 It was also disclosed that Syamsuddin Mahmud owed an estimated Rp.260 million (US$29,900) in unpaid wages to coffee farmers in the Central Aceh capital of Takengon. The coffee export business, PD Genap Mufakat, was one of three heavily indebted businesses that the governor had managed using the provincial budget. According to PD Genap Mufakat company directors, they had routinely reported to Syamsuddin Mahmud, ‘but he never takes action…the governor instead gives

supplementary funds’, referring to the governor’s sponsorship of one of his relatives in the North Aceh bupati (regent) elections.38

The Habibie administration sought to respond to growing public agitation for democratic reforms by initiating a nationwide anti–KKN campaign. At the national level, this campaign became a potent weapon for attacking political opposition and for generating distance between aspiring democrats and their authoritarian past. The central government also hoped that eradicating KKN would promote economic recovery and create a more efficient, accountable and transparent state bureaucracy.

In Aceh, the anti–KKN campaign turned into a ‘social war’ waged by civil society against provincial government representatives and party officials. While some small successes were achieved during the first three months of the campaign, the personalised interests that had become embedded in state institutions under the New Order remained unaddressed. In June 1998, the Banda Aceh Public Prosecutor’s Office opened a postal address (‘PO Box 777’) to receive public complaints about KKN. By September, ninety complaints had been lodged, forty-five of which were returned to the districts to be settled, while the other half were dealt with by a team in the Public Prosecutor’s Office.39 Although the team’s leader, B. Fachri Nasution, stated that many of the complaints could not be investigated due to insufficient evidence, the office obtained enough information to build cases against some senior Acehnese officials. The most high profile local politician to be prosecuted was the Simeulue district bupati, Muhammad Amin.40 Since his appointment as the new island district’s first bupati in 1996, Muhammad Amin had allegedly embezzled Rp.5.2 billion (US$223,600)\(^1\) in state funds that were intended to alleviate the isolation of 34,250 residents from forty-four villages by building roads and bridges, upgrading primary schools and market places, and launching social, educational and cultural programs.42 The Public Prosecution Office also built cases against Banda Aceh’s former mayor, Sayed Hussein Al Haj, and two officials from the Municipal Waterworks company (PDAM) for

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41 This exchange rate was calculated at an average annual exchange rate in 1996 of Rp.4,300 to one U.S. dollar.
causing losses of Rp.250 million (US$10,750) to Rp.3.4 billion (US$1.462 million) respectively to the state.43

Most Acehnese political elites who were implicated in corruption scandals, however, avoided prosecution. In June 1998, Aceh’s newly reelected governor, Syamsuddin Mahmud, deflected allegations about his own involvement in KKN practices by inviting all Acehnese bupati and mayors (walikota) to join him in a dialogue about adopting anti–KKN strategies.44 The governor also publicly accused the DPRD Secretary, Malik Ridwan Badai, and several of his family members of corruption.45 Syamsuddin Mahmud’s statements were made amidst growing public criticism of his sponsorship of his relative by marriage, Ir. Tarmizi Karim, in the North Aceh bupati elections. Tarmizi Karim was installed as the North Aceh bupati in July 1998, and was widely believed to have won the election by buying votes from all four factions in the DPRD–II.46 Ironically, Tarmizi Karim’s predecessor, Karimuddin Hasybullah, had been forced to resign two months earlier over similar allegations.47

Just as some local elites were politically ruined or fell under public scrutiny as a result of the anti–KKN campaign, others retained their positions or manipulated the situation to their advantage. For instance, the Aceh Besar bupati, Teuku Untung Juana, was supposed to stand for reelection in April 1998, but his ‘clean’ reputation combined with Aceh's unstable political climate allowed him to remain in office as caretaker bupati until December.48 In November 1998, the Regional Secretary Office also praised the election of the West Aceh bupati, Jakarta Nasruddin, for being transparent and ‘consistent with the reformasi era.’49 In another bid to build political legitimacy, the vice-chairman of Aceh’s Regional Development Agency (Bappeda), Ridwan Husin, claimed in December 1998 that the provincial administration had made the forestry, social and workforce sectors ‘free from KKN.’50

Aceh’s anti–KKN campaign did not improve the Indonesian state’s capacity to govern with societal consent. Rising poverty and unemployment levels, inadequate access to public facilities and social services in many areas, and deteriorating security conditions did not inspire public confidence in national or provincial civilian authorities. While the anti–KKN campaign aimed to improve the legitimacy and efficiency of state institutions, systemic problems such as poor accountability and transparency remained unaddressed. Without regulatory reforms, it was difficult to see how the future decentralisation of state power and resources would benefit more than a minority of local elites. A related risk was that if the central government decided to introduce decentralisation legislation in Aceh while democratic institutions were still weak, then state institutions could be captured by ‘money politics and violence’\(^{51}\), with the result that the province’s already thriving informal economy could be strengthened through the continued diversion of the state’s material resources.

### 3.3 Developing an Autonomy Framework

On 10-13 November 1998, a Special Session of the MPR reinforced the push towards decentralisation by issuing Decree No. XV/ MPR/ 1998, which advised the central government to develop legislation on the administration of regional autonomy, fiscal balance between the central government and the regions and the redistribution of natural resources. Days later, Habibie convened a plenary cabinet session to discuss what form Indonesia’s decentralisation process should take. It was at this cabinet meeting that the foundations for Laws No. 22 and 25 of 1999 were laid.

According to Ryaas Rasyid, whom Habibie appointed Director General of Public Administration and Regional Autonomy in the Home Affairs Department and who headed the ‘Team of Seven’ that drafted the 1999 autonomy laws, the president proposed a ‘very radical’ plan for decentralisation at the plenary cabinet session. This plan involved dismantling all provincial legislatures (DPRDs) and directly devolving central state power to the sub–provincial level. At the provincial level, Habibie

suggested that only limited administrative functions be retained. As Ryaas Rasyid recalled:

The president said: ‘We need efficiency. If you maintain your legislatures in [then] twenty-seven provinces, it’s very costly and will only create tensions in the provinces. We’re already tired with that, ok? You bring down the parties to the kabupaten [district level]. You neutralise the province so we can be more relaxed.’

According to Ryaas Rasyid, Habibie also proposed that governors be appointed by the president, which would have effectively created ‘a province without autonomy, a governor without any real power, a symbolic representative of the central government.’ From the central government’s perspective, a key political advantage of this ‘radical regional’ model was that the ‘atomisation of authority’ would have increased Jakarta’s decision-making powers and authority in the regions. Sub-provincial autonomy was also seen as a way of stemming the threat of separatism by turning public attention towards local communities and away from broader regional ethnic interests and agendas. The main economic advantage of this approach was that directly devolving state resources to sub-provincial administrations could have made Jakarta more responsive to local concerns and reduced expenditure at the provincial level. State resources may also have been more effectively distributed if local representatives were encouraged to become accountable and responsive to their constituents.

Of course, Habibie’s proposal to abolish provincial parliaments entailed a number of risks. One immediate problem was that within the context of Indonesia’s regime change and the national economic crisis, Jakarta did not seem to have the organisational or functional capacity to directly deal with the interests and concerns of more than 360 sub-provincial governments and parliaments. The success of decentralisation also depended on the extent to which democracy was internalised. That is, there was little point in bringing the government closer to the people without electoral and regulatory

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52 Interview with Ryaas Rasyid, Jakarta, 17 October 2002.
53 Ibid.
reforms to improve the accountability, transparency and political legitimacy of Indonesia’s governing institutions and representatives. During the plenary cabinet meeting, Ryaas Rasyid further pointed out that dissolving the provincial legislatures heightened the risk of regional instability. As he explained to Habibie:

If you eliminate the DPRD, you will create more enemies. If you close down all the offices of the DPRD, all the parties will not like you because they’ll lose seats in twenty-seven provinces. You need friends now. Second, any policy that eliminates [the provinces’] status is a downgrading policy. If you downgrade the status of the province from an autonomous province to become non-autonomous, this is downgrading. Psychologically not good. And, you bring back the system that was planted here during Dutch times."56

By ‘downgrading’, Ryaas Rasyid meant a ‘regressive’ policy that could have exacerbated rather than alleviated regional discontent. By the end of the cabinet meeting, Habibie and the other cabinet ministers agreed with Rasyid that it was necessary to maintain the provincial legislatures. According to another Team of Seven member, Andi Mallarangeng, who supported Ryaas Rasyid’s account of the meeting, Habibie agreed to retain the provincial legislatures for three reasons: ‘Habibie was very open to reform initiatives. He also wanted to differentiate himself from Suharto by showing that he is a reformist. And, he wanted to be reelected [sic].’57

In terms of Aceh autonomy policy development, this cabinet meeting was noteworthy for two reasons. First, it showed that by November 1998, when the meeting was held, the central government still did not have a clear idea about what form decentralisation should take. As argued in Chapter Two, after the end of the DOM period, there was no coherent Aceh policy in place. Although decentralisation, or special autonomy, would later become the cornerstone of Jakarta’s ‘persuasive’ Aceh approach, the absence of a clear political program following the non-organic troop withdrawal created a vacuum in Indonesian state power and authority in Aceh. Second, it was during this cabinet meeting that President Habibie ordered Ryaas Rasyid’s Team of Seven to start drafting regional autonomy legislation that would reshape administrative and political relations between the centre and the regions (Law No.22/1999). Another team of economists was also later established within the Finance Ministry to prepare a bill on reforms to

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56 Interview with Ryaas Rasyid, Jakarta, 17 October 2002.
57 Interview with Andi Mallarangeng, Jakarta, 17 October 2002.
intergovernmental fiscal relations (Law No.25/1999). Although few efforts were made to implement these two autonomy laws in Aceh as they were later overtaken by the development of special autonomy legislation, they were later used by the central government to negotiate the terms of special autonomy legislation for the province (see Chapter Five).

Meanwhile, outside the cabinet, a different debate about federalism versus unitary statehood was taking shape. Although there was broad consensus amongst Indonesia’s national political and military leadership that decentralisation was necessary to prevent national disintegration and restore political and economic stability, there was some disagreement about how much state power should be devolved to the regions, and within which constitutional framework. Unitary statehood implies a certain level of centralisation in that state power is constitutionally located at the national level. Federal systems, by contrast, suggest a degree of decentralisation as state power and authority are constitutionally organised within a two-tier framework at the central and regional levels. Of course, in practice federations and unitary states take many different forms. Federal states can be decentralised through constitutional change while unitary states may be decentralised through legislation. Some federations are far more centralised (such as Russia and the Czech Republic) than decentralised unitary states (for example, the United Kingdom and the Netherlands). 58 In Indonesia, however, the degree of decentralisation has traditionally been associated with state type. Unitary state proponents have generally advocated limited regional autonomy while proponents of federalism have tended to promote broader decentralisation.

By late 1998, there was growing public debate in Indonesia over the federalism issue. The majority of Indonesian nationalists negatively associated the concept of federalism with Dutch colonisation and ambitions for re-colonisation through its decentralised federal system. That is, unitary state advocates tended to see federalism as an imposed colonial construction that threatened to weaken the Indonesian state, while the existing unitary system was integrally linked to Indonesia’s nation-state building project. It was also

around the start of this debate that a previously little used acronym, ‘NKRI’ (*Negara Kesatuan Republik Indonesia*, Unitary State of the Republic of Indonesia), entered mainstream political discourse. Interestingly, regional government representatives and legislators almost never used the term. In Jakarta, however, NKRI was used most frequently by detractors of federalism in relation to problematic provinces like Aceh where threats to national cohesion were seen to be greatest. As a member of Habibie’s Presidential Advisory Team on Aceh (TPPUA), Prof. Ismail Sunny, argued, granting Aceh autonomy within the existing unitary system would create a ‘middle road’ through which the resolve the conflict because ‘Acehnese society only demands the fair distribution [of natural resources] and granting wide autonomy, not to separate from the NKRI.’

By contrast, advocates of federalism argued that constitutional change was the only way to democratically accommodate Indonesia’s geographically dispersed ethnic minorities within the nation-state. Proponents of this view tended to argue that federalism could prevent national disintegration and convince the people in problematic provinces like Aceh and Irian Jaya that it was worth remaining part of the Indonesian nation-state. The most outspoken advocate of this view in Jakarta was Amien Rais, a political scientist and leader of a new democratic opposition party called PAN (National Mandate Party). According to Amien Rais, ‘Only with the federal state can we defend national unity.’ For Amien, subscribers to the ‘kindergarten theory’ that federalism would lead to national disintegration were not seriously committed towards providing redress to the grievances of the people of Aceh, Papua and Riau. Although Golkar Vice-Chairman Marzuki Darusman stopped short of advocating constitutional change, he also argued that as Indonesia was ‘in the midst of social disintegration’, a ‘quasi-federal system- autonomy and wide-ranging powers- could make the provinces more flexible.’

In resource-rich regions like Aceh, local political elites had also begun to advocate federalism as a way of ending Jakarta’s top-down approach to decision-making.

60 ‘Unitary vs federal systems sized up’, *The Jakarta Post*, 8 December 1999.
There was strong political support for adopting a federal system within Aceh’s provincial parliament. Central to the demands of Acehnese ruling elite were the return of a greater share of Aceh’s natural resource revenue and the implementation of Islamic law in Aceh within a federated state. Reminiscent of the demands of the Darul Islam rebel leaders, Aceh’s Governor, Syamsuddin Mahmud, argued in February 1999 that ‘Islamic law needs to be implemented [in Aceh] through a declaration that establishes a federal state.’ The governor also urged the MPR to change the 1945 Constitution and adopt a federal system after the June 1999 general election, reasoning that ‘one way of preserving [national unity] is by changing the form of the unitary state.’

GAM and SIRA, however, rejected both federalism and autonomy as an unacceptable compromise to holding a referendum on Acehnese independence. When SIRA was formed in February 1999, the referendum movement clarified its position by stating that ‘implementing autonomy, a federal state, and reinstating the [proposed] Iskandar Muda Kodam are just new strategies by the state of the Republic of Indonesia to deceive the people of Aceh.’ GAM’s military commander, Teungku Abdullah Syafi’ie, later added that ‘We won’t even accept federalism. We have to have freedom.’ After the launch of Operasi Satgas Wibawa in January 1999, growing numbers of Acehnese people also doubted that Jakarta would ever confer wide-ranging powers of autonomy or federal status and would continue to ‘betray’ them like past Indonesian governments. As a Lhokseumawe bus driver told one journalist, ‘In the name of development, we let our natural resources be exploited. But what we get now is nothing but excuses. Is there anything we could demand other than independence?’

Surprisingly, in April 1999, when Laws No.22 and 25 of 1999 were passed as legislation, there was little debate about them or the federalist alternative in the national parliament. According to one of the drafters of the laws, Andi Mallarangeng, this was largely because DPR members had been engaged in a series of protracted debates in the

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65 Ibid.
preceding months about draft legislation on elections, political parties and local and national legislatures. Therefore, Mallarangeng said that ‘when we submitted the local autonomy bills to the DPR in April 1999 they’d lost interest and passed it without making much noise.’

In the regions, however, and particularly in resource-rich areas like Aceh, provincial stakeholders were unhappy that they had not been consulted about the new autonomy legislation. While the drafters of Laws No.22 and 25/1999 believed they had been acting in the interests of the regions, the lack of public participation compromised the policy–making process and later contributed towards implementation problems. One reason for the lack of consultation was that the drafters were given less than five months to prepare the legislation and did not have time to engage in extensive discussions with provincial or sub-provincial level stakeholders. Laws No.22 and 25 of 1999 also only constituted a broad framework for decentralisation, and were not designed to accommodate specific regional demands.

Acehnese provincial government leaders and officials had become more organised by early 1999, however, and had specific expectations of autonomy. On 7 January 1999, a group of provincial politicians, academics, MUI and ICMI ulama, humanitarian NGOs and local police and military leaders articulated their demands for wide-ranging autonomy in a formal letter to President Habibie. Led by Syamsuddin Mahmud, the group called for broad autonomy at the provincial and district levels of government and parliament, the return of eighty percent of Aceh’s natural resource wealth, formal recognition of Aceh’s special status over its religious, educational and customary law affairs and the right to implement Syari’ah. Responding to growing public unrest in the field, the group also urged Jakarta to prosecute rights violators, grant amnesty to Acehnese political prisoners, rebuild the local economy and improve the quality of Acehnese education. These demands were similar to those advocated by many Jakarta–based Acehnese. In February 1999, for example, a Jakarta–based group comprising Acehnese politicians and businesspeople called Forum Komunikasi Masyarakat Aceh (Communication Forum for Acehnese Society) called on the central government to pay for its past mistakes by granting Aceh seventy percent of its natural resource revenue

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69 Interview with Andi Mallarangeng, Jakarta, 17 October 2002.
and by formally recognising Aceh’s special status so that ‘DI [Daerah Istimewa] isn’t only a slogan.’\textsuperscript{71} Unlike provincial DPRD members, however, who generally advocated special autonomy for Aceh within a federal system, \textit{Forum Komunikasi Masyarakat Aceh} believed that Aceh’s special status should be enforced within the existing unitary Republic.

Laws No.22 and 25 of 1999 were clearly not equipped to deal with these types of specific demands. Although Law No.22/1999 (Article 122) recognised the special status of both Aceh and Yogyakarta, it was only “in accordance with the intent of Law No.5 of 1974”, which, in Aceh, was associated with the New Order’s efforts to undermine the 1959 \textit{Daerah Istimewa} formula. National legislators did, however, envisage the development of further ‘special autonomy’ legislation for Aceh. This was outlined in law’s elucidation, which stipulated that Aceh’s special status would “take the form of the implementation of religious life, customary law and education together, as well as observing the role of the ulama in regional policy development.”\textsuperscript{72}

Acehnese provincial politicians were also dissatisfied that the autonomy laws did not devolve state powers and resources to both the provincial and sub-provincial levels. Reflecting the central government’s aversion to federalism, Laws No.22 and 25/1999 decentralised state power and responsibility to the sub-provincial level. Under Law No.22/1999, district and city administrations were granted new powers in the areas of local investment, trade and industry policy, public works, education, health, labor, agriculture and the environment. Foreign affairs, defence and security, the legal system, national policy and planning and religious affairs remained under the control of the central government. Sub–provincial legislatures were also empowered to elect their own \textit{bupati} and mayors without gaining prior approval from the governor or the Home Affairs Ministry. At the provincial level, however, the DPRD could elect or dismiss governors, but still required formal authorisation from Jakarta.

Provincial government leaders and representatives were particularly concerned about the new financial arrangements between the sub-provincial administrations and Jakarta.

\textsuperscript{72} Hadi Setia Tunggal (compiler), \textit{Undang-Undang Nomor 22 Tahun 1999 Tentang Pemerintah Daerah} (Jakarta: Harvarindo, 1999), p.94.
Under Law No. 25/1999, most of the decentralised revenue bypassed the provinces and was directly transferred to sub-provincial administrations. The legislation granted all the regions fifteen per cent of oil revenue, thirty per cent of natural gas and eighty per cent of forestry, mining and fishing in after-tax revenue. Law No. 25/1999 also conferred a minimum of twenty-five per cent of national revenue to the regions through a grant system called a General Allocation Fund (Dana Alokasi Umum, DAU). For Aceh, these combined revenue streams were predicted to amount to a massive 800 percent increase in the provincial budget. From a total annual budget of Rp.288.9 billion (US$43.335 million) in the 1997-98 fiscal year, Aceh’s budget was expected to increase to approximately Rp.1.6 trillion (US$184 million) after the legislation came into effect. The provincial government would not be able to access most of these funds, however, as ninety per cent of the General Allocation Fund and eighty per cent of natural resource revenue would be directly devolved to the districts and mayoralities. While this sounded reasonable, provincial government leaders later pushed to have political, economic and administrative power and authority returned to the provincial level during the development of special autonomy legislation.

Although Law No. 25/1999 discriminated in favour of resource-rich provinces by allowing the provinces to retain a share of the revenue generated within their borders, Aceh’s governing elite was dissatisfied with the new system. Governor Syamsuddin Mahmud later conceded that he did not actually expect Jakarta to agree to his administration’s demand for the return of eighty per cent of Aceh’s natural resource revenue, which was an ambit claim to start negotiations. Like most provincial politicians and sections of the civilian population, however, Syamsuddin Mahmud believed that Jakarta’s historical exploitation of Aceh’s vast natural resources entitled the province to a far greater share of the wealth generated within its borders. Acehnese political elites, like stakeholders in other provinces, were also concerned that Law No. 25/1999 did not transfer control over the disbursement and administration of funds to the regions, which remained with the central government. This later became a

73 Undang-Undang Republik Indonesia Nomor 25 Tahun 1999 Tentang Perimbangan Keuangan Antara Pemerintah Pusat dan Daerah, Part 3, Article 6.
74 Ibid, Part 3, Article 7.
76 ‘New law helps develop Aceh’, The Indonesian Observer, 7 September 1999.
77 Law No. 25/1999, Part 3, Articles 6 and 7.
contentious issue during the drafting of Law No. 44/1999, when Syamsuddin Mahmud and a delegation of provincial government officials demanded broad administrative autonomy to give the Acehnese people more bargaining power over the return of their natural resource revenue.\footnote{‘Aceh people want more autonomy included in new bill: Governor’, \textit{The Indonesian Observer}, 8 September 1999.}

The passing of Laws No. 22 and 25 of 1999 invoked no response from Acehnese civil society groups and organisations. Amidst the pressing problems of ongoing human rights abuses, intensifying security operations (\textit{Operasi Sadar Rencong I}) and deteriorating socioeconomic conditions, the legislation appeared to have little meaning for the civilian population. Nor were there any serious attempts to ‘socialise’ the new laws amongst Acehnese society. By the time the new autonomy laws were introduced, the demands for wider-ranging powers of autonomy by Aceh’s ruling elite were exceeded by the aspirations of a growing cross-section of the civilian population who demanded independence. As public confidence in Indonesian political authority and institutions reached an unprecedented low, SIRA garnered strong community support in urban areas, while GAM consolidated its influence in the countryside. The loss of Indonesian political authority and legitimacy made local government and parliamentary leaders increasingly vulnerable to the referendum movement’s demands. On 9 March 1999, for example, members of the ABRI and Golkar factions in the North Aceh DPRD–II were forced to sign a statement supporting a referendum on Acehnese independence after about 2,000 demonstrators blocked the district assembly entrance.\footnote{‘Aceh students stage protest for referendum’, \textit{The Jakarta Post}, 14 March 1999.}

As the DPRD–II Speaker, Lieut. Col. Mas Tarmansyah, explained, ‘We’re like a public bus; if everyone supports a referendum what can we do?’\footnote{‘North Aceh students demand referendum’, \textit{The Jakarta Post}, 12 March 1999.}

As discussed in Chapter Two, it was also during the first half of 1999 that clear divisions emerged between civilian and military elites in Jakarta over the Aceh issue, both in terms of personnel and the types of strategies they advocated. While the TNI emphasised security operations to eliminate GAM, civilian leaders in the TPPUA and ICMI advocated a political solution to the conflict. Indonesia’s armed forces fully supported regional autonomy, and later, special autonomy for Aceh, but not as the sole strategy for conflict resolution. Within the TNI there was a strong belief that the
Acehnese would exploit autonomy to demand independence if steps were not taken to militarily repress GAM. As General Wiranto explained:

Demands for Aceh Merdeka [Free Aceh] cannot be tolerated and cannot be communicated with, because that will lead to death…What is realistic are the related problems of autonomy, the economy and culture, including religion.

This can be discussed amicably.82

Implementing autonomy within the context of Aceh’s conflict environment could also have strengthened the TNI’s informal access to state power and resources through its territorial command structure. The defence budget did not cover the TNI’s expenses and operational costs, and fiscal decentralisation within the context of Aceh’s dysfunctional governing infrastructure could have potentially provided soldiers with more business opportunities to supplement their meager incomes. Laws No.22 and 25/1999 were also passed at a time when the TNI was in the process of reforming itself, and sections of the military saw decentralisation as a way of compensating for the military’s loss of formal political authority by strengthening its informal political and economic influence in the regions.

For the majority of TPPUA and ICMI leaders, decentralisation formed an integral part of a lasting solution to the conflict. However, although Habibie’s civilian advisors on Aceh urged the government to grant the province wide-ranging powers of autonomy and the right to implement Islamic law, Habibie became increasingly preoccupied with his own fight for political survival during the 1999 general election campaign. National legislators were also overburdened with managing the electoral process and drafting other political reform laws. Reflecting the frustration felt by many TPPUA members with Jakarta’s delayed action on the Aceh issue, one TPPUA advisor, Ismail Sunny, announced days after Habibie’s presidential visit to the province in March 1999 that local ‘aspirations are clearly far from realisation’ because ‘the central government is still half-hearted about this regional autonomy.’83

Unlike Indonesia’s military leadership, most TPPUA members argued that conflict resolution could not be achieved unless Habibie withdrew non-organic TNI troops from Aceh, investigated human rights violations and compensated the victims and their

families. As Habibie’s chief advisor on Aceh, Usman Hasan, explained, ‘If legal action against human rights violators during the military operation is not launched, all that has been done physically will be meaningless.’ What the government had ‘done physically’, or had started to do, was implement Habibie’s nine-point Aceh plan, which he announced during his presidential visit to Banda Aceh in March 1999. For TPPUA members, the nine-point plan represented a preliminary confidence-building mechanism to restore Indonesian political legitimacy in Aceh, but not a comprehensive solution to the conflict. It was for this reason that Usman Hasan urged Habibie to immediately act upon the plan as a ‘psychological strategy’ to prove that Jakarta’s ‘promises are not just empty promises.’

As a psychological strategy, the nine-point plan failed to restore Acehnese faith in Indonesian rule mainly because it did not respond to the primary causes of the contemporary conflict such as rights violations, and the ongoing problems associated with the TNI’s large presence in the province. While the central government took some immediate steps toward enforcing the nine-point plan by releasing Acehnese political prisoners, compensating human rights victims and their families, and initiating some regional development projects, these conciliatory gestures were undermined by the worsening conflict. As noted in Chapter Two, Habibie’s nine-point plan included promises to improve the quality of education in Aceh by upgrading Islamic boarding schools, granting scholarships to Acehnese orphans and allocating land for apprenticeships at the Syiah Kuala University. While eighty-five Islamic boarding schools were upgraded during Habibie’s tenure, however, an estimated 10,000 Acehnese children were unable to attend school by mid–1999, either because their schools were burnt down or because their parents were unemployed or had become internally displaced by the escalating violence.

84 A notable exception was Lieut. Gen. (ret.) Surjadi Soedirdja, who said little on Aceh in his capacity as a TPPUA member, but later adopted a relatively hard-line stance while serving as Abdurrahman Wahid’s Acting Coordinating Minister for Political and Security Affairs/ Home Affairs and Regional Autonomy Minister (see Chapter Four).


The conflict also impeded the Habibie administration’s capacity to implement the infrastructural development component of its nine–point plan. These planned development projects included the re-establishment of the Freeport of Sabang as an ‘Integrated Economic Growth Area’ (Kapet), the development of the Kuala Langsa and Lhokseumawe sea ports, the extension of the Banda Aceh airport and rebuilding Aceh’s railway network. According to Aceh’s vice-governor, Bustari Mansur, the aim of these projects was to provide the Acehnese people with ‘a chance to improve their welfare’ so that ‘political tension can be eased.’ The Coordinating Minister for People's Welfare and Poverty Eradication, Haryono Suyono, added that the projects would create thousands of new jobs so that ‘the people of Aceh can themselves develop this country.’ Suyono also promised to place a ban on external contractors in the province to give the Acehnese people a sense of ownership over the development process. Around the same time, the central government also re-tendered two other major contracts in Aceh (the PT Kertas Kraft Aceh paper plant and the logging rights of Indonesia’s fourth largest forestry concession holder, Kalimanis group) which had previously been held by Suharto’s close friend and business associate, Mohammad Bob Hassan.

Although the central government announced plans to inject a massive amount of funding into Aceh to promote regional development and rebuild the provincial infrastructure, most of these projects were either aborted or postponed shortly after the arrival of PPRM troops in May 1999. In April 1999, for example, Jakarta promised to spend Rp.3.5 trillion (US$402.5 million) to rebuild the 486 kilometre railway line between Banda Aceh and Besitang in North Sumatra, with an initial investment of Rp.27 billion (US$4.05 million). By July 1999, however, only twenty kilometres of railway tracks had been laid, and local government officials estimated that it would take at least five years to connect the two provinces. The railway project, which had actually started in the 1991-92 financial year under Suharto, also angered civilians who

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89 ‘Pemerintah realisasikan pembangunan di Aceh’ in Bisnis Indonesia, 16 April 1999.
92 ‘Govt saves $1B from the budget’, The Jakarta Post, 21 July 1999.
93 ‘Run-down Aceh railway to get Rp 3.5t overhaul’, The Jakarta Post, 6 April 1999.
occupied or cultivated plots along the old colonial railway, and who were ordered to vacate the land after Habibie announced his nine-point plan.

Other government initiatives to alleviate Aceh’s transportation problems were similarly ill-fated, largely because of the worsening conflict and GAM attacks on Indonesian state facilities (see Chapter Two). In April 1999, Jakarta allocated Rp.431 billion (US$49.6 million) to construct and rebuild damaged roads, with an additional Rp.24.2 billion (US$2.783 million) for road maintenance. By July 1999, however, Aceh’s transport services were frequently crippled by mass strikes and violent clashes between Indonesian security forces and GAM along the Banda Aceh-Medan highway. Fearful civilians who could afford to travel by air increasingly did so, which led to both the Sabang Merauke Raya Air Charter (SMAC) and Garuda providing additional flights from Banda Aceh to Medan.

As part of its social rehabilitation program, the Habibie administration also allocated Rp.20.5 billion (US$2.665 million) to rebuild Acehnese homes that had been damaged by the conflict. Unfortunately, this goodwill gesture was negated by the escalating violence. During the June 1999 general election campaign, when PPRM troops started patrolling villages, tens of thousands of villagers fled their homes to seek refuge in mosques and other public buildings. By June 1999, Aceh was facing its worst humanitarian crisis in the province’s history. There were more than 70,000 refugees (which later rose to about 100,000), some of whom faced starvation as attacks on public transport prevented the delivery of emergency supplies. By July, the Public Works Minister, Rahmadi Bambang Sumadhijo, also threatened to indefinitely postpone the government’s housing project on the grounds that ‘GPK’ (GAM) had ‘provoked’ Public Works employees and extracted bribes of up to Rp.50 million (US$6,500) from department officials. As a result, Sumadhijo estimated that ‘of the plan to rehabilitate

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95 ‘Pedagang Aceh Menangis’, Kompas, 10 July 1999.
1,244 houses, 10 percent of the population is unwilling to accept the government’s assistance.\textsuperscript{98}

Even the island district of Sabang, which did not experience the same security problems as mainland Aceh, was affected by the worsening conflict. Previously, on 22 September 1998, Habibie had returned Sabang’s Freeport status through Presidential Decree (\textit{Keppres}) No. 171 of 1998. Although the nine-point plan envisaged that Sabang would be transformed into an ‘Integrated Economic Growth Area’, the conflict impeded the district’s capacity to attract foreign investors and tourists. In July 1999, Jakarta attempted to boost Sabang’s stagnating tourism industry by allowing foreigners to enter the island district without a visa.\textsuperscript{99} By the end of Habibie’s presidency, however, one journalist described Sabang as ‘a beautiful woman’ who had applied her makeup (prepared the foundations for foreign investment) but still awaited the arrival of ‘a handsome young man’ (investors).\textsuperscript{100}

In a bid to contain the violence, civilian authorities in Jakarta began to look toward an autonomy solution to the Aceh conflict. By mid-1999, it was clear that Habibie’s nine-point plan had failed to win back Acehnese hearts and minds. Equally clear was that the military and police were losing the battle to restore law and order in Aceh as the GAM insurgency and SIRA campaign gathered momentum. For the government and military, however, withdrawing PPRM troops from Aceh was no longer a feasible option due to the growing local support for separatism and the vacuum in Indonesian political authority. It was under these difficult conditions that Jakarta resolved to continue with its combined persuasive-repressive approach that involved more intensive security operations (\textit{Operasi Sadar Rencong II}) to crush GAM on one hand, while persuading the Acehnese to remain part of Indonesia by granting the province limited regional and ‘special autonomy’ on the other.

Jakarta approached the autonomy process in Aceh in two ways. In August 1999, the Habibie administration decided to allow the Acehnese to start implementing Laws No.\textsuperscript{98} 'Rehabilitasi Prasarana Aceh Bisa Ditunda', \textit{Suara Karya}, 22 July 1999.
\textsuperscript{99} The government made five airports and twelve seaports visa-free areas, including Aceh’s Kuala Langsa seaport. ‘RI eases immigration rules’, \textit{The Jakarta Post}, 15 July 1999.
22 and 25/ 1999 before the other provinces. Second, it endorsed a parliamentary initiative to draft legislation to formally recognise Aceh’s special status. On 27–28 August, the Home Affairs Minister, Syarwan Hamid, announced the decision to allow Aceh to immediately implement Laws No. 22 and 25/ 1999 during a ministerial visit to Banda Aceh.\footnote{20 Masyarakat Aceh ‘Adili’ Tim Menteri’, Serambi Indonesia, 29 August 1999.} Foreshadowing the introduction of special autonomy legislation, which included an Islamic law component, the Home Affairs Minister also announced that ‘if Aceh’s DPRD wants to change a holiday from Sunday to Friday, with enough regional regulations, no problem. We at the centre are ready to receive reports, no need to ask for agreement.’\footnote{‘Aceh Sudah Bisa Terapkan Otonomi’, Kompas, 30 August 1999.} The Coordinating Minister for People’s Welfare and Poverty Eradication, Haryono Suyono, who accompanied Syarwan Hamid to Aceh, promised to grant Aceh Rp.1.5 trillion (US$195 million) to allow the province to start implementing Law No. 25/ 1999. Aceh’s provincial government would not have complete control over the disbursement of these funds, however, which the central government stipulated must be used to build social and economic facilities and provide humanitarian assistance for about 100,000 internal refugees.\footnote{‘Pemerintah Serahkan Proyek Rp.1,5 Trilyun untuk Aceh, Kompas, 29 August 1999.}

Most Acehnese saw Jakarta’s conciliatory gesture as too little too late. The ministerial delegation arrived in Aceh three days before East Timor’s referendum on independence and the civilian population was eagerly awaiting the outcome. The central government’s offer to allow the Acehnese to start implementing Laws No. 22 and 25/ 1999 was also still not accompanied by any commitment toward ending the systemic nature of state violence. On the contrary, Jakarta’s offer to immediately implement regional autonomy in Aceh was made less than one month after the launch of 

\textit{Operasi Sadar Rencong II} amidst ongoing serious abuses against the civilian population. Habibie’s decision to send Syarwan Hamid to Aceh proved similarly counter-productive, given that the former Chief of North Aceh’s Military Operations Command was widely seen as one of the worst human rights violators from the DOM period. During his speech in Banda Aceh, Syarwan Hamid was interrupted by about 300 students chanting ‘Allah Akbar’ (God is Great) and ‘You are responsible for the...
violence.’ 104 As one student explained, ‘We want the government to bring human rights abusers to court, not charity.’105

The decision to start implementing Laws No. 22 and 25/ 1999 in Aceh received mixed reactions from Aceh’s political leadership. At first, provincial government officials welcomed Jakarta’s plan to grant Aceh Rp.1.5 trillion (US$195 million) in accordance with Law No. 25/ 1999.106 One week after the ministerial visit, however, when the provincial administration conducted its own calculations of Aceh’s entitlements under Law No. 25/ 1999, it announced that the province should actually receive Rp.1.6 trillion (US$208 million).107 It is unclear how provincial government officials arrived at this figure as they did not know how much revenue Aceh was entitled to receive under the new system. State owned oil and gas companies in Aceh such as Pertamina and ExxonMobil had refused repeated requests by provincial politicians to publicly disclose information on their profits.108 This confusion over how much revenue Aceh was entitled to receive through economic decentralisation would later create tensions between provincial and central government leaders after the introduction of the more comprehensive Nanggroe Aceh Darussalam special autonomy law (see Chapter Seven).

Another difficulty was that Laws No. 22 and 25/ 1999 were incomplete and required several supporting regional regulations to enable its implementation. When Syarwan Hamid had announced that Aceh could start immediately implementing the laws, one Team of Seven member, Dr. Afan Gaffar, had warned that the legislation could only be enforced gradually, which ‘doesn’t mean everything can be implemented today….this must be understood by the Acehnese people.’109 In order to implement the laws, Acehnese legislators needed to develop a series of bylaws to clarify Aceh’s new economic, political and administrative arrangements with Jakarta. While Governor Mahmud established three working groups to prepare for the implementation of regional autonomy— on managing the budget between Aceh and the central

104 ‘We don’t need empty promises: Aceh students’, The Jakarta Post, 29 August 1999.
105 Ibid.
107 ‘New law helps develop Aceh’, The Indonesian Observer, 7 September 1999.
government, social development, and non-government and state organizations - they had made little progress by the end of Habibie’s presidency.\textsuperscript{110}

3.4 Special Autonomy
During his Aceh visit, Syarwan Hamid also outlined Jakarta’s intention to grant the Acehnese people ‘special autonomy’ in the fields of religion, education and customary law.\textsuperscript{111} ICMI leaders and TPPUA members had been urging the central government to grant the Acehnese autonomy in these key areas since March 1999. Formal recognition of Aceh’s special status had also been envisaged in the elucidation of Law No. 22/1999, which stipulated a revival of the Daerah Istimewa formula through the ‘implementation of religious life, customary law and education together, as well as observing the role of the ulama in regional policy development.’\textsuperscript{112} It was only after June 1999, however, when PPP leaders in the DPR lobbied the government to enforce special autonomy in Aceh that the Home Affairs Department started to draft Law No. 44 of 1999 on the ‘Special Status of the Special Province of Aceh’.\textsuperscript{113}

There was strong political support for special autonomy for Aceh within the government and amongst all the major parliamentary factions. Even secular nationalist and military leaders who had traditionally opposed Acehnese Islamic demands supported the decision to grant the Acehnese the right to implement aspects of Islamic law. Secular nationalist Golkar leaders in the DPR, for instance, were the first politicians to sign the PPP’s petition to formalise Aceh’s special status.\textsuperscript{114} The armed forces faction in the DPR also gave its ‘full support’ to the implementation of Syari‘ah, provided it was ‘molded to and within a positive legal system, and enforced in Indonesia.’\textsuperscript{115} This high level of political support largely stemmed from growing national concerns that Aceh would break away from Indonesia like East Timor, which the government had already indicated it would never agree to. There was also popular support for a special autonomy solution to the Aceh conflict amongst the wider

\textsuperscript{110} ‘New law helps develop Aceh’, The Indonesian Observer, 7 September 1999.
\textsuperscript{111} ‘Pemerintah dan DPR Siap Membahas 3 Keistimewaan Provinsi Aceh’, Media Indonesia, 27 August 1999.
\textsuperscript{112} Tunggal, Hadi Setia, compiler. Undang Undang Nomor 22 Tahun 1999 Tentang Pemerintah Daerah. (Jakarta: Harvarindo, 1999).
\textsuperscript{114} Ibid.
\textsuperscript{115} Ibid, p.165.
The majority of Indonesians opposed GAM and SIRA’s independence demands (especially as nationalist sentiment surged in the months leading up to East Timor’s secession) but believed the Acehnese people should be compensated for their suffering at the hands of Indonesia’s security forces. In particular, there were growing calls for the implementation of Syari’ah in Aceh amongst nationalist Islamic groups and organisations, which tended to portray Aceh as a symbol of the New Order’s perceived injustices against Muslims. Shortly before Syarwan Hamid’s Aceh visit, for example, hundreds of Muslim activists rallied outside the Home Affairs Ministry to demand ‘regional autonomy for Aceh, the implementation of Islamic law, and the drawback of the special anti-riot force [PPRM].’ For many Muslim activists, the struggle for Islamic law in Aceh formed part of a broader goal to eventually impose Islamic law throughout the Republic and reintroduce the controversial 1945 Jakarta Charter. As the leader of one Jakarta–based Islamic activist group, Brigade Ibadullah, stated, his organisation wanted ‘Syari’ah in Aceh now, in other areas later, if possible.’

The decision to build Law No. 44/1999 around the key tenets of the 1959 Daerah Istimewa formula reflected the dominant view in Jakarta that Aceh’s contemporary conflict had stemmed from the central government’s failure to implement its original autonomy agreement with the Darul Islam rebels. This thinking is reflected in Part 3, Article 3 of the legislation, which defines Aceh’s ‘special status’ as the province’s right to organise its own religious, customary law (adat) and educational life, and for ulama to play a role in regional policy processes. Related to the perception that Aceh’s conflict could be resolved by implementing the terms of the Darul Islam settlement was the idea that public support for Aceh Merdeka would wane if Acehnese ulama were restored to their pre–New Order position of sociopolitical influence. It was this rationale that informed the decision to allow the Acehnese to implement Islamic law. Law No. 44/1999 also envisaged the creation of an independent ulama council with the same status and decision-making powers as the provincial legislature. Although Aceh’s education system was to remain part of the national education system, the legislation authorised the provincial government to provide supplementary religious

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117 Ibid.
118 Undang-Undang Nomor: 44 Tahun 1999 tentang Penyelenggaraan Keistimewaan Propinsi Daerah Istimewa Aceh., Chapter III, Article 3(d) and 5(1), (2).
material in the Aceh curriculum and to establish an ‘Islamic Education Organisation.’ In cultural matters, the provincial government became responsible for encouraging Acehnese society to adhere to Islamic law by promoting regional customs, traditions and cultural values based on Islam.\textsuperscript{119}

While many Acehnese provincial government representatives, business leaders, academics and MUI ulama had wanted special autonomy, some felt excluded from the policy process, or that their recommendations had been ignored or marginalised by Jakarta. Academics from Banda Aceh’s Ar–Raniry IAIN, criticised the central government for not consulting Acehnese ulama and local community leaders, and urged Jakarta ‘to help make more representative legislation’ that would improve its chances of gaining popular acceptance.\textsuperscript{120} On 7 September 1999, the Home Affairs Department also ignored the recommendations by a delegation of local Acehnese leaders– including Governor Syamsuddin Mahmud, Prof. Safwan Idris (IAIN Rector) and Muslim Ibrahim (Aceh’s MUI Chairman)– for greater administrative and economic autonomy. During the meeting between Syarwan Hamid and the Aceh delegation in Jakarta, Syamsuddin Mahmud had reiterated the DPRD’s earlier request to return eighty per cent of Aceh’s oil and gas revenue. The delegation also requested thirty per cent of Aceh’s income from kerosene sales and for greater administrative control over the flow of funds from Jakarta.\textsuperscript{121} That Law No.44/1999 contained no substantive revisions to Aceh’s economic or administrative arrangements deeply disappointed Aceh’s governing elite. Even though Syamsuddin Mahmud had expressed optimism on 22 September 1999, when Law No.44/1999 was passed that ‘this will calm down the Aceh people’\textsuperscript{122}, he later conceded that he only saw the legislation as ‘a kind of statement about Aceh’s special status...[but] not really special autonomy.’\textsuperscript{123} This sentiment was shared by the great majority of provincial political leaders. Three days before the October 1999 presidential election, thirty Acehnese DPRD politicians met with MPR leaders to call for a new special autonomy package that would grant Aceh control over all areas except for foreign affairs and national and fiscal policies.\textsuperscript{124} This

\textsuperscript{119} Ibid, Chapter III, Article I (2), Article III (6), Article 4.
\textsuperscript{120} ‘Law discussion should include ulamas’, The Jakarta Post, 30 August 1999.
\textsuperscript{121} ‘Aceh people want more autonomy included in new bill: Governor’, The Indonesian Observer, 8 September 1999.
\textsuperscript{122} ‘Aceh status to be endorsed in new law’, The Indonesian Observer, 23 September 1999.
\textsuperscript{123} Interview with Syamsuddin Mahmud, Jakarta, 20 November 2001.
\textsuperscript{124} ‘Aceh MPs see autonomy for province’, The Straits Times, 14 October 1999.
proposal was loosely modeled on an earlier autonomy offer that Jakarta had made to East Timor as an alternative to independence. Had it been accepted, this special autonomy proposal may have required constitutional amendments and a series of MPR decrees to establish a federal-style Acehnese province within the Indonesian Republic.125 By October, 1999, however, national attention was focused on the 1999 presidential election, and the Acehnese DPRD politicians would have to wait until the next government to find a more receptive audience.

Amongst the local population, there was a lack of grassroots support for Law No. 44/1999. The central and provincial governments had not consulted Acehnese civil society groups about their expectations of autonomy. Nor were GAM and SIRA asked what-if anything-would persuade them to remain part of Indonesia. Most Acehnese political leaders agreed that it would be ‘irrational if the government excludes GAM from discussions’ about the autonomy process.126 It was for this reason that a group of five Acehnese representatives had traveled to Stockholm in July 1999 in an attempt to engage Hasan di Tiro in constructive dialogue.127 Hasan di Tiro, however, had refused to meet the local representatives because ‘they are not educated and they don’t represent the Acehnese people.’128 Though Hasan di Tiro was fond of making derisive remarks about Indonesian presidents,129 he still felt that as ‘Head of State’ of Aceh, it was only appropriate that he should ‘discuss these matters with other Heads of State’.130 The Habibie administration, however, refused to recognise GAM as a fact in the field. Even ICMI reformists such as Justice Minister Muladi rejected the idea of negotiating with separatists. Reflecting the government’s hardening position towards GAM, Muladi stated that ‘It is OK not to sell beer there [in Aceh], please ban it, but there is no tolerance of GAM.’131

By the time Law No. 44/1999 was passed, however, GAM was widely seen, and promoted itself, as a liberating force that would free the Acehnese people from Indonesian oppression. After East Timor voted for independence, the majority of

128 Interview with Hasan di Tiro, Norsborg, Sweden, 4 July 2000.
129 See, for example, ‘The Exile’, The Age, 26 November 1999.
130 Interview with Hasan di Tiro, Norsborg, Sweden, 4 July 2000.
Acehnese joined GAM and SIRA in rejecting autonomy as an unacceptable compromise to independence. Reflecting popular opinion, GAM’s political leadership in Sweden announced that it ‘firmly rejects the autonomy solution for Acheh as it is not in accordance with the true aspiration of the majority of Acehnese’, and condemned the government for pursuing ‘deplorable ‘stick and carrot’ methods to solve the Acheh problem.’ GAM’s military commander, Abdullah Syafi’ie, also dismissed the offer of Islamic law as irrelevant. ‘If we die, we become syahid [martyrs]. Remember that!…The TNI are like devils’, said Syafi’ie.133

Jakarta’s expectation that Acehnese ulama would be restored to their former position of predominance over Acehnese society was also unrealistic. Most Acehnese ulama, who had survived the New Order by becoming integrated into its institutional framework, had been unable to establish an influential independent political base under the post-authoritarian regime. The majority of Acehnese, who were traumatised after the decade of military operations in the province and angered by the government’s diffidence in relation to past and ongoing human rights abuses, also ‘preferred to listen to students and NGOs than to government officials and ulama.’ Even Acehnese ulama, however, were divided over the offer of Islamic law. Whereas Acehnese ulama who had fought in the Darul Islam rebellion would have welcomed the opportunity to implement Syari’ah, Acehnese society had undergone a metamorphosis since the 1950s. By late September 1999, the independent rural ulama in HUDA supported SIRA’s referendum demand, as did their Islamic boarding school students in Rabithah Thaliban Aceh. While HUDA ulama did not oppose Islamic law, they argued that the Acehnese people already practiced Syari’ah in their daily lives. HUDA ulama also saw Jakarta’s offer of Islamic law as a political deal between central and provincial government elites. As one HUDA ulama, Teungku Zamzami, explained, the decision to implement Islamic law was like receiving ‘an empty cheque’ because neither the local population nor the ulama accepted it. By contrast, MUI ulama who had close ties with the provincial government threw their support behind the legislation. Aceh’s MUI

132 M. Yusuf Daud (Secretary General of the Free Aceh Movement in Europe), ‘Autonomy For Acheh is Just a shot in the Air’, Press Statement, 27 September 1999.
133 ‘AGAM chief calls for world attention on Aceh’, The Jakarta Post, 4 August 1999.
Chairman, Muslim Ibrahim, had accompanied Governor Syamsuddin Mahmud to Jakarta for discussions on the bill, while sub-provincial ulama were conspicuously excluded.136 Syamsuddin Mahmud also made no effort to include HUDA in the development of regional regulations about Islamic law, especially after the sub-provincial ulama became more politically assertive in openly voicing their support for a referendum on independence.

As Law No. 44/1999 was not passed until late September 1999, only one regional regulation on Islamic law was introduced before the end of Habibie’s presidency. Like Laws No. 22 and 25 of 1999, Aceh’s special autonomy legislation was incomplete and required several supporting regulations to enable its implementation. In order to start enforcing Syari’ah immediately, the provincial government issued regional regulation No. 451.1/21249 on 6 September 1999, which ordered all female government employees to wear Islamic dress. The aim of this regulation, which came into effect on 23 September (the day after Law No. 44/1999 was passed), was to ‘socialise’ the concept of Syari’ah amongst the local population. Female security officers were also appointed to guard the entrance of Banda Aceh’s Baiturrahman mosque, which formally became a compulsory jilbab (Islamic women’s headdress) wearing area.137 According to the Rector of Banda Aceh’s State Islamic Institute (IAIN), Safwan Idris, the regulation targeted women because in Aceh women were widely seen as the ‘moral custodians of religion and culture’.138

Contrary to the provincial government’s expectation that Acehnese women would welcome the imposition of Islamic dress, some women’s organisations were angry that they had not been consulted about the regulation. Many women also feared that the government’s interpretation of Syari’ah would lead to increased acts of violence against them. One local women’s NGO, Flower Aceh, reported that the majority of Acehnese women already wore jilbab (Islamic women’s headdress), not because of Syari’ah, but because they feared being attacked by gangs of radical ‘barbers’ in ‘jilbab raids’ (razia

136 ‘Aceh people want more autonomy included in new bill: Governor’, The Indonesian Observer, 8 September 1999.
138 Interview with Prof. Safwan Idris, Banda Aceh, 15 September 2000.
Flower Aceh’s claim was supported by one Banda Aceh mother, who explained that ‘I have bought a jilbab because I am afraid my daughter will be captured during one of these raids and have all her hair shaved off.’ Jilbab raids and other forms of violence against women (such as cutting women’s clothes and verbal and physical abuse) had been reported in different parts of the province since April 1999. In part, this relatively new form of religious fanaticism by gangs of youths may have been a reaction against Indonesia’s more open political climate after the fall of Suharto. It only peaked, however, after the introduction of Islamic law in late 1999.

Meanwhile, in Jakarta, unexpected support for Aceh’s referendum movement emerged during the build-up to the October 1999 presidential election. On 15 September 1999, leader of Indonesia’s largest Islamic organisation and president–in–waiting, Abdurrahman Wahid, had visited Banda Aceh to announce that ‘I declare my support for the Aceh ulemas’ struggle for a referendum for Aceh’ because ‘the patience of Acehnese people is almost gone.’ Together with the future Speaker of the MPR, Amien Rais, Abdurrahman Wahid had unfurled a banner in front of Banda Aceh’s Baiturrahman mosque reading ‘The Aceh conflict can only be resolved through a referendum.’ While inconsistency would later become a hallmark of Abdurrahman Wahid’s presidency, his display of local solidarity was welcomed as a surprising reversal of his former position. Previously, during the 1999 general election campaign, Abdurrahman Wahid had been ‘hound off the stage by mobs hurling insults and rocks’ in Banda Aceh for stating that while some members of his National Awakening Party (PKB) supported Acehnese referendum demands, he did not. As Habibie’s presidency drew to a close, however, it seemed that Aceh’s referendum movement had become an unstoppable force. Neither security operations nor Jakarta’s ‘persuasive’ special autonomy package could slow the momentum for a ballot on Acehnese

140 ‘The jilbab is a must for female students’, The Indonesian Observer, 27 September 1999.
143 ‘Top politician supports referendum in Aceh’, The Indonesian Observer, 16 September 1999.
144 Ibid.
independence. On the contrary, these counterproductive and ineffective policies only accelerated it. For most Acehnese, their one remaining request of Indonesia would be for its next president to keep his promise for a referendum.

3.5 Conclusion
By the end of B. J. Habibie’s presidency, Jakarta’s offer of limited special autonomy was not seen as a serious solution to the Aceh conflict. Law No.44/1999 did not accommodate Acehnese expectations about justice or respond to any of the primary causes of the contemporary conflict such as atrocities against the civilian population by Indonesian security forces personnel and Jakarta’s historical exploitation of Aceh’s natural resource wealth. The dominant view in Jakarta, however, was that Aceh’s contemporary conflict had directly stemmed from the failed Darul Islam settlement and could therefore be resolved accordingly. This view did not fully take into account that Aceh’s contemporary conflict was far more complicated than the Darul Islam uprising, which only sought to change the form of the Indonesian state and not to secede from it. When Law No. 44/ 1999 was passed, even Acehnese ulama, who stood to benefit the most from the implementation of aspects of Islamic law, were divided into pro- and anti-secessionist camps. It is unclear whether the sub-provincial Acehnese ulama in HUDA would have rejected special autonomy if they had been invited to participate in the policy process. What was clear was that their exclusion impeded Jakarta’s capacity to win strong community support for special autonomy.

The lack of public participation in the development of Law No. 44/ 1999 and the government’s failure to prepare the Acehnese for special autonomy by ‘socialising’ the legislation cost Jakarta much needed political legitimacy in Aceh. Even provincial government and parliamentary elites with close ties to Jakarta, and who supported a special autonomy solution to the conflict, were disappointed that their requests for greater economic and administrative autonomy had been ignored during the policy process. Public participation in Aceh was important because of the negative historical experiences of the Acehnese people with ‘special autonomy’ under previous governments. Most Acehnese did not believe that Jakarta could be trusted to keep its promises. Nor did the civilian population see how autonomy would improve their daily lives amidst ongoing security operations in the province. As GAM and SIRA were becoming more politically influential than provincial government leaders, their
exclusion also impeded the chances of special autonomy gaining popular acceptance. Though it is doubtful whether GAM or the referendum movement would have agreed to any form of autonomy, including a federal solution to the conflict, Jakarta’s strategy of crushing the separatists rather than seeking to democratically accommodate the separatists through by pursuing a meaningful political compromise only hardened local attitudes against Jakarta.

Laws No. 22 and 25/1999 also failed to meet the expectations of Aceh’s governing elite and the civilian population. This was partly because these national autonomy laws were not designed to respond to the expectations of specific regions. Although Aceh stood to economically benefit from the return of a greater share of its natural resource revenue, the provincial administration was unhappy with the new system and argued for a greater portion of Aceh’s resource wealth. There was also the issue of whether Jakarta would actually return fifteen per cent of Aceh’s oil revenue and thirty per cent of its natural gas revenue under Law No. 25/1999 as state-owned oil and gas companies in Aceh refused to disclose information on their profits. And, as Laws No. 22 and 25/1999 were incomplete, Aceh’s provincial government needed to develop several regional regulations to enable their implementation.

Aceh’s serious structural and political problems made it difficult to see how the civilian population would benefit from either regional autonomy or limited special autonomy. The worsening conflict had paralysed the state infrastructure in many parts of the province and there was a vacuum in Indonesian political power and authority. Local government leaders and officials were generally mistrusted, and were widely seen as corrupt. As the pre-existing problem of corruption had not been addressed through Jakarta’s anti-KKN campaign in Aceh, it was uncertain whether provincial and sub-provincial authorities would be capable of properly managing their increased budgets and responding to the needs of their constituencies by creating employment opportunities and improving social services and public facilities.

The patchy implementation of Habibie’s nine-point Aceh plan demonstrated that the escalating violence presented the biggest obstacle to regional development, rehabilitation and reconstruction. This presented Jakarta with a dilemma. On one hand, if the central government had left the GAM insurgency unchecked then the rebels could
have continued to destroy the state infrastructure and prevented basic government functioning and economic development initiatives, as indeed they did in the worst conflict areas. On the other hand, the internal displacement of tens of thousands of civilians after the arrival of the PPRM troops far outweighed any progress that was made by the partial implementation of the nine-point plan. While even the most efficient and stable government would have found it virtually impossible to have made much progress in Aceh’s conflict policy environment, the nine–point plan also reflected the central government’s poor decision-making capacity. Costly counterinsurgency operations and large-scale regional development projects like the reconstruction of Aceh’s old colonial railway came at the expense of human concerns about health, education, job creation and the protection of basic human rights and dignity.

Beyond the rhetoric of national politicians, the Aceh issue did not seem to rank highly on the Habibie administration’s list of policy priorities. The drafters of Laws No. 22 and 25/ 1999 were ordered by their political masters to prepare decentralisation legislation for all the provinces, and not to immediately target problematic provinces like Aceh. It was only after GAM and SIRA went on the political offensive that the Home Affairs Department began to draft special autonomy legislation for Aceh. And, it was only after Aceh faced an unprecedented humanitarian crisis after the arrival of the PPRM troops that the central government agreed to immediately release funds to the province through the implementation of Laws No. 22 and 25/1999. Throughout 1999, President Habibie and his ministers were largely preoccupied with their own fight for political survival during the build–up to the 1999 general and presidential elections. While Jakarta wasn’t paying attention, however, it lost the battle for Acehnese hearts and minds.
PART TWO

ABDURRAHMAN WAHID
CHAPTER FOUR

PERSUASION AND REPRESSSION
CHAPTER FOUR
PERSUASION AND REPRESSION

Requests by the Acehnese for a referendum are reasonable. Why not? Whatever the final decision of the Acehnese people, it must be honoured. If there was a referendum in East Timor, why should there not be one in Aceh? That would be unfair. But I'm sure they won't leave the country. I know the Acehnese people.

President Abdurrahman Wahid, November 1999.¹

The point is this: the establishment of an independent Indonesia in 1949 was a perfidy that denied the Acehnese their freedom. The Dutch simply transferred their colonialism to the Javanese. This so-called ‘Indonesia’ is a [sic] nonsense and Acheh should never have been subjected to the rule of those idiots, who have twice in 54 years brought ‘Indonesia’ into total bankruptcy and caused untold miseries, death and destruction upon the people of this vast archipelago through their unworkable system of administration. We therefore do not need the Javanese to give us our freedom.

Tengku Hasan Mohammad di Tiro, January 2000.²

By the time Abdurrahman Wahid was elected president in October 1999, Aceh had become Indonesia’s most serious domestic problem. Indonesia had effectively lost its governing authority in Aceh as public confidence in political institutions and leadership there reached an unprecedented low. In the wake of East Timor’s independence ballot the power vacuum in Aceh was filled by GAM and the student-led referendum movement, which experienced a surge in community support. Acehnese groups and individuals who were otherwise divided along demographic, socioeconomic and political lines united in their opposition to Indonesian rule. By November 1999, when the referendum movement staged the largest rally in Aceh’s history, it seemed that nothing could stop the momentum for a vote on Acehnese independence.

With the notable exception of President Abdurrahman Wahid, who fleetingly considered granting Aceh an East Timor-style referendum, Indonesia’s ruling elite rejected a ballot to determine Aceh’s political status. This was partly due to heightened fears in Jakarta that the country was on the verge of disintegrating after the separation of East Timor. Unlike East Timor, however, Aceh also retained a powerful symbolic place in the national imagination for its important contribution to Indonesia’s independence struggle. In contrast to the Melanesian peoples of eastern Indonesia, the Acehnese formed an integral part of Indonesia’s predominantly Malay-based cultural and literary national identity. Indonesian nationalists saw the Acehnese people as vital participants in the Indonesian nation, and the province of Aceh as an important territory of the Indonesian state.

These competing claims to a shared sense of nationalism and territorial sovereignty over Aceh posed a policy dilemma because they seemed to require two different strategies to respond to counter-claims by Acehnese nationalists. The task of nation-building in Aceh primarily revolved around governance issues such as building accountable and transparent state institutions and establishing participatory and representative political processes. By contrast, the Indonesian state’s territorial dispute in Aceh was largely a national (and regional) security issue. Under Abdurrahman Wahid’s leadership, these unresolved nation-state tensions took the form of a persuasive-repressive approach that involved conciliatory strategies such as peace talks and offers of special autonomy on one hand, and counterinsurgency operations on the other.

This chapter explores the attempts by Abdurrahman Wahid’s government to restore security in Aceh through its persuasive and repressive policy approaches. Like B. J. Habibie, Abdurrahman Wahid initially attempted to restore Acehnese faith in Indonesian rule by releasing political prisoners, withdrawing non-organic troops from the province and launching human rights investigations. Abdurrahman Wahid went one step further than his

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predecessor, however, by initiating peace talks with GAM. By late 1999, Indonesia’s decentralisation process was also underway and Jakarta began to look beyond Law No.44 of 1999 and towards a more comprehensive ‘special autonomy’ solution to the conflict. While the search for a negotiated settlement continued until the end of Abdurrahman Wahid’s presidency, Jakarta’s reliance on force to restore law and order also intensified after September 2000 when the peace process began to unravel. This approach increasingly came to resemble a reconstituted version of the New Order’s repressive Aceh strategy. Efforts to reposition the Acehnese people within the Indonesian nation were overshadowed by a policy and rhetorical emphasis on defending territorial sovereignty.

In the following pages, it is argued that the capacity of Abdurrahman Wahid’s government to restore law and order in Aceh was weak at both the decision-making and implementation levels. At the decision-making level, the central government was divided by internal politicking, and led by an almost blind president who did not read policy papers and had a tendency of making spontaneous and erratic choices. Jakarta’s decision-making capacity was also impeded by Abdurrahman Wahid’s combative relationship with the legislature, military and even sections of his own government, all of which increasingly questioned, opposed or ignored his humanitarian impulses in Aceh. Importantly, Abdurrahman Wahid was also more concerned with his own struggle for political survival than with the Aceh problem, which, despite his rhetoric, he did not treat as a policy priority.

At the level of implementation, it is argued that the failure to restore security in Aceh partly stemmed from the confusing array of policy directives issued by Jakarta. Ongoing systemic problems within Indonesia’s security forces also remained largely unaddressed under Abdurrahman Wahid, such as poor troop discipline and inter-force coordination. Another obstacle was Indonesia’s dysfunctional political infrastructure. In Aceh’s urban centres the government often appeared to be paralysed, and in some of the worst affected rural conflict areas (such as parts of Pidie, North and East Aceh) Indonesian state institutions had completely ceased functioning by the start of Abdurrahman Wahid’s presidency.
Finally, there was the issue of timing. In contrast to the start of Indonesia’s regime transition when expectations of the democratisation process had been relatively high, by late 1999 most Acehnese no longer saw themselves as Indonesian and regarded state institutions and authority with open hostility. The brief window of opportunity that had existed during Indonesia’s democratic ‘opening’ to persuade the Acehnese to remain part of the national fold had, at least temporarily, closed by the start of Abdurrahman Wahid’s presidency. Jakarta therefore faced the monumental challenge of attempting to exercise a governing presence within a hostile and almost impossible policy environment.

4.1 Abdurrahman Wahid’s Revolving Cabinets

Of all Indonesia’s presidencies, the processes of political decision-making were the least coherent under Abdurrahman Wahid. During his twenty-one month tenure, President Wahid formed three cabinets in October 1999, August 2000 and June 2001. Many ministers received appointments that they lacked interest or expertise in, while others were replaced too frequently to effectively manage their portfolios. Not only did these decisions reduce the government’s efficacy, but they quickly cost Abdurrahman Wahid political support and eroded much of the legitimacy he had gained through the electoral process.

On Aceh policy, Abdurrahman Wahid frequently failed to consult his ministers, particularly during his first ten months in power. Unlike Habibie, who had tended to seek advice on Aceh from his cabinet and teams of experts (such as the TPPUA and ‘Team of Seven’), Abdurrahman Wahid often made impromptu decisions about Aceh during informal discussions with his inner circle of family and friends in a kabinet malam (night cabinet), and in talks with Acehnese student leaders and ulama at the presidential palace or at his home in Ciganjur. Abdurrahman Wahid did not, for example, convene cabinet meetings to

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discuss offering the Acehnese a referendum or about holding peace talks with GAM. In fact, it seemed that Abdurrahman Wahid’s behaviour as president had changed little since his former role as the spiritual leader of Nahdlatul Ulama, when he had made decisions about the world’s largest traditionalist Islamic organisation without becoming involved in its daily management. Just as Abdurrahman Wahid commanded total loyalty from his religious followers, he also tended to appoint and dismiss cabinet ministers based on their loyalty over performance.

Like the Habibie administration, there were broad divisions between civilian and military leaders in Abdurrahman Wahid’s cabinet over Aceh policy. Although the TNI was internally divided and lacked the confidence to act cohesively at the start of Abdurrahman Wahid’s presidency, its political influence had not been seriously attenuated. This was evidenced by the number of strategic ministerial portfolios awarded to generals, and by their growing influence over Aceh policy as Abdurrahman Wahid’s presidency weakened. While the military had announced its intention to withdraw from politics under its ‘New Paradigm’, the TNI continued to apply pressure on the government for a military ‘solution’ to the Aceh conflict, which raised questions about whether civilian leaders would be capable of developing and implementing healthy humanitarian policies in the province.

Related to these civil-military tensions were differences over Aceh policy between Abdurrahman Wahid and his conservative nationalist vice-president, Megawati Sukarnoputri. Unlike Abdurrahman Wahid, Megawati Sukarnoputri did not include the TNI amongst her political problems and was far more amenable to a military response to threats to Indonesia’s territorial integrity. Whereas Abdurrahman Wahid had publicly flirted with the idea of adopting a federal system to accommodate problematic provinces

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5 Interviews with former Human Rights Minister, Hasballah M. Saad (Jakarta, 11 November 2001) and Regional Autonomy Minister, Ryaas Rasyid (Jakarta, 17 October 2002).
6 Interviews with Ryaas Rasyid (Jakarta, 17 October 2002) and James Kristiadi, Deputy Executive Director, Centre for Strategic and International Studies (Jakarta, 24 October 2002).
like Aceh\textsuperscript{7}, Megawati Sukarnoputri regarded the unitary state as inviolable and believed that ‘excessive’ decentralisation would lead to national disintegration.\textsuperscript{8}

Just as political alliances had tended to shift and regroup around particular Aceh policy issues under Habibie, attitudes in Jakarta changed over time during Abdurrahman Wahid’s tenure. Many ‘democratic reformists’ who initially advocated persuasive strategies such as peace talks and human rights investigations into Aceh, were either sacked, resigned, or reverted to a more hard-line position as the TNI’s political influence strengthened and the Aceh conflict worsened. It was also common for individual government officials to espouse seemingly contradictory views, such as condemning atrocities committed against Acehnese civilians on one hand, while calling for the elimination of GAM on the other. This was the case with Abdurrahman Wahid and, to a lesser extent, Megawati Sukarnoputri, who both issued inconsistent statements and changed their minds on Aceh policy in response to national political pressure and regional developments. Abdurrahman Wahid, for instance, initially emphasised negotiations as the basic tenet of his Aceh approach, but announced less than one year into his presidency (under growing pressure from the TNI and other nationalist forces) that it would be impossible to ‘sit and talk together’ with GAM until the ‘rebellious group’ was disarmed.\textsuperscript{9} Megawati too, had ‘sobbed for minutes’ in a televised national address during the 1999 presidential election campaign while pledging to ‘always remember the struggle of the people of Aceh. I am going to give my soul, I'm going to give Arun back to you and I'm going to see how beautiful is this ‘Verandah of Indonesia.'\textsuperscript{10} In her capacity as vice-president, however, Megawati tended to remain publicly silent on the Aceh issue, while privately courting the TNI.\textsuperscript{11}

\textsuperscript{9} ‘Aceh separatists must be disarmed, says President’, \textit{The Jakarta Post}, 24 September 2000.
\textsuperscript{10} Andreas Harsono, ‘Megawati speech stops traffic, she breaks silence on policy’, \textit{The American Reporter}, 29 July 1999.
\textsuperscript{11} On one rare occasion when Megawati Sukarnoputri did publicly speak about Aceh, she warned that separatist demands from provinces like Aceh and Irian Jaya would sow seeds of hatred and threaten Indonesia’s territorial integrity. ‘Govt to use CGI Aid for People’s interests, Veep Megawati Says’, \textit{Antara}, 1 February 2000.
4.1.1 First Cabinet

Although most decisions about Aceh were made outside the cabinet under Abdurrahman Wahid, individual ministers nevertheless exerted influence over the policy process. This was less apparent in the first ‘National Unity’ (Persatuan Nasional) cabinet than in later cabinets, partly because Abdurrahman Wahid’s power was strongest at the start of his presidency, partly because the TNI was then still under public pressure to withdraw from politics, and partly because of the new cabinet’s fractured composition. Installed on 26 October 1999, the first cabinet was formed as the result of bargaining with the leaders of Indonesia’s five major parties and the TNI. While the new government reflected Indonesia’s emerging democratic landscape, it was deeply divided and ministers were often more concerned with internal politicking than with what was happening in troubled peripheral provinces such as Aceh.

The TNI was well represented in Abdurrahman Wahid’s first cabinet, receiving six portfolios. To the anger of many Acehnese, General Wiranto was awarded the most senior cabinet position of Coordinating Minister for Political Affairs and Security. When Abdurrahman Wahid later dismissed Wiranto on 13 February 2000 over his alleged involvement in atrocities committed in East Timor and Aceh, the president also alienated the majority of military leaders. While Indonesia’s generals disputed such issues as the expansion of the TNI’s territorial command system, they remained united in their opposition to human rights investigations.

General Wiranto continued to exert considerable influence over both the TNI and the cabinet under Abdurrahman Wahid, even after his dismissal from government. This was

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12 Reflecting the new government’s emphasis on inclusiveness, the first cabinet also comprised ministers from all Indonesia’s troubled regions. These were Human Rights Minister Hasballah M Saad (Aceh), Minister of Administrative Reforms, Rear Admiral Freddy Numberi (Papua) and from South Sulawesi, the Minister of Trade and Industry Minister, Jusuf Kalla, Foreign Affairs Minister Alwi Shihab, Regional Autonomy Minister Ryaas Rasyid, and Minister of Housing and Regional Development, Erna Witoelar.


14 The generals included TNI Commander-in-Chief Admiral Laksamana Widodo AS, General Wiranto (Coordinating Minister for Politics and Security), Lieutenant General (ret.) Surjadi Soedirdja (Home Affairs Minister), Lieutenant General Susilo Bambang Yudhoyono (Mines and Energy Minister), Rear Admiral Freddy Numberi (State Administrative Reform Minister) and Lieutenant General Agum Gumelar (Communications Minister).
demonstrated by Wiranto’s decision to rotate more than 100 military officers in November 1999, and by his informal role in two subsequent military reshuffles in June and August 2000. A number of ministries in the first cabinet were also awarded to Wiranto’s friends and allies. Of these, two strategic portfolios were given to generals who had supervised Aceh security operations under Habibie. The new TNI Commander in Chief, Admiral Laksamana Widodo Adi Sucipto, was Wiranto’s former classmate at Indonesia’s armed forces academy (Akademi ABRI, Akabri) in 1968. Although the appointment of a naval officer to the top army post was generally seen as a positive step towards military reform, Widodo had been groomed for the position since July 1999, while serving as Wiranto’s Deputy TNI Commander. In that capacity, Widodo had assisted Wiranto in managing the second phase of Operasi Sadar Rencong in Aceh. Also on Wiranto’s recommendation, the corruption prone Mines and Energy Ministry was awarded to the politically ambitious Lieutenant General Susilo Bambang Yudhoyono. While Susilo had a reputation as an intellectual and military reformer, he had supervised regional commanders in Aceh and East Timor as former TNI Chief of Territorial Affairs, when he had been directly accountable to Wiranto. Compared with many of his military colleagues, however, Susilo was a moderate general, who, even while serving as TNI Chief of Territorial Affairs, had advocated a ‘comprehensive’ approach to the Aceh problem that combined security operations with political, economic and social strategies.

The appointment of a civilian, Juwono Sudarsono, to the Defence portfolio was also largely symbolic. While the mass media portrayed the appointment of Indonesia’s first civilian Defence Minister since the 1950s as an important step towards asserting civilian supremacy

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17 Widodo was believed to have been instrumental in bringing the Marine Corps behind Wiranto during his struggle against Lieut. Gen. Prabowo Subianto for the TNI leadership in May 1998. ‘Ambisi Wiranto Di Panggung Politik’, Xpos, No. 25/ II, 25-31 July 1999.
over the military, this was not entirely accurate. Juwono, who had also been recommended by Wiranto, enjoyed close relations with the TNI, having previously served as Deputy Chief of the military think-tank, Lemhanas (National Resilience Institute). The new Defence Minister also shared the military’s opposition to human rights investigations in Aceh, arguing that ‘democratic absolutism’ would result from prosecuting senior generals who were ‘just carrying out state policy.’ In other areas of Aceh policy, however, Juwono was a reformist. Soon after his appointment, he even ambitiously proposed phasing out the military’s territorial command system, starting with Aceh, because the TNI’s presence was ‘the most sensitive to civilians there’ and because of the ‘very significant’ contribution made by the Acehnese people to the Indonesian nation.

In relation to Aceh, the other strategic ministry was the Home Affairs portfolio, which was traditionally seen as the most militarised department after the Ministry of Defence. This portfolio was awarded to Lieutenant General (ret.) Surjadi Soedirdja, who also became the TNI’s most powerful representative in government in February 2000, when he replaced General Wiranto as Acting Coordinating Minister for Political and Security Affairs. Prior to his cabinet appointments, Surjadi had served as Governor of Jakarta (1992-97), a member of President Habibie’s Advisory Team on Aceh (TPPUA), and, like other senior military leaders, had briefly undertaken a tour of duty in Aceh in the late 1970s.

Like the Habibie administration, the number of generals in Abdurrahman Wahid’s first cabinet who received strategic portfolios cast doubt over Jakarta’s political will and capacity to redress Acehnese expectations of justice. The military’s ongoing

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20 Juwono Sudarsono had also served as Minister for Education and Culture under Habibie, and Environment Minister/Chairman of the Environmental Impact Management Agency in Suharto’s Seventh Development cabinet. He suffered a stroke in January 2000, which led to his retirement. ‘Menteri-menteri Bidang Politik. Dari Pemulihan Krisis Sampai Menhan Sipil’, Kompas, 27 October 1999.
22 It is unclear what Juwono Sudarsono meant by ‘democratic absolutism’. He seemed to be implying a state of anarchy or chaos. ‘Military chiefs calls the shots in the Indonesian cabinet’, World Socialist Web Site, 10 December 1999 http://www.wsws.org/articles/1999/dec1999/ind-d10.shtml
The second new Ministry for Regional Autonomy was headed by Ryaas Rasyid. With his prior experience as Director General of Public Administration and Regional Autonomy in the Home Affairs Department under B. J. Habibie, Ryaas Rasyid was suited to the job. Like Hasballah M. Saad, the former ‘Team of Seven’ leader advocated a federal-style solution to the Aceh conflict and believed that the best way to stem the threat of national disintegration was by decentralising wide-ranging powers to Indonesia’s problematic provinces. By contrast, Vice-President Megawati Sukarnoputri and the TNI saw the unitary state as sacrosanct, and the decentralisation process as necessary to maintain and strengthen Indonesia’s existing system. In Chapter Five, these tensions between advocates of federalism and unitary statehood in the Aceh case are explored in greater depth. It is worth mentioning here, however, that ideological differences between Ryaas

26 Hasballah M. Saad was born into a poor rice-farming family in the strife-torn district of Pidie. He had previously taught at an elementary school in Aceh for seven years, and was imprisoned for fifteen months in 1978-79 for condemning Suharto. In August 1998, Hasballah joined the new National Mandate Party (PAN), led by Amien Rais, and won one of that party’s thirty-four DPR seats in the 1999 general election. ‘Kabinet Persatuan Nasional Period 1999-2004’, Kompas, 27 October 1999; Interview with Hasballah M. Saad, Bekasi, 11 November 2001.


Rasyid and Surjadi Soedirdja, as well as overlapping spheres of authority in their respective ministries raised questions about the Regional Autonomy Department’s capacity to effectively function.

The two new ministries faced other political and structural obstacles. Both departments lacked adequate staff and resources, and neither Hasballah M. Saad nor Ryaas Rasyid received clear job descriptions. Although these civilian ministers shared Abdurrahman Wahid’s commitment towards peacefully resolving the Aceh conflict, they were also excluded from the president’s inner circle of late night ‘whisperers’, which restricted their influence over the policy process. Ryaas Rasyid, for example, later explained that he had tendered his resignation (while serving in the second cabinet) because Abdurrahman was ‘a very authoritarian figure’ who ‘never agreed with my ideas’ or approved his counter-proposals. Similarly, Hasballah M. Saad became ‘a bit confused, but also disappointed’ when the president bypassed the Human Rights ministry and ordered his new TNI Commander in Chief, Admiral Laksamana Widodo, to investigate rights abuses in Aceh.

4.1.2 Second Cabinet

The second cabinet, which was announced on 23 August 2000, was far more united on Aceh policy than the first, with the majority of ministers supporting a dual-track persuasive-repressive approach to the conflict. This was largely due to the military’s growing political influence and the lack of democratic control over the armed forces. With his presidency in crisis, Abdurrahman Wahid was forced to reshuffle the cabinet and transfer the practical running of the country to Vice-President Megawati Sukarnoputri in a bid to defuse calls for

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31 Ryaas Rasyid said that whenever he asked Abdurrahman Wahid to explain why he had rejected his proposals, Abdurrahman had simply answered ‘No, because I’m the President.’ Interview with Ryaas Rasyid, Jakarta, 17 October 2002.
his impeachment. Although Abdurrahman Wahid continued to exert influence over the second cabinet by awarding key ministries to his allies, he also had to make substantial concessions to the TNI in order to remain in power. The majority of civilian ministers in the second cabinet were also more receptive to the TNI’s calls for a greater military presence in Aceh. National sympathy towards Acehnese grievances was already waning as the peace process with GAM verged on collapse.

Like the first cabinet, the armed forces did well out of the second cabinet, receiving five ministries. Of these, the most powerful Ministry for Coordinating Political, Social and Security Affairs was awarded to Lieut. Gen. Susilo Bambang Yudhoyono. It was Susilo, more than any other minister, who shaped Aceh policy development in the second cabinet. As discussed later in this chapter, Susilo was also the principal architect of Presidential Instruction (Inpres) No.4 of 2001, which became the foundation of Jakarta’s ‘comprehensive’ Aceh approach during Abdurrahman Wahid’s final months in power.

The Defence portfolio in the second cabinet was again awarded to one of the military’s civilian supporters. Juwono Sudarsono’s replacement by Mohammad Mahfud Mahmodin was particularly controversial as the latter minister had no prior experience or knowledge

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33 The transfer of authority from the president to the vice-president for the day-to-day management of the cabinet was formalised through Presidential Decree No. 121/2000. Abdurrahman Wahid was forced to make this political concession after the MPR overwhelmingly rejected his annual progress report in early August. ‘Megawati tak Hadiri Pengumuman Kabinet’, Kompas, 24 August 2000; ‘Antara Hak Pregoratif dan Sikap Megawati’, Kompas, 27 August 2000.


35 While the new cabinet only contained five military appointments, it was also proportionally smaller, with twenty-three ministries instead of thirty-five in the first cabinet. The military appointments in the second cabinet included Admiral Laksamana Widodo Adi Sucipto (TNI Commander in Chief), Lieut. Gen. Susilo Bambang Yudhoyono (Minister for Coordinating Political, Social and Security Affairs), Lieut. Gen. (ret.) Surjadi Soedirdja (Minister for Home Affairs and Regional Autonomy), Lieut. Gen. (ret.) Agum Gumelar (Minister for Transportation and Communications), Lieut. Gen. (ret.) and Lieut. Gen. (ret.) Luhut Binsar Panjaitan (Minister of Industry and Trade). ‘Kabinet Abdurrahman Wahid’, Kompas, 24 August 2000.
of defence matters.\(^3\) A Nahdlatul Ulama member and constitutional lawyer, Mahfud was chosen for his loyalty to the president and not for his ministerial capability. Despite his personal and institutional ties with Abdurrahman Wahid, Mahfud was so outspoken in supporting a traditional security approach in Aceh that one Acehnese parliamentarian described him as ‘more military than the military, even though he is a civilian official.’\(^3\)

A key difference between the first and the second cabinets was the dissolution of the Human Rights and Regional Autonomy ministries in the second. Reminiscent of the Habibie administration, regional autonomy matters were merged into the Home Affairs and Regional Autonomy Department, which was again headed by Lieutenant General (ret.) Surjadi Soedirdja. Reflecting Jakarta’s reduced emphasis on human rights issues, the Human Rights Ministry was integrated into the Law and Human Rights Department. The new department was headed by the leader of the Islam-based Star and Crescent Party (PBB), Yusril Ihza Mahendra, who had served as Minister for Law and Legislation in the first cabinet. In that capacity, Yusril had urged the government to expedite human rights trials in Aceh,\(^3\) but also had refused to condemn atrocities committed by the military-backed Islamic militia, Laskar Jihad.\(^3\) Yusril only had seven months to master his portfolio before he was sacked for disloyalty by Abdurrahman Wahid in February 2001.\(^4\)

Similarly, Yusril’s replacement, the former Komnas HAM chairman, Baharuddin Lopa, was only in government for four months before the cabinet in which he served was dissolved.

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\(^3\) Even Mahfud was initially confused about his appointment, and reportedly sought clarification from Abdurrahman Wahid as to whether he had received the Defence (Pertahanan) portfolio or the Agriculture (Pertanian) ministry. At that time, Mahfud also admitted that he had no experience in either area. ‘Mega tak Diajak, Amien Dilupakan, Akbar Ditinggalkan’, Republika, 24 August 2000; ‘Wapres akan Laksanakan Tugas Pemerintahan’, Kompas, 10 August 2000.


While the second cabinet functioned slightly better than the first in the sense that it was more coordinated and politically cohesive, it was far from stable or efficient. The regular rotation of ministers, combined with declining political support for Abdurrahman Wahid’s presidency, led the armed forces, the DPR and the MPR to increasingly question or undermine executive authority. Just as the first cabinet had been marked by a high degree of political infighting, many ministers in the second cabinet were less concerned with regional issues than with Indonesia’s emerging leadership crisis as entrenched elite interests began to reposition themselves around Vice-President Megawati Sukarnoputri.

4.1.3 Third Cabinet

By the time of the third cabinet reshuffle on 1 June 2001, the TNI had consolidated control over Aceh policy.41 In practical terms, the third cabinet barely functioned as it was installed during the final stage of a protracted impeachment process against Abdurrahman Wahid.42 With national attention focused on the issue of presidential succession, the third cabinet made no new decisions about Aceh and only proceeded to half-heartedly implement a ‘comprehensive’ Aceh program that had been developed by Susilo Bambang Yudhoyono in the second cabinet.

One distinguishing feature of Abdurrahman Wahid’s last cabinet was the political ascendancy of Megawati Sukarnoputri and her allies. Like the first two cabinets, the military and its civilian supporters were awarded key portfolios. In a final bid to reach a settlement with his political rival, Abdurrahman Wahid awarded the top cabinet position to Lieutenant General (ret.) Agum Gumelar, who had been involved in Megawati Sukarnoputri’s 1993 election to the chair of the Indonesian Democratic Party (PDI).43 Agum Gumelar had also

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43 The decision to replace Susilo Bambang Yudhoyono as Coordinating Minister for Political, Social and Security Affairs was also due to Susilo’s growing political stature and the threat that he posed to both the ailing President and President in waiting. ‘Wapres Memaklumi Pengangkatan Agum’, Kompas, 3 June.
served as Minister for Transportation and Communications in the first two cabinets, and previously supervised military operations in Aceh as Chief of Staff of Kodam Bukit Barisan during the DOM period. The strategic Defence portfolio and the Home Affairs and Regional Autonomy ministry were respectively returned to Mahfud and Surjadi Soedirdja. These appointments seemed to suggest that Aceh choices would have continued to be heavily informed by myopic policy debates about territorial integrity even if Abdurrahman Wahid had not been impeached. The military’s ongoing access to the highest echelons of political power further indicated that while Indonesia’s reform process had suffered under Abdurrahman Wahid’s chaotic leadership, the TNI had not. Instead, dysfunctional democratic governance had enabled the military to reassert its sociopolitical profile as the defender of national unity.

4.2 Calls for a Referendum

Upon coming to power, Abdurrahman Wahid acknowledged the severity of the Aceh problem by announcing that he would ‘personally’ handle it. Like Habibie before him, Abdurrahman Wahid sought to distinguish himself as a democratic leader by withdrawing non-organic troops from Aceh, launching human rights investigations and releasing Acehnese political prisoners. Despite these conciliatory gestures, Abdurrahman Wahid soon proved weak on the details of policy implementation. His numerous off-the-cuff remarks about Aceh also undermined any sense of goodwill that he sought to create in Aceh and further entrenched the general feeling of isolation and alienation by the Acehnese people from the Indonesian state.


Abdurrahman Wahid inherited a far more serious problem in Aceh than Habibie. In contrast to the fall of Suharto, when Acehnese demands had primarily revolved around human rights issues and not independence, most Acehnese were united in their opposition to Indonesian rule by the start of Abdurrahman Wahid’s presidency. Aceh’s bitter taste of ‘democracy at work’ during the first eighteen months of Indonesia’s regime transition had generated feelings of deep distrust towards ‘democratic’ politicians, and general disillusionment about the national reform process. For the majority of Acehnese people, the most tangible embodiment of democracy at work was SIRA, with its rallying call to decide Aceh’s political status by popular ballot. As SIRA and GAM went on the political offensive, local government functions came to a virtual standstill, resulting in a vacuum in Indonesian power, authority and legitimacy.

The precariousness of Indonesia’s governing presence in Aceh was underscored two weeks into Abdurrahman Wahid’s presidency by SIRA’s ‘rally of millions.’ On 8-9 November 1999, about 500,000 of Aceh’s 4.2 million people gathered at the Baiturrahman mosque in Banda Aceh to demand a referendum with two options: ‘To Join or Separate (Free) from RI [Republic of Indonesia].’ From the shouts of ‘Aceh Merdeka (Free Aceh)’ and ‘Referendum, Freedom’ that reverberated throughout the mosque grounds, however, the crowd’s message was clear. While Aceh’s referendum movement covered the entire political spectrum, the majority of Acehnese, whose daily experience of Indonesian authority was violence, wanted independence. Nevertheless, there were differences over how particular groups and individuals saw their role in the referendum process. The university students at the vanguard of the referendum movement saw their political ‘struggle’ as ‘the ideal form of compromise with the Central Government’ to ‘resolve the Aceh case in a just, peaceful, democratic, political and comprehensive manner.’ By contrast, GAM vowed to militarily defend the students and to wage war against Jakarta if it refused an independence ballot. As GAM’s military commander, Abdullah Syafi’ie explained, ‘We must protect our children, those students,

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47 Banner hanging on the wall of the Baiturrahman mosque during the November 1999 rally.
48 Independent video coverage of the mass rally, taken by Maimun, human rights activist.
until the last drop of blood has been spilt.' Others, including HUDA and Rabithah Thaliban Aceh, saw their primary role in the referendum process as a calming and unifying influence to ensure that ‘Aceh doesn’t become a second East Timor that’s destroyed and divided after the referendum.’ While some HUDA representatives directly petitioned Abdurrahman Wahid as a fellow traditionalist *ulama,* others employed more defensive language, warning that ‘the *dayah ulama* are ready to face the consequences’ if their referendum demand was not met.

Lacking strong community support and in the absence of any immediate assistance from Jakarta, provincial government leaders adopted a conciliatory attitude towards the referendum movement. They arguably had no alternative; in the week before the massive display of people power in Banda Aceh, an angry mob had set fire to the DPRD-II building in the West Aceh capital of Meulaboh after local legislators had refused their demands to lower the Indonesian flag and support their referendum demands. It was within this context that DPRD and provincial government leaders signed a joint written statement on 8 November 1999, pledging their commitment to ‘the struggle for self-determination of the Acehnese people through a democratic and peaceful referendum’ that ‘must be positively responded to by all parties and sides at the national and international level.’ Governor Syamsuddin Mahmud added that ‘If [a referendum] is what the people want, then I agree with the people.’ After coming under attack from Jakarta, however, Syamsuddin back-pedaled, claiming that he had only endorsed a referendum ‘because until now the Acehnese people don’t have the option of whether they must be given special autonomy, revert to a

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52 *Ibid*.
55 The statement was signed by M. Nasir Jamil (Contemporary DPRD Chairman), Tgk. Muhammad Yus (Elected DPRD Chairman), and Syamsuddin Mahmud (Governor of Aceh). It was witnessed by Muhammad Nazar (SIRA Chairman) and Tgk. H. Nuruzzahri Yahya (HUDA General Secretary). *Janji/ Komitmen Dewan Perwakilan Rakyat Daerah (DPRD) Dan Pemerintah Daerah Istimewa Aceh* [photocopy of original statement provided by SIRA], 8 November 1999.
Meanwhile, in Jakarta, a different leadership crisis was emerging over Abdurrahman Wahid’s handling of the referendum issue. Acting against the advice of the DPR, the MPR, the TNI and his cabinet (with the notable exception of Hasballah M. Saad), Abdurrahman Wahid agreed to grant the Acehnese people a referendum on independence, stating that it was ‘unfair’ to only allow the East Timorese to decide their political status. When his offer invoked panic amongst Indonesian nationalists and mass demonstrations in Aceh and Jakarta, however, the president modified his referendum proposal to ‘broad autonomy and matters pertaining to the application of Syariáh’ after seven months. By early December, Abdurrahman Wahid was forced to completely abandon his referendum offer after being summoned before a DPR consultative meeting to ‘clarify’ that he ‘would not tolerate any province to secede from the country.’

From a capacity perspective, Abdurrahman Wahid’s responses to the referendum issue cost him much needed legitimacy in both Jakarta and Aceh. In the Indonesian capital, political and military elites began to question the new president’s ability to make rational decisions and hence, to responsibly govern. Abdurrahman Wahid later admitted that he had never actually intended to hold either an ‘extra large referendum’ on Acehnese independence, or ‘a wide array of referendums’ on ‘special case policies’ such as Islamic law, because that would ‘not solve anything.’ This implied that his statements, which were made during a whirlwind tour of Asia, the USA and Middle East, were either completely thoughtless or

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60 The mass rally in Banda Aceh on 8–9 November 1999 was the biggest of several rallies that had been taking place in all of Aceh’s urban centres since East Timor voted for independence. See, for example, ‘No martial law in Aceh, says defence minister’, The Indonesian Observer, 23 November 1999; ‘Mahasiswa Aceh Demo Referendum di DPR’, Serambi Indonesia, 30 November 1999; ‘Students stage anti-separatism rally’, The Indonesian Observer, 4 December 1999.
63 Interview with Abdurrahman Wahid, Jakarta, 23 October 2002.
had simply been aimed at buying time. Instead of cultivating trust and goodwill in Aceh, however, the ‘referendum ruse’ made Abdurrahman Wahid seem insincere, indecisive and ‘confused.’\textsuperscript{64} The president’s decision to immediately travel abroad instead of demonstrating his personal commitment to Aceh by visiting the province also hardened local attitudes towards Jakarta\textsuperscript{65}, especially when Abdurrahman Wahid announced that his overseas ‘visits have reduced the possibility of foreign support for Aceh’s independence.’\textsuperscript{66} This claim was unlikely given that no foreign government or international organisation (with the sole exception of the Libyan dictator Colonel Al-Gadhafi’s ‘Marthaba Against Imperialism, Racism and Zionism’ organisation in the 1980s) had ever supported Acehnese independence.\textsuperscript{67} On the balance, Abdurrahman Wahid’s spontaneous pronouncements about Aceh seemed to do more harm than good, and created the general impression that his administration lacked a coherent program for conflict resolution.

4.3 Human Rights

Abdurrahman Wahid’s efforts to win back Acehnese hearts and minds through his human rights campaign was similarly confusing and largely counterproductive. Even if the new government had implemented a coherent rights program, however, there was no guarantee that it would have been capable of satisfying the Acehnese people or that it would have contributed towards a gradual reduction in separatism. Nor was there any assurance that the TNI would have permitted the prosecution of rights violations cases if they were too rapid. What did become clear as Abdurrahman Wahid’s presidency progressed was that Jakarta’s human rights program was too slow and insubstantial to restore Acehnese faith in Indonesian authority. And, that while the prospect of human

\textsuperscript{67} In the mid-1980s, Colonel Muammar al-Gadhafi’s ‘Marthaba Against Racism, Zionism and Imperialism’ organisation supplied military funding and training to the separatists. By the mid–1990s, however, al-Gadhafi had started to change his politics in response to domestic and international pressure and worked to forge closer ties with the Indonesian government. Nicholas Rothwell, ‘Gaddafi’s Pacific Intrigues’, \textit{Pacific Islands Monthly}, June 1998.
Like Habibie, Abdurrahman Wahid initially responded to Acehnese demands for justice for human rights abuses in two ways: by granting amnesty to Acehnese political prisoners and by launching investigations. On 15 November 1999, the DPR approved Abdurrahman Wahid’s decision to release ninety political prisoners who had been charged with subversion in Aceh, East Timor, Lampung and Jakarta. While the majority of national parliamentarians praised the president’s commitment towards human rights, he only approved amnesty for fifteen Acehnese political prisoners, which prompted a spokesman from Megawati Sukarnoputri’s PDI-Perjuangan faction, Julius Usman, to question the fate of an additional twenty-six Acehnese political prisoners who had been listed for release.68 In a second prisoner release in December 1999, eleven more Acehnese political prisoners were granted amnesty.69 According to SIRA and Aceh’s Legal Aid Foundation (LBH), however, hundreds of other civilians were unlawfully arrested to replace those who had been freed.70

Abdurrahman Wahid’s most important human rights initiative in Aceh was to order investigations into violations against civilians. Vowing to not only catch the small fish (ikan teri), but also the big fish (ikan kakap) who were responsible for depredations71, the president announced at the start of his term that all abuse cases would be ‘thoroughly investigated by the Attorney General [Marzuki Darusman]’ and that the perpetrators would stand trial.72 Most Acehnese doubted Abdurrahman Wahid’s sincerity, however,

69 These prisoners were released through Presidential Instruction No.173/1999. ‘Govt releases remaining 105 prisoners’, The Jakarta Post, 24 December 1999.
70 According to the Aceh branch of the Legal Aid Foundation (LBH), there were 332 unlawful arrests in 1999. ‘Legal Aid Foundation has grim forecast for Aceh’, The Indonesian Observer, 28 December 1999; ‘Evaluasi Akhir Tahun LBH Banda Aceh: Peluru, Darah Dan Air Mata Masih Warnai Aceh’, Waspada, 29 December 1999; Interview with Ruslan Rz (SIRA representative), Banda Aceh, 30 August 2000.
72 ‘Presiden: Periksa Penembak Bantaqiah’, Serambi Indonesia, 2 November 1999. This agenda was far more comprehensive than an earlier proposal by Abdurrahman Wahid under Habibie’s presidency. In early 1999, Abdurrahman Wahid had only advocated a ‘Truth and Reconciliation Commission’ like that which
especially after he bizarrely stated that the mass killings in Aceh were ‘not committed by Indonesian security forces personnel. But by people wearing military uniforms.’

There were also serious concerns amongst Acehnese and national activist groups about the investigation process. Instead of sending his Acehnese Human Rights Minister, Hasballah M. Saad, to investigate atrocities in Aceh, Abdurrahman Wahid ordered the new TNI Commander in Chief, Admiral Laksamana Widodo, to catch the ‘big fish’ by interrogating the head of Kodam Bukit Barisan and the Intelligence Affairs Assistant to the Chief of Korem 012 Teuku Umar. Not only did this decision raise questions about the impartiality of the investigation, but it made the Human Rights Ministry look like little more than ‘a political guise to promote the new government's credibility.’ Indeed, Hasballah’s symbolic status was underscored during his first official visit to Banda Aceh on 12-13 November 1999, when he announced that he had ‘only come here to visit my brothers’ and had ‘no special message from the government.’

Abdurrahman Wahid’s decision to interrogate senior military commanders in Aceh followed two separate investigations into the July 1999 killing of Tgk. Bantaqiah and his followers in West Aceh. It was under the command of Korem 021 Teuku Umar (which is directly subordinate to Kodam Bukit Barisan) that the traditionalist ulama and fifty-two of his students and family members were killed by Indonesian security forces. The first independent investigation into the Bantaqiah massacre had been ordered by President

had been established in post-apartheid South Africa ‘to acknowledge that in Aceh there were indeed human rights violations. We can do nothing more than that.’ At that time, he had also suggested that Singapore’s Prime Minister, Lee Kuan Yew, who at that time was under attack by the U.S. State Department for his own government’s poor human rights record, join the Indonesian commission as a ‘person of high integrity.’ ‘Gus Dur Minta Lee Kuan Yew Duduk di Komisi Rekonsiliasi’, Kompas, 7 January 1999.

Habibie on 30 July 1999, when a twenty-seven-member Komnas HAM team was established that went on to document reports of more than 5,000 rights violations cases in Aceh. When the Commission submitted its findings to Abdurrahman Wahid on 10 November 1999, it recommended that five cases be given top priority, including the Bantaqiah massacre. The second independent investigation was undertaken by an Acehnese fact-finding team that comprised a mix of DPRD representatives, police officers, student activists, humanitarian workers and community leaders. In late October 1999, the Aceh team concluded that there was ‘insufficient evidence’ to support claims by the TNI and police that Tgk. Bantaqiah had cultivated marijuana and had links to GAM. Although the Bantaqiah case went to trial, only twenty-four low ranking soldiers and one civilian were prosecuted in May 2000. The twenty-five were convicted in a civil-military connectivity court, and received sentences ranging between eight-and-a-half to ten years. No senior officers were sentenced as the commanding officer in the Bantaqiah incident, Lieutenant Colonel Sudjono, ‘disappeared’ months before the trial began, and the court did not exercise its right to prosecution in absentia.

While several senior generals were questioned about their role and interventions in rights abuses in Aceh at the start of Abdurrahman Wahid’s presidency, none were prosecuted. On 29 November 1999, six previously ‘untouchable’ generals were summoned before a DPR special committee (Panitia Khusus, Pansus) to explain their involvement in atrocities committed during the DOM period. The fifty-member Pansus Aceh (which included twelve Acehnese representatives) was formed in mid-November 1999 with a mandate to

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78 The other four cases included: (1) the rape of a woman in Pidie on 16 August 1996, (2) the torture and killings of prisoners at a military detention centre (Rumah Geudong) in 1997-98, (3) the Idi Cut massacre on 3 February 1999, and (4) the Simpang KKA killings on 3 May 1999. ‘Tak Ada Langkah Maju Rekom Tim Independen’, Serambi Indonesia, 10 November 1999; ‘Referendum Atau Pengadilan Pelanggar HAM’, Xpos, No. 41/II, 14-20 November 1999.


‘realise special autonomy and restore the human rights of the Acehnese people.’ In working towards these objectives, the Pansus Aceh questioned those generals who were implicated in rights abuses in Aceh and sought input from four ministers who were directly involved in Aceh policy-making (namely General Wiranto, Surjadi Soedirdja, Ryaas Rasyid and Hasballah M. Saad). Three of the generals who were summoned before the Pansus Aceh had held prominent positions under Habibie: Lieut. Gen. (ret.) Feisal Tanjung (former Coordinating Minister for Political Affairs and Security), Lieut. Gen. (ret.) Syarwan Hamid (Home Affairs Minister) and Maj. Gen. H. R. Pramono (former Inspector General of Industry and Trade). Other four-star generals included former ABRI Commander/ Vice-President (1988-93/ 1993-98), General (ret.) Try Sutrisno, ex-Defence and Security Minister (1988-93), General (ret.) Benny Moerdani, and the former Chief of the Armed Forces Intelligence Agency [BIA] (1997-99), Maj. Gen. Zacky Anwar Makarim. The only civilian to be summoned before the hearing was a past Aceh governor, Ibrahim Hasan (1986–93).

While the public interrogation of Indonesia’s top generals would have been unthinkable under the New Order (the DPR session was broadcast live on TVRI), it ultimately demonstrated the extent of the TNI’s political influence. General (ret.) Try Sutrisno, for example, silenced the House during question time by shouting ‘Don’t try to provoke us. Behave yourselves!’ Even the Pansus Aceh Chairman and Deputy DPR Speaker, Soetardjo Soerjogoeritno, admitted that the hearing had achieved ‘nothing towards disclosure’ as the generals disavowed responsibility for depredations by using arguments similar to those advanced by their colleagues immediately after DOM. The outspoken Try Sutrisno argued that DOM status had never been imposed on Aceh, and that General Wiranto had only ‘lifted’ DOM because most Acehnese people and sections of the wider

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population believed DOM had existed. Another common argument, advanced by Maj. Gen. Zacky Anwar Makarim, was that ‘GPK’ rebels were responsible for the killings of Acehnese civilians. Others, including General (ret.) Benny Moerdani, pointed out that Try Sutrisno had served as ABRI Commander for part of DOM, but accused former governor Ibrahim Hasan of asking President Suharto to impose martial law in Aceh. In his defence, the former Aceh governor argued that he had simply ‘requested the Indonesian Armed Forces to secure Aceh’ in order to fulfill his duties as head of the provincial government.

The failure to prosecute any generals with direct links to atrocities in Aceh revealed the impunity that Indonesia’s judiciary, legislature and executive continued to award the military. Implicit in this failure was the acceptance by many state institutions and actors of the military’s traditional justification for abuses against civilians - that soldiers were implementing state policy by defending territorial integrity and strategic national assets. No punitive action was taken even after Kontras (Commission for Disappearances and Victims of Violence) produced TNI documents directly linking several top-ranking generals to atrocities committed during a 1994 ‘Satgas Rencong’ operation in Aceh. On 16 December, five days after Kontras released its findings, a DPR plenary session unanimously endorsed the Pansus Aceh recommendation to bring military rights violators to trial. In Aceh, however, the session was cynically regarded as a public relations exercise. GAM accused Pansus Aceh of participating in a ‘political conspiracy’ to protect the TNI, which seemed rather unfair given the special committee had made more effort

89 After Benny Moerdani fell out of favour with President Suharto, he was rumoured to have sponsored sections of the military that had links with GAM in order to undermine the credibility of a rival TNI faction in Aceh. In 1990, for example, Sgt. Robert Suryadarma from Battalion 111 in East Aceh, who was arrested for marijuana smuggling, was later discovered to have close ties with Rizal Gading, the leader of a GAM splinter group, who also reportedly had close ties to Benny Moerdani. ‘Haz points to disgruntled generals’, Laksamana.net, 10 July 2002.
91 ‘DOM in the eyes of seven generals’, apakabar@Radix.Net, 15 December 1999.
than other state agencies to prosecute military perpetrators.\(^{94}\) Somewhat differently, Komnas HAM pointed out that the DPR interrogations had further strained centre-periphery relations by exacerbating anti-military and anti-Jakarta sentiment amongst the Acehnese people.\(^{95}\)

On the other hand, the DPR hearings made the armed forces extremely uneasy. This high level of disquiet at least partially contributed towards the military’s decision to cooperate with Abdurrahman Wahid’s ‘persuasive’ Aceh approach. It will be argued in the following pages, however, that in the absence of human rights trials, the armed forces had little incentive to improve the discipline and professionalism of troops in the field. The military was also discouraged from becoming more responsive to democratic control while it remained largely dependent on external funding, and while Indonesia’s civilian authorities remained so evidently indecisive and divided.

### 4.4 The Armed Forces Retreat…

One of Abdurrahman Wahid’s most important decisions during his first few weeks in power was to order a complete withdrawal of non-organic troops from Aceh. This decision formed part of the president’s broader persuasive Aceh approach that would later include a peace process with GAM and efforts to convince the Acehnese people to remain part of Indonesia through a unilateral offer of ‘special autonomy’. Despite his rhetorical emphasis on peaceful conflict resolution, however, Abdurrahman Wahid did not order the termination of *Operasi Sadar Rencong II* (OSR-II), which had commenced in August 1999 under President Habibie. As a result, the police-led operations continued even after the non-organic troop redeployment in November 1999.\(^{96}\) While the remaining organic battalions in Aceh initially lacked the confidence and resources to deal with GAM, this ‘passive’ phase of OSR-II was short-lived and was soon replaced by a third, more offensive phase (OSR-III) on 1 February 2000.

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\(^{95}\) ‘Acehnese criticize generals’ statements on troubled province’, *The Jakarta Post*, 1 December 1999.

The military’s compliance with Abdurrahman Wahid’s order to withdraw from Aceh was always reluctant. As the TNI Commander in Chief, Admiral Laksamana Widodo, explained, ‘The military, with a heavy heart, has been forced to deploy a persuasive approach in facing mounting tension in Aceh.’

Laksamana Widodo’s statement revealed as much about the TNI’s preferred traditional security strategy as it did the military’s frustration with Abdurrahman Wahid’s handling of the conflict. Nevertheless, the TNI was widely discredited for its depredations in Aceh and still reeling from a wave of national and international condemnation following its poor conduct before and after East Timor’s independence ballot. Internally divided and under strong pressure to withdraw from political life, the TNI pragmatically decided to publicly support Indonesia’s first democratically elected president by pledging its commitment towards the national reform process.

At the same time, several statements by military and police leaders and ongoing violence in the field presaged a return to state repression. On 17 November 1999, less than one week after the publicised withdrawal of 600 Kostrad troops from Aceh, National Police Chief General Roesmanhadi requested the imposition of ‘limited’ martial law in Aceh because ‘the police are currently being subjected to conditions that they are unprepared for, especially in facing a guerilla war.’ In fact, the martial law proposal was not at all limited, and covered a large cross-section of the province, including the entire districts of Pidie, North, West and South Aceh. Roesmanhadi’s request received strong support from the TNI and was sympathetically viewed by several cabinet ministers, especially Home Affairs Minister Lieut. Gen. (ret.) Surjadi Soedirdja, TNI Commander in Chief Admiral Laksamana Widodo and Defence Minister Juwono Sudarsono, who agreed to discuss the proposal at the next cabinet meeting in November 1999.

To his credit, Abdurrahman Wahid refused to declare a state of emergency based on Aceh’s

97 ‘Military pledges to support govt dialog with Acehnese’, The Jakarta Post, 3 December 1999.
past negative experience of martial law during the DOM period, and the inevitable rights violations and internal displacement of civilians that such a policy would have entailed. The president was forced to concede, however, that Aceh was degenerating into a state of lawlessness. The organic security forces lacked control over most of the province. By early December 1999, the military and police had reportedly evacuated ten out of fourteen sub-districts in South Aceh. Regional military and police commanders also confirmed claims by GAM that the rebels ‘control 70 percent of the villages in all of Aceh.’

The security vacuum had rewarded GAM with unprecedented leverage, which the rebels manipulated in two ways. On one hand, GAM continued their attacks on Indonesian security forces personnel, military installations and Indonesian state facilities. On the other, they sent a message to Jakarta that the Acehnese people did not need Indonesian troops to maintain security. This self-reliance was demonstrated at GAM’s 23rd anniversary commemoration on 4 December 1999, which passed relatively peacefully after AGAM Commander Tgk. Abdullah Syafi’ie forbade the sale and hoisting of GAM flags outside local GAM headquarters to avoid further bloodshed. These combined strategies of self-restraint and insurgency strengthened GAM’s communal support base and reinforced the rebels’ self-portrayal as ‘national liberators’ who would empower the Acehnese people to regain control over their homeland.

GAM was not the only group to take advantage of Indonesia’s reduced security presence. By late 1999, armed gangs of ‘provocateurs’ were roaming the countryside and committing a litany of crimes such as extortion, theft, looting, arson attacks and terrorising civilians. In a surprisingly candid statement in December 1999, General Wiranto admitted that many of these ‘provocateurs’ were actually ‘thugs who come from Medan’ and ‘rogue elements of

106 ‘Over 150 killings in Aceh in two months’, The Indonesian Observer, 30 October 1999.
the military. Wiranto’s announcement was later supported by Aceh Police Chief Brigadier General Bahrumsyah Kasman, who estimated that seventy per cent of ‘GAM’ activity in Aceh was actually carried out by TNI-Polri deserters and escaped prisoners. The activities of these shadowy groups exacerbated the local climate of fear and mistrust and heightened hostilities between the warring parties. According to police leaders, the aim of ‘provocateurs’ was ‘to provoke the security personnel into using a repressive approach’ in Aceh. In a different vein, GAM vowed to ‘exterminate provocateurs’ because the rebels were tired of ‘always being turned into scapegoats’ by Indonesian security forces. There was some truth in GAM’s argument as the police collectively labeled the various armed groups ‘at play’ in Aceh as GBPK (Gerombolan Bersenjata Pengacau Keamanan/ Gang of Armed Security Disturbers), which was another government term for GAM.

Even as the non-organic troops withdrew from Aceh, almost daily reports of mysterious killings (petrus) raised concerns amongst the local population that the security forces had shifted their repressive emphasis from open security operations to more covert and clandestine action. West Aceh residents, for instance, confirmed that soldiers continued to enter their villages at night even after the district military commander signed a written statement stating that the TNI was no longer allowed to operate at the village level. There was also a widespread perception that non-organic battalions were returning to Aceh to create chaos and force a return to repression. This belief was strengthened after 28 November 1999, when 1,000 Brimob and regular police were redeployed to Aceh, just two weeks after the formal non-organic troop withdrawal. Brimob troops were particularly infamous for their atrocities against the civilian population, and the paramilitary police also earned a reputation for arson attacks. In one such incident on 13 December, 2,000 civilians

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112 According to West Aceh residents, the district military commander, Lieut. Col. Widagdo, signed a handwritten statement on 11 November 1999 stipulating that the TNI was no longer allowed to operate in villages. ‘Three killed in Aceh armed clash’, The Jakarta Post, 3 December 1999.
from Samalanga sub-district in Bireuen district became homeless after Brimob officers allegedly set fire to thirty-seven buildings in retaliation for the wounding of four police officers by GAM.\textsuperscript{114} Four days later, 5,000 more civilians were displaced in Sakti, Pidie, after Brimob and sub-district level (Koramil) military officers reportedly set fire to dozens of buildings in revenge for the killing of one policeman.\textsuperscript{115} Although police and military spokespersons denied responsibility for the burnings, Abdurrahman Wahid later intervened by asking the National Police Chief, General Rursidhardjo, to dismiss the police chief of Aceh’s operational taskforce, Colonel Jusuf Muharram, for ‘participating in, and ordering the burning of people, the burning of houses and schools in Aceh.’\textsuperscript{116}

The intensifying conflict was demonstrated by the loss of human life and physical destruction of Aceh’s state infrastructure. In 1999, Aceh’s average annual death toll was 350 fatalities\textsuperscript{117}, representing a sharp increase from 1998, when official sources reported just forty-six conflict-related deaths.\textsuperscript{118} The vast majority of extra-judicial killings were labeled ‘petrus’ because none of the ‘mysterious’ killers were ever captured. At least 400 buildings

\begin{itemize}
\item \textsuperscript{115} ‘Anggota Polisi Tewas Ditembak, Mapolsek/Koramil Glumpangtiga Diserang’, \textit{Serambi Indonesia}, 18 December 1999.
\item \textsuperscript{117} This average death toll is provided because of the number of conflicting fatality figures for 1999. According to the Medan-based \textit{Waspada} newspaper, there were 254 extrajudicial killings in Aceh in 1999, 372 torture cases, nineteen disappearances and 322 unlawful arrests. \textit{The Indonesian Observer} reported that there were 245 killings in Aceh in 1999, 372 torture cases, nineteen disappearances and 332 unlawful arrests. By contrast, \textit{The Jakarta Post} stated that 393 people were killed in Aceh in 1999, including 278 civilians, seventy-four Indonesian security forces personnel and forty-one GAM rebels. \textit{Detik.com} cited considerably higher fatality figures, reporting 416 killings, 101 missing persons and 801 torture victims for 1999. According to police data, 293 people were killed in 1999, including 202 civilians. ‘Evaluasi Akhir Tahun LBH Banda Aceh: Peluru, Darah Dan Air Mata Masih Warna Aceh’, \textit{Waspada}, 29 December 1999; ‘Legal Aid Foundation has grim forecast for Aceh’, \textit{The Indonesian Observer}, 28 December 1999; ‘Security personnel conduct intensive sweeps in Aceh’, \textit{The Jakarta Post}, 11 January 2000; ‘Forum data shows 841 people killed in Aceh this year’, \textit{The Jakarta Post}, 9 December 2000; ‘Gerak Politik Kekerasan Aceh (3): Ada Harapan Perdamaian?’, \textit{detik.com}, 13 December 2000.
\item \textsuperscript{118} Official figures tended to be lower than those provided by local NGOs and rights activists. Most local NGOs, however, recorded the number of fatalities between the end of DOM and the start of \textit{Operasi Satgas Wibawa}. The number of deaths during this period conformed to official data. ‘Kasus Kekerasan di Aceh 1999’, \textit{http://www.Indo-News.com/}, 6 January 2000.
\end{itemize}
were also burnt down in Aceh in 1999 at a cost of tens of millions of dollars to the state.\textsuperscript{119} Of that number, some 115 schools were incinerated by ‘unidentified gunmen.’\textsuperscript{120} The most immediate and palpable sign of the escalating violence, however, was Aceh’s refugee crisis. These refugees were of two types. The first group comprised several thousand non-Acehnese civilians from twelve transmigrant communities (mostly from North, West and South Aceh) who fled the province in the wake of East Timor’s independence ballot due to ‘intimidating’ acts by ‘certain parties.’\textsuperscript{121} These non-Acehnese migrants were not simply victims of racism, having been long associated by the local population with Suharto’s widely unpopular transmigration program and TNI-backed civilian militias. Nevertheless, there was an element of ‘ethnic cleansing’ in the non-Acehnese exodus. One AGAM commander in Saree village in Aceh Besar district even confirmed that he had ‘cleaned’ entire streets of Javanese migrants.\textsuperscript{122}

The second group of Acehnese refugees was by far the largest. Although the number of internally displaced civilians had fallen considerably since July 1999, there were still 36,000\textsuperscript{123} to 40,000\textsuperscript{124} Acehnese refugees by late 1999, mostly in the strife-torn districts of Pidie, North and East Aceh. Even many of those Acehnese refugees who were subsequently relocated to makeshift camps were unable to escape the violence. On 29 November 1999, for instance, at least 185 refugees in the Seulimeum camp in Aceh Besar were hospitalised after being poisoned by a mysterious ‘chef’.\textsuperscript{125} Despite the non-organic troop withdrawal, it seemed that nowhere in Aceh was safe. With GAM and Indonesian security forces blaming

\textsuperscript{119} Citing provincial government officials, \textit{The Jakarta Post} reported that 419 buildings were incinerated in Aceh in 1999. By contrast, a local NGO, Forum Peduli Hak Asasi Manusia Aceh (FPHAM Aceh), reported that 546 buildings had been burned down between January and October alone. ‘Security personnel conduct intensive sweeps in Aceh’, \textit{The Jakarta Post}, 11 January 2000; ‘Over 150 killings in Aceh in two months’, \textit{The Indonesian Observer}, 30 October 1999.

\textsuperscript{120} ‘Six killed, eleven buildings destroyed in Aceh’, \textit{The Indonesian Observer}, 23 November 1999.


\textsuperscript{122} Interview with local GAM commander named ‘Bantah’, Saree, Aceh Besar, 8 December 2000.


\textsuperscript{124} This figure was provided by the People’s Crisis Centre in Banda Aceh. ‘GAM prohibits hoisting of separatist flag in Aceh’, \textit{The Jakarta Post}, 2 December 1999.

each other (and provocateurs) for the violence, the rule of law did not exist. This explosive situation provided police and military leaders in Jakarta with increased political leverage to force a return to repression less than two months after the non-organic redeployment.

4.5 …and Return

As conditions in Aceh spiraled out of control, Abdurrahman Wahid began to reconsider his commitment to a non-military policy approach. He first alluded to this shift less than two months after coming to power on 3 December 1999 (the day before GAM’s 23rd anniversary commemoration) by warning that if Acehnese separatists challenged the government then ‘we will use repressive force.’ At the same time, Abdurrahman Wahid signed a written statement ordering the military and police to use force in Aceh ‘if necessary’ to uphold the law. The timing of this decision was related to growing calls by Indonesian security forces to impose a state of emergency. While Abdurrahman Wahid did not seriously believe that repression would solve Aceh’s problems, he acknowledged the need to accommodate the still politically powerful TNI.

Almost immediately after Abdurrahman Wahid authorised the use of repression in Aceh, the counterinsurgency campaign intensified. Military spokesman Maj. Gen. Sudrajat responded to the president’s order by announcing that ‘The [Acehnese] people should not be allergic to repression’ because the ‘TNI as the state protector has no other alternative than the repressive approach if all other means are ineffective.’ Similarly, Home Affairs Minister Lieut. Gen. (ret.) Surjadi Soedirdja presaged a return to the past by adding that the central government would ‘take stiff measures, regardless of the consequences or risks involved’ to quash separatist demands in any province. In January 2000, after five warships and an additional 540 non-organic soldiers were

redeployed to Aceh\textsuperscript{129}, the counterinsurgency campaign began to incorporate more door-
to-door searches, roadblocks and ‘sweepings’ of villages, particularly in North Aceh, Pidie and Aceh Besar.\textsuperscript{130} Indiscriminate acts of violence against the civilian population also rose dramatically, such as the use of rape, torture, harassment, summary killings, unlawful arrests, looting, extortion and the burnings of homes and market places (the economic hub of villages). According to Aceh’s Legal Aid Foundation (LBH), there were twenty-one summary executions, 115 torture cases and thirty-three arbitrary arrests in January alone. Material losses also accumulated, with 415 buildings being incinerated the same month.\textsuperscript{131}

Then on 1 February 2000, when \textit{Operasi Sadar Rencong II} (OSR-II) was replaced with a third, more offensive phase of the counterinsurgency campaign, the violence reached levels not experienced since the worst of the DOM period.\textsuperscript{132} On the day OSR-III came into effect, 2,000 non-organic TNI and Brimob troops were redeployed to Aceh to assist the regular police.\textsuperscript{133} These troop levels steadily rose throughout the first half of 2000. According to one Lieutenant General, there were 20,000 security forces personnel in Aceh by mid-2000.\textsuperscript{134} Police and military spokesmen said the official aim of OSR-III was to capture about 800 armed civilians.\textsuperscript{135} By ‘armed civilians’, Aceh Police Chief Bahrumsyah Kasman meant GAM, rebel splinter factions, TNI-Polri deserters and criminal ‘provocateurs.’\textsuperscript{136} Although Bahrumsyah Kasman explained that civilians would not be targeted in the police-led operations, he warned SIRA ‘not to be provoked’ into making public statements about how ‘the security forces want to smash SIRA in a systematic fashion.’\textsuperscript{137} Bahrumsyah’s unsubtle threat to the students indicated the

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\textsuperscript{132}‘Farmidia Aceh Tolak Operasi Sadar Rencong III’, \texttt{nikoyafm@aceh.wasantara.net.id}, 3 February 2000.
\textsuperscript{134}Confidential interview, Jakarta, 16 October 2002.
\textsuperscript{135}‘Sosok Panglima Penuh Senyum’, \textit{Media Indonesia}, 27 February 2000.
\end{flushleft}
prevailing belief within the armed forces that SIRA was the political wing of GAM, despite the institutional separation of the two groups and their different ideas about armed versus peaceful struggle.

Contrary to the official aim of OSR-III, the security forces largely killed non-combatants, as demonstrated by the deaths of 103 civilians in the first month of OSR-III, compared with seven TNI/Polri officers and five GAM rebels. Even after Abdurrahman Wahid ordered in March that OSR-III be replaced with a more defensive *Operasi Cinta Meunasah* (lit; Love the Mosque Operation, OCM), the violence continued unabated. The only major difference between the two campaigns was that the OCM involved greater inconsistency between the language of national police leaders and the activities of troops on the ground. When *Operasi Cinta Meunasah* came into effect, General Sutiyono, the Assistant Police Chief Inspector in DPR Commission 1 on Defence and Security, announced that Abdurrahman Wahid had ordered the police to create ‘a softer impression’ in Aceh by incorporating those officers who had been involved in the offensive OSR-III into more defensive operations. Around the same time, the new National Police Chief, Lieut. Gen. Rusdihardjo, ordered all police officers in Aceh to implement a ‘Three S’ campaign (*Senyum, Sapa dan Salam* / Smile, Greet, Peace [in greetings]) to improve police interactions with the civilian population and its public image as a credible law enforcement agency. It soon became apparent, however, that the security forces were incapable of reverting to a defensive position. By late May, when Jakarta and GAM agreed to implement a three-month peace agreement, at least 399 people had been killed since the start of the year, including about thirty police officers and soldiers. As the security forces were seen as the primary perpetrators of the violence, GAM found fertile recruiting grounds amongst the local population and continued to expand and consolidate its local support base.

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138 According to LBH, 115 people were killed in Aceh in the first month of OSR-III. This included 103 civilians, seven TNI/Polri personnel and five GAM rebels. ‘Selama Februari, 115 Orang Tewas di Aceh’, *Kompas*, 4 March 2000.
According to military analyst Bob Lowry, the systemic problems of poor troop professionalism and inter-force coordination in Aceh were due in a large part to the incapacity of Abdurrahman Wahid’s government ‘to address the underlying political issues and appoint a local authority with full control over the military and police.’\(^{142}\) Provincial government officials were forced to rely on the security forces for protection, and Indonesia’s administrative infrastructure was either dysfunctional or had ceased to operate completely in many parts of the province. By contrast, the TNI’s territorial command structure had not been dismantled and the military remained the most powerful state authority in Aceh.

As discussed in Chapter Two, the ability of the armed forces to pursue their own policies in Aceh also stemmed from their ongoing political and economic interests in the territory, which often ran counter to the state’s official goals and objectives. For the TNI, the incapacity of the police to conduct an effective anti-guerilla campaign allowed the military to reassert its role as the only institution capable of defending Indonesia’s territorial sovereignty. Major shortfalls in the defence budget also made soldiers and police officers reliant on external funding sources, which Aceh’s war economy provided in abundance. Soon after his appointment, Defence Minister Juwono Sudarsono admitted that insufficient resources had created ‘uncontrollable’ soldiers with ‘lousy professionalism.’\(^{143}\) Even after Juwono announced the government’s intention to redress these problems by increasing the defence budget by a massive sixty-two per cent, however, there were no substantive improvements to the discipline and behaviour of troops in the field.\(^{144}\) In part, this was because the military did not receive most of the allocated funding, which never left Jakarta, and in part because the budgetary increase was not accompanied by institutional reforms to reduce corruption within the armed forces by introducing transparency and accountability.


\(^{143}\) ‘No martial law in Aceh, says defence minister’, *The Indonesian Observer*, 23 November 1999.

\(^{144}\) The military’s budget was increased from Rp.11.6 trillion to Rp.18.9 trillion per annum, with an additional Rp.9.12 trillion for military equipment and Rp.5.45 trillion for salaries. ‘Anggaran Militer Naik 62%’, *TNI Watch!*, 15 December 1999.
mechanisms.

The involvement of sections of Indonesia’s security forces in perpetuating the Aceh conflict was perhaps best illustrated by an arms smuggling scandal that broke in 2000. While it was a well-known ‘secret’ that security forces personnel had been selling weapons to GAM since the early DOM period, the issue only reached the political fore during the Sadar Rencong operations, when several TNI and Brimob officers became implicated in a series of arms smuggling operations in Aceh.145 The timing of this ‘discovery’ seemed to be linked to the military’s divided and discredited public image, as well as the relative freedom of the mass media, which provided critical coverage of the conflict.146 In March 2000, after a second arms sales network was uncovered in Jakarta, the DPR Speaker, Akbar Tanjung, ordered a parliamentary inquiry into allegations that GAM was directly purchasing weapons from the PT Pindad arms factory in Bandung.147 Around the same time, the acting Coordinating Minister for Political and Security Affairs, Lieut. Gen. (ret.) Surjadi Soedirdja, ordered a police investigation into the Aceh arms trade, which led to the arrest of twelve low ranking soldiers.148 While the TNI publicly pledged to cooperate with the investigations, it was also desperate to contain the embarrassing disclosure and put an end to the process almost immediately after it started. Meanwhile, the arms trade in Aceh continued to flourish. In August 2000, an AGAM commander in North Aceh, Abu Sofyan Daud, publicly confirmed that the rebels still enjoyed ‘special links with members of Kopassus’ who ‘are supplying us with weapons, information and logistics.’149

146 Somewhat differently, the military’s civilian supporter in government, Defence Minister Juwono Sudarsono, argued that private television stations such as TVRI, SCTV and ANteve ‘frequently provoked the situation in the field’ through their political commentary of Indonesia’s internal conflicts. ‘Juwono lashes out at private television stations’, The Jakarta Post, 17 April 2000.
147 The DPR investigation was conducted by Commission I on Defence and Security. ‘Akbar Tanjung: Itu Pengkhianatan!’, Serambi Indonesia, 4 March 2000.
149 Abu Sofyan Daud (North Aceh GAM commander) in ‘GAM claims to have special links with TNI’, The Jakarta Post, 19 August 2000.
While the intensive counterinsurgency operations constituted a major, if not the biggest obstacle to security restoration in Aceh, GAM also perpetuated the violence. The pretext for OSR-III had been a series of ambushes, kidnappings and killings of security forces personnel, most of whom were regular or paramilitary police. According to police data, fifty-three police officers were killed in Aceh in the second half of 1999, while many more were injured. Throughout 2000, there were also ongoing reports of GAM intimidating non-Acehnese migrants, killing suspected military spies (cuak) and attacking Indonesian state facilities. Like the TNI and Polri, GAM was involved in illegal businesses such as the cultivation/sale of marijuana and extortion. From a GAM perspective, however, what constituted extortion for Indonesian authorities was their legitimate collection of ‘state taxes’ (pajak nanggroe) for the Acehnese war effort. Similarly, GAM saw their attacks on Indonesian security forces personnel and state facilities as part of their nationalist struggle to destroy the illegitimate Javanese-Indonesian neocolonial system. It should also be noted that the involvement of Indonesian security forces personnel and GAM in Aceh’s ‘black’ economy was grossly disproportionate; the rebels had no direct access to state power and material resources and were vastly outnumbered by the better-equipped and more aggressive security forces.

As the violence continued, the political middle ground in Aceh gradually disappeared. Those who were not clearly for or against the TNI or GAM were particularly vulnerable. One disturbing sign of the closing political space was the number of killings of Acehnese community leaders, which began shortly before the start of OSR-III and continued until the end of Abdurrahman Wahid’s presidency. Amongst those killed were Syiah Kuala Rector Dayan Dawood, Acehnese PPP parliamentarian Tgk. Nashiruddin Daud, South Aceh DPRD-II politician Harun Aldy, New York-based International Forum for Aceh

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chairman Jafar Hamzah Siddiq\textsuperscript{155}, North Aceh PPP legislator Tgk. Ibrahim Ilyas\textsuperscript{156}, IAIN Rector Professor Safwan Idris\textsuperscript{157}, DPRD Golkar Chairman Major General (ret.) Tengku Haji Djohan\textsuperscript{158}, and an Acehnese member of the peace monitoring team, Teuku Al-Kamal, along with his human rights lawyer Suprin Sulaiman and their driver.\textsuperscript{159} In the absence of the rule of law, none of the assassins were identified or brought to trial. One exceptional case in which the killers were identified involved the torture and murders of three human rights activists from RATA (Rehabilitation Action for Torture Victims of Aceh) in December 2000.\textsuperscript{160} A fourth RATA volunteer managed to escape and later identified TNI intelligence officers as being responsible. However, no military personnel were prosecuted and their civilian accomplices were later allowed to escape from prison.\textsuperscript{161}

The growing polarisation of the conflict was also shown by the retreat of Acehnese civil society. By mid-2000, many of the civil society groups and organisations that had flourished since the fall of Suharto had been intimidated into silence. In contrast to late 1999, when almost the entire province had coalesced around SIRA, the students, \textit{ulama} and GAM also became increasingly divided throughout 2000.\textsuperscript{162} The weakened and politically fractious state of Aceh’s referendum movement was emphasised through the aborted \textit{Kongres Rakyat Aceh} (KRA, Aceh People’s Congress). Organised by HUDA \textit{ulama} in consultation with student leaders, the week-long congress was originally scheduled for 22 April 2000 and aimed to bring together 1,500 Acehnese representatives to debate two options: to accept broad autonomy (\textit{otonomi luas}) or separate from Indonesia.\textsuperscript{163} This was a decisive moment in the politicisation of the independent \textit{ulama}, who had previously only played a supportive

\textsuperscript{160}‘Pembunuh Tiga Aktivis LSM RATA Ditangkap’, \textit{Kompas}, 18 December 2000.  
role in the referendum movement. It was also a turning point for *Rabithah Thaliban Aceh* (RTA). Not only did the Islamic students provide much of the impetus for the emergence of HUDA as a political force, but they also established a new security function during the build-up to the KRA by establishing a new ‘Helpers of God Command’ (*Komando Ansarullah*).\(^{164}\) The three functions of this new security wing were to create cadres who would form the inner circle of RTA, activate the programs of the RTA, and safeguard the RTA and its social programs.\(^{165}\)

Almost immediately after the KRA was announced, it was opposed by Indonesian security forces, the provincial government and GAM.\(^{166}\) Police leaders identified the congress as a potential security threat and deployed 1,700 Brimob officers to Aceh to secure the event.\(^{167}\) The provincial government, which had aligned itself with MUI and refused to deal with the independent *ulama*, viewed the KRA with suspicion.\(^{168}\) Although GAM was invited to participate in the KRA, the rebels refused, accusing the KRA organisers of colluding with Jakarta. For GAM, the political assertiveness of HUDA also posed a potential threat as both groups shared a predominantly rural support base. The decision by HUDA to place *Komando Ansarullah* in charge of law and order at the congress also undermined GAM’s self-proclaimed role as the defender of the Acehnese people.\(^{169}\) Under pressure from the principal warring parties, HUDA and RTA hastily retreated from Acehnese political life. By mid-2000, the majority of independent *ulama* had returned to their *dayah* to focus on religious education, a role not dissimilar to their emasculated position under the New Order.

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\(^{164}\) Interview with Tgk Bulqaini Tanjungan (Head of Rabithah Thaliban Aceh), Banda Aceh, 10 September 2000.


4.6 Peace Process

‘If we negotiate enough and if we are patient enough then we will get results’, said Abdurrahman Wahid in 2002 when asked to elaborate on his government’s Aceh policy program.\(^{170}\) While dialogue does not constitute a policy in itself, it was this approach to conflict resolution for which President Abdurrahman Wahid would be best remembered in his dealings with Aceh. Departing from the approaches to separatism taken by past Indonesian presidents, Abdurrahman Wahid decided to recognise GAM as a fact in the field and treat the rebels as ‘brothers’ of a different political persuasion. This attitude laid the foundations for an internationally brokered peace process with GAM, which Indonesia’s next two presidents would emulate in different forms, and with varying degrees of success.

At first, Abdurrahman Wahid’s peaceful overtures to GAM were met with open hostility. It is possible that the president’s order to use repression in December 1999 had stemmed from his initial difficulty in identifying ‘trusted parties for negotiations in Aceh.’\(^{171}\) One reason for this was that on his first attempt to engage GAM in dialogue, the president mistakenly contacted a breakaway rebel faction called MP-GAM (Majelis Pemerintahan GAM, GAM Governing Council). As a result, GAM’s founding leader, Hasan di Tiro retaliated by calling Wahid ‘a liar’, adding that ‘I probably wouldn’t have taken a call…I know Wahid. I knew his father and his grandfather. I know them for what they are. Stupid.’\(^{172}\)

Despite GAM’s provocative rhetoric, the rebel leadership was not in a strong position to ignore Jakarta indefinitely. Since suffering the first of three strokes in early 1999, Hasan di Tiro had provided no clear policy or strategic direction (such as supporting a referendum) to his field commanders. In May 1999, tensions within GAM’s political leadership erupted when Hasan di Tiro’s former Chief of Staff, Husaini Hasan, established a breakaway ‘MP-GAM Eropa’ faction along with several other senior GAM members including Daud Paneuh

\(^{170}\) Interview with Abdurrahman Wahid, Jakarta, 23 October 2002.
and Idris Mahmud. It was the Secretary-General of the ‘MP-GAM’ Malaysian office, Don Zulfahri (alias Don Malindo), who announced on a Jakarta radio program in November 1999 that GAM was ‘ready to negotiate anytime’ with Abdurrahman Wahid and described the president as ‘a gentleman’. Presumably for this and other acts of open betrayal, such as stating that Hasan di Tiro ‘no longer has the capability’ to lead the rebel movement, Don Zulfahri was shot dead seven months later in a restaurant on the outskirts of Kuala Lumpur. While GAM blamed Don Zulfahri’s murder on Indonesian military intelligence agents, Husaini Hasan publicly accused Hasan di Tiro’s Foreign Affairs Minister and appointed successor, Malik Mahmud, of using his ‘mercenaries’ to murder the ‘martyr’ Don Zulfahri, as well as two other MP-GAM members. In early 2000, another rebel splinter group called RIA (Republik Islam Aceh) also surfaced under the leadership of Fauzi Hasbi (alias Abu Jihad). A former GAM rebel turned Indonesian military spy, Fauzi Hasbi was also allegedly a member of the militant Islamic Jema’ah Islamiyah organisation, which later became implicated in a series of terrorist bombings in six Indonesian provinces that national police leaders blamed on GAM.

It is possible that to some extent this factionalism influenced GAM’s decision to eventually agree to negotiate with the Indonesian government. Peace talks provided Hasan di Tiro with an opportunity to reassert his leadership and publicly disprove claims by MP-GAM that he lacked the capacity to rule. In turn, decisive action by Hasan di Tiro could have boosted morale amongst the majority of GAM field commanders who remained loyal to him. Although GAM’s armed network was far more extensive than that of MP-GAM, the rebel

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177 ‘KL police suspect RI link to Aceh leader’s murder’, The Jakarta Post, 4 June 2000.
178 The two other MP-GAM members, Usman Ibrahim and his assistant, Abdul Wahab, were killed by unknown assassins on 10 April 2000. Dr Husaini Hasan, ‘Markas Besar GAM Eropa Berbelasungkawa Atas Syahidnya Teuku Don Zulfahri’, http://hem.passagen.se/freeaceh/drhusaini2.htm, 1 June 2000.
180 ‘Inside Indonesia’s war on terror’, SBS Dateline, 14 October 2005.
split created some complications in the field. In Aceh, where both factions called themselves GAM and used the same star-and-crescent flag, GAM military commanders threatened to take ‘stern action’ against MP-GAM\(^{181}\), whom they accused of being ‘false GAM’ and of colluding with Kopassus soldiers to carry out such criminal activities as school burnings.\(^{182}\)

The most important factor in GAM’s decision to negotiate, however, was the involvement of a newly formed Geneva-based NGO, the Henry Dunant Centre (HDC).\(^{183}\) Established in January 1999, the HDC had a mandate of resolving conflicts through mediation based on humanitarian concerns, and the organisation had been searching for a conflict that would raise its international profile.\(^{184}\) When the HDC approached the Indonesian government and offered to mediate in the Aceh case, Abdurrahman Wahid readily accepted. In part, this was due to the president’s own failed attempt to establish contact with GAM, in part because of his genuine desire to peacefully resolve the conflict, and in part because his controversial initiative lacked strong political support in Jakarta. For GAM, the HDC’s involvement provided the rebels with an opportunity to win international support for their cause. Hasan di Tiro’s previous efforts to convince the United Nations, Washington and other foreign powers to pressure Indonesia into relinquishing Aceh had been fruitless.

The first HDC-facilitated meeting took place on 27 January 2000 between Hasan di Tiro and Indonesia’s UN Ambassador to Geneva, Hassan Wirayuda, in Bavois, Switzerland.\(^{185}\) Despite the deep mutual mistrust and ongoing violence in the field, both sides agreed to hold further talks after acknowledging that they could not militarily defeat each other.\(^{186}\) These discussions, which were held on 24 March and 14-17 April, primarily focused on

\(^{181}\) ‘AGAM Ancam MP GAM’, *Serambi Indonesia*, 17 January 2000.
\(^{183}\) In 2002, the Henry Dunant Centre changed its name to the Centre for Humanitarian Dialogue, although in Indonesia the HDC acronym continued to be used.
humanitarian concerns and a ceasefire.\textsuperscript{187} Meanwhile, on 16 March 2000, Abdurrahman Wahid sent his Acting State Secretary, Bondan Gunawan, to ‘secretly’ meet with AGAM commander Abdullah Syafi’ie in the rebel stronghold of Sigli in Pidie district. Facilitated by the HDC and Acehnese NGOs, this unprecedented meeting between an Indonesian government representative and a GAM field commander was mainly aimed at ascertaining Abdullah Syafi’ie’s opinion about the viability of proceeding with negotiations. As Bondan later explained, President Wahid had only instructed him to offer two cows to Abdullah Syafi’ie as a goodwill gesture.\textsuperscript{188} Although the actual meeting went smoothly, the central government’s conciliatory gesture backfired when police assaulted at least twenty villagers while searching for Syafi’ie in the area.\textsuperscript{189} In the ensuing political confusion in Jakarta, some government officials and the National Police Chief, Lt. Gen. Rusdihardjo, described the raid as the result of poor coordination between the central government, Polri headquarters and police in the field.\textsuperscript{190} Others, including Abdurrahman Wahid, alluded to a deliberate attempt by sections of the security forces to sabotage his government’s reform agenda.\textsuperscript{191}

In Jakarta, there were deep divisions over the peace process. Abdurrahman Wahid believed that an internationally facilitated peace process would prevent Aceh’s secession from Indonesia. Pursuing a persuasive approach also provided the president with an opportunity to prove his commitment towards exercising civilian control over the TNI and resolve Indonesia’s most serious domestic dispute peacefully. Abdurrahman Wahid’s initiative received strong support from the international community, the Acehnese people, humanitarian NGOs, senior diplomats and some cabinet ministers, especially Hasballah M.

\textsuperscript{188} This meeting only lasted for 30 minutes. It was witnessed by local NGO leaders, ulama and villagers. ‘Panglima AGAM Bertemu Bondan Gunawan’, \textit{Kompas}, 17 March 2000.
\textsuperscript{191} The president announced the day after the raid that a regional military commander from somewhere ‘outside Jakarta and Ambon…who does not approve of my policies’ was plotting against him. ‘Gus Dur: Hanya Satu Pangdam Yang Menggorong’, \textit{Kompas}, 17 March 2000; ‘Presiden Punya Bukti Satu Pangdam ‘Ngacak-Ngacuk’, \textit{Antara}, 17 March 2000.
Saad (Human Rights Minister) and Alwi Shihab (Foreign Affairs Minister), who outspokenly advocated a negotiated approach to conflict resolution.

On the other hand, there were powerful detractors. The majority of military and police leaders believed that separatists should be crushed and not accommodated, and resented Abdurrahman Wahid’s efforts to curtail their power in Aceh. Civilian critics, led by MPR Speaker Amien Rais and DPR Speaker Akbar Tanjung, questioned the advisability of sending Indonesia’s United Nations Ambassador to Geneva to negotiate with GAM, which they argued conferred international recognition and legitimacy to the rebels. Taking such a step, they said, implied that GAM’s political leadership was equal in status to the Indonesian government, and that its armed wing was the military counterpart of the TNI. Opponents also argued that holding peace talks at a foreign venue could pave the way for the internationalisation of the Aceh conflict and invite foreign intervention into what they saw as a domestic issue. This concern was valid given that GAM had made no secret of its intention to use the peace process to present a case to the UN. As Abdullah Syaf’ie later explained, with a peace agreement ‘we are half way to Aceh’s freedom’ because ‘now Aceh’s struggle no longer depends on guns or wars, but more on diplomatic and political efforts.’

Notwithstanding the high level of dissension in Jakarta, the Indonesian government and GAM, with the help of the HDC, went on to sign a ‘Joint Understanding on Humanitarian Pause for Aceh’ on 12 May 2000 at Bavois castle, seventy kilometres from Geneva. The Memorandum of Understanding (MoU) was welcomed with cautious optimism everywhere except for Jakarta, where it received mixed responses. On the day of the signing, over 100,000 people gathered at the Baiturrahman mosque in Banda Aceh to pray for peace, and

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mass prayers were held in schools, offices and mosques throughout the province.197 There was also strong support amongst the international community, with several foreign governments, including Norway, the United States, Qatar and the United Arab Emirates pledging financial and other forms of humanitarian assistance.198

Although the ‘Humanitarian Pause’ represented an important breakthrough, it was structurally limited to the delivery of humanitarian aid and the immediate ‘reduction of tension and cessation of violence.’199 In other words, the purpose of the MoU was for both sides to put aside their differences and focus on humanitarian concerns, not to address the substantive issues that divided them. The three month Pause, which came into effect on 2 June 2000, provided for the establishment of three committees: (1) a Joint Committee on Humanitarian Action to coordinate humanitarian aid deliveries to Aceh, (2) a Security Modalities Monitoring Team, and (3) a Joint Committee on Security Modalities to ensure the absence of military offensives and the continuation of normal police functions. The third committee, which comprised five GAM representatives and five Indonesian government representatives, had the important task of formulating ‘ground rules’ for the ‘reduction of tension and cessation of violence.’ What all three committees lacked, however, was the capacity and power to enforce the Pause and to punish those who violated it.200

Cracks emerged in the peace process almost immediately. There was some confusion over whether the MoU was a de facto or de jure agreement. While GAM interpreted the Pause to mean a formal ceasefire, Abdurrahman Wahid succumbed to pressure from the DPR, MPR,

199 Joint Understanding on Humanitarian Pause.
TNI and sections of his cabinet by refusing to use the term, arguing that a formal ceasefire would have conferred Indonesian government recognition to GAM.\(^{201}\) It was for this reason that Foreign Affairs Minister Alwi Shihab received eleventh hour presidential instructions not to attend the signing ceremony in Bavois.\(^{202}\) Jakarta’s treatment of the MoU as an informal understanding was underscored by the Coordinating Minister for Political and Security Affairs, Lieut. Gen. (ret.) Surjadi Soedirdja, who described it as ‘literally a humanitarian pause, there is no other term for it’, adding that the sole purpose of the peace process was to give the Acehnese people a chance ‘to breathe fresh air’ through the delivery of humanitarian aid and reduced hostilities.\(^{203}\) Outside the central government, however, there was considerable anger about the peace process. The DPR Speaker, Akbar Tanjung, called on the government to explain why the MoU had been signed abroad, while the Indonesian Institute of Political Sciences (LIPI) issued a statement describing the Pause as a ‘political blunder.’\(^{204}\)

The greatest problem with the peace process was that both sides were unable to agree on security issues. During the Bavois talks, GAM and Indonesian government representatives had eventually reached a stalemate on the subject of security, and had only agreed to establish two security modalities committees on the ground. GAM wanted a complete military withdrawal and the replacement of Brimob troops with approved security guards. Jakarta, however, insisted on the continuation of *Operasi Cinta Meunasah* (the continuation of *Operasi Sadar Rencong*) to protect public order. While this technically concurred with the terms of the Pause, which stipulated ‘the continuing of normal police functions for the enforcement of law and the maintenance of public order’, most police and military leaders opposed the peace process. One military commander in East Aceh, Lieut. Col. Demi K. Irawan, even openly refused to cooperate with the peace process, announcing that security operations would proceed as usual under his command.\(^{205}\) Others, including Aceh Police Chief Bahrumsyah, expressed skepticism, warning that as GAM was ‘maintaining its

\(^{204}\) ‘Akbar wants govt to explain RI-GAM truce signing abroad’, *The Jakarta Post*, 16 May 2000.
\(^{205}\) ‘Indonesia: Humanitarian Pause Fails to Halt Violence in Aceh’, *Kontras*, 20 June 2000
intimidation of the people’, the police ‘may be forced to eliminate other groups…to protect the people.’

With both sides unable to commit to a set of ground rules, there was also disagreement over what constituted a breach of the Pause. Shortly after the signing of the MoU, the committees responsible for overseeing and monitoring the ceasefire agreed to a set of ground rules that were stipulated in seven articles and fourteen chapters. There were many serious omissions, however, such as whether GAM was in breach of the agreement for raising its flag, or whether extortion (or ‘state tax’ collection) constituted a violation. For Jakarta, GAM was in breach of the agreement for using the relative quiet to consolidate its control over the countryside. There were also growing reports that GAM had established a shadow civil administration that performed many Indonesian government functions, such as registering the sale of land and issuing identity cards (called *tanda penturi droe*) and marriage licenses certificates (*kaleuh meunikah*, lit., already married). For GAM, the security forces who implemented the ‘Love the Mosque’ operations were in breach of the MoU for ‘sweeping’ villages and intimidating the civilian population. While the police remained responsible for ‘riot control and prohibition of the movement of civilians with arms’, this clause effectively created a loophole which the security forces exploited by targeting GAM and their supporters. In the absence of any legal sanctions, those responsible for the violence were not punished. As Bachtiar Nitura, a social scientist from Banda Aceh’s Syiah Kuala University, pointed out, ‘moral sanctions are the only way of deterrence, but it is practically ineffective considering the chaotic situation here.’

In Aceh, the peace process was criticised for excluding student leaders, *ulama*, rights

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208 As a result, many Acehnese civilians held two sets of documentation, which also increased their chances of being accused of being GAM members by Indonesian security forces personnel. By February 2001, it was estimated that GAM officials (called *ulee sagoe*), had taken over administrative duties in 1,000 villages, where Indonesian government officials were replaced by GAM *tuha peut* and *tuha lapan* (traditional council of elders). Arif Zulkifli et al., ‘One Province, Two Bureaucracies’, *Tempo*, Vol I, No. 23 (13-19 February 2001), p.25.
activists and other local community leaders. This complaint was valid given that Aceh’s independence movement was far broader than GAM. On the day of the signing, for instance, a university student in Banda Aceh said that ‘After the peace pact, we hope a referendum will be held to determine the province’s future, as recommended by the Aceh People’s Mass Meeting’ of November 1999. Throughout his presidency, Abdurrahman Wahid held a series of informal meetings with Acehnese ulama and students in an effort to understand their demands and work towards democratically accommodating Acehnese expectations. The exclusion of Acehnese civil society representatives from the actual peace process, however, which was also not encouraged by GAM, impeded the search for a democratic solution to the conflict.

While there was an immediate reduction in hostilities, the peace process was short-lived. In the first three months of the Pause, sixty-nine civilians and fourteen TNI/Polri personnel were killed, compared with 399 casualties (an average of eighty per month) in the first five months of 2000. After the MoU came into effect, however, Aceh’s growing refugee crisis bore testimony to a lack of public confidence in the peace process and ongoing clashes in the field. By July 2000, an estimated 55,000 Acehnese civilians were internally displaced, with about 22,000 of that number located in South Aceh. Despite the humanitarian focus of the Pause, much of the aid never arrived due to administrative delays and ongoing reports of corruption at all levels of government. By early August, official sources estimated that some 38,000 refugees in South and East Aceh were ill or facing starvation due to the slow distribution of food and medical supplies. There were also ongoing reports of the maltreatment of Acehnese refugees. On 19 July, for example, Indonesian security forces personnel fired warning shots to disperse some 20,000 villagers who had sought shelter

211 Interview with Wimar Witoelar (Political spokesman for President Abdurrahman Wahid), Jakarta, 8 November 2001.
from the fighting in the ExxonMobil compound near Lhokseumawe.\textsuperscript{216}

As the first phase of the three-month peace process came to an end, the violence quickly returned to pre-Pause levels. Reflecting public opinion, one civilian explained that ‘OCM is no longer interpreted as \textit{Operasi Cinta Meunasah} [Love the Mosque Operation], but \textit{Operasi Cari Musuh} [Search for the Enemy Operation].\textsuperscript{217} Although Abdurrahman Wahid extended the Pause on the day it expired until 15 January 2001, confidence in the process had eroded considerably on both sides. In Aceh, the Pause was regarded by many as an exercise to monitor the violence but not to deal with it, or simply ‘a means to avoid legal problems.’\textsuperscript{218} In Jakarta, where the Pause had always been controversial, support for a negotiated settlement further declined as GAM gained political ground and Abdurrahman Wahid’s presidency weakened. By September 2000, Abdurrahman Wahid was confronted by growing calls for his impeachment and facing two corruption scandals (one of which, the ‘Bruneigate’ case, involved his alleged misappropriation of US$2 million in humanitarian funds for Aceh from Hassanal Bolkiah, Sultan of Brunei).\textsuperscript{219} It was around this time that Indonesia’s strongest advocate for an Aceh peace process turned his attention away from the Acehnese people and towards the question of his own political survival.

\textbf{4.7 Back to Repression}

Rather than completely abandon its persuasive approach when the peace process started to unravel, the central government decided to combine the Humanitarian Pause with more intensive security operations. On 29 August 2000, the newly installed Minister for Coordinating Political, Social and Security Affairs in the second cabinet, Lieut. Gen. Susilo Bambang Yudhoyono, preemtpted this persuasive-repressive policy approach by explaining that Jakarta’s decision to extend the Pause was contingent on GAM agreeing

‘to follow the rules’ by ending their attacks on security forces personnel. Otherwise, said Susilo, ‘the government will not hesitate to take stern measures against anyone breaking the rules.’

Amongst Jakarta’s military and political leadership, there was strong support for tougher action against GAM. Reflecting both the TNI’s mounting frustration with the peace process and the military’s high degree of autonomy from civilian authority, the Army Chief of Staff, Major General Endriartono Sutarto, announced that ‘the TNI can itself decide whether its presence is still required in Aceh’ and that his troops would continue to fulfill ‘their duties’ for as long as the Acehnese people presented ‘increasing threats.’ Although Abdurrahman Wahid resisted the military’s growing calls to declare a state of emergency in Aceh, the majority of his ministers favoured more offensive security operations. The military’s most outspoken civilian supporter in government, Defence Minister Mahfud, even argued that ‘technically’ the TNI was capable of ending the conflict because ‘If we act firmly and forcefully for just a short while we may be able to convince the rebels that a dialogue is the best way to settle the problems of Aceh.’

Technically, a more professional army that was subordinate to responsible civilian authorities and obeyed the rule of law may have played a constructive role in reducing hostilities. But the still unreformed TNI was as closely linked to the root causes of Aceh’s contemporary conflict as it was to its continuation. Mahfud’s statement did, however, point to some of the political considerations behind Jakarta’s policy shift. The timing of the central government’s hardening Aceh approach coincided with intensifying criticism of Abdurrahman Wahid’s presidency from within the MPR, DPR and the armed forces. By reverting to a dual-track Aceh approach, the central government could deflect attention away from the financial scandals that plagued Abdurrahman Wahid and his unstable government, while responding to growing calls by police and military leaders to eliminate GAM. At the same time, extending the Humanitarian Pause allowed Jakarta to

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221 ‘Army: Troops could be pulled out of Aceh’, *The Indonesian Observer*, 17 November 2000.
respond to pressure from the international community and foreign aid donors to continue the search for ‘peace.’

There was also an element of responsiveness to national opinion in Jakarta’s hardening stance on Aceh. Amongst the wider population, sympathy for the suffering of the Acehnese people had declined following the separation of East Timor, when fears about national disintegration peaked. National policy debates about a ‘special autonomy’ solution to the conflict that included the return of a percentage of Aceh’s oil and gas revenue also caused resentment amongst sections of the Indonesian public. This dissatisfaction was undoubtedly exacerbated by the floundering national economy and falling foreign investment levels under Abdurrahman Wahid’s unpredictable leadership. In contrast to the start of Indonesia’s regime change when the Acehnese people had been popularly portrayed as victims of the New Order’s repressive policies, by 2000 many Indonesians regarded the Acehnese as perennial troublemakers who had abused their ‘special treatment’ by Jakarta. Such sentiment was reflected in a series of opinion polls conducted in late 2000 and early 2001. In December 2000, for example, *The Indonesian Observer* newspaper reported that eighty per cent of 571 interview respondents in ten provinces agreed that separatism should be eliminated, although sixty-five per cent still saw dialogue as the best way to resolve separatist conflicts. In April 2001, however, after Aceh’s peace process had collapsed, a *Tempo* magazine poll found that sixty-nine per cent of 811 respondents supported limited military operations in Aceh, while only twenty-nine per cent were opposed.

By late 2000, Aceh’s rising death toll attested to the deteriorating security environment. According to official sources, 841 people were killed in Aceh in 2000, including 676 civilians, 124 TNI/Polri personnel and forty-one GAM rebels. This was more than double the fatality rate of 1999, when an average of 350 people were killed. Like the security operations in the first half of 2000, the intensive campaign towards the end of the

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224 ‘Govt mulls military action as Aceh talks face deadlock’, *The Indonesian Observer*, 12 December 2000.
227 See Footnote No. 117 in this chapter.
year targeted students and humanitarian workers. In particular, regional military commanders expressed growing concern about the political influence of SIRA following Indonesia’s Independence Day celebrations on 17 August 2000. On 16 August, some 5,000 people had rallied at the State Islamic University (IAIN) in Banda Aceh, where they waved United Nations flags and called for UN intervention to decide Aceh’s political status. The following day, several people were arrested for dismantling Indonesian flags in North Aceh and Bireuen. While these forms of civil protest were on a far smaller scale than the referendum rally of November 1999, they were interpreted by the police and military as violations of the peace process and as public displays of solidarity with GAM. As a result, two SIRA activists, Muhammad Saleh and Muzakkir, were arrested on 19 September 2000 in Banda Aceh, when they were tortured by Brimob and regular police officers before being released the next day without charge. Then in November, as SIRA prepared to commemorate its 1999 rally by staging a second SIRA-RAKAN (Mass Rally of the Acehnese People for Peace), the security forces coordinated a large-scale attack on pro-referendum activists and their supporters. In the days leading up to the SIRA-RAKAN, which was scheduled for 10-11 November, several convoys of vehicles that were traveling from across the province to attend the rally were stopped at checkpoints and shot at by Indonesian security forces. According to SIRA, fifty-six civilians were killed in the shootings, while Komnas HAM reported thirty fatalities and sixty-two wounded. As part of their move to restrict the freedom of speech and association, the police also arrested members of the SIRA-RAKAN organising committee. On 20 November 2000, SIRA President Muhammad Nazar was charged with ‘spreading hatred’ for using such phrases as ‘nation of Aceh’ and ‘Indonesian neo-colonialism.’ Around the same time, SIRA’s Banda Aceh

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headquarters were ransacked by plainclothes police and TNI officers, who seized computer equipment and documents and interrogated the students.233

The security forces’ efforts to contain the referendum movement by targeting SIRA were initially counterproductive. Just as state repression had strengthened public support for GAM, the detention of SIRA activists only added to the movement’s popular appeal. Muhammad Nazar, who was already a local celebrity, received far more media coverage in the months after his arrest, when Acehnese tabloids such as Kronika and Kontras frequently ran cover stories on Muhammad Nazar’s prison experience and personal life.234 By early 2001, however, when the police embarked on a national campaign to discredit SIRA, the students were forced underground. On 10 May, a bomb exploded at the Iskandar Muda Student Welfare Foundation in Jakarta, where Acehnese university students lived, killing two people and injuring eighteen others. In an apparent bid to link SIRA with GAM’s militant struggle, Jakarta’s military commander, Major General Bibit Waluyo, blamed SIRA for the blast, which he described as ‘God’s justice’ because ‘SIRA’ had ‘hurt themselves before they had a chance to hurt anyone else. Let them feel that!’235 In response, SIRA condemned the ‘one-sided allegations by the security forces’ and their ‘extremely damaging effect’ on their peaceful campaign.236 What the police interpreted as SIRA’s involvement was actually a circumstantial link between a second unexploded bomb and SIRA documents found at the blast site. Armed with this ‘evidence’, the police arrested the Acehnese dormitory coordinator, Taufik Abdullah237, and raided the SIRA ‘Consulate’ in Jakarta. Although the SIRA Coordinator of the

233 Personal communication with different SIRA members in Banda Aceh in November and December 2000.
Jakarta office, Faisal Saifuddin, was arrested days after the dormitory bombing, he was later charged with ‘spreading hatred’ for calling on the United Nations to restore ‘Acehnese sovereignty’ and to end the abuses committed by Indonesian ‘neo-colonialists.’

Meanwhile, in an attempt to destroy whatever sense of legitimacy GAM had gained through the peace process, the police began to portray GAM as terrorists. The central government similarly tried to discredit GAM to justify a large-scale military offensive in Aceh in March 2001 by pronouncing GAM as a ‘separatist movement.’ In late 2000 and 2001, a series of bombs exploded across the Indonesian archipelago, including nine church blasts and the bombing of the Jakarta Stock Exchange (JSE). According to police spokesman Superintendent Husnie, the motive of GAM in the JSE bombing was clear because the rebels ‘wanted to create disorder in Jakarta so that the economy would worsen and the value of the US dollar increase, leaving GAM free to act.’ GAM countered by pointing out that ‘it would make much more sense to bomb PT Arun LNG Co and MobilOil in Aceh.’ Although Acehnese with former GAM links were involved in the JSE bombing, it was unclear who they were working at the time of the blast; there were rumours that sections of the TNI or the militant Islamic organisation, Jema’ah Islamiyah, were involved. While most of the wider population and the central government did not believe GAM was responsible for any of the bombings, AGAM Commander Abdullah Syafi’ie did not improve the rebels’ public image by threatening to ‘create chaos all over Indonesia’ and ‘destroy Jakarta’ if the counterinsurgency campaign in Aceh persisted.

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240 Johan Budi S. P., Tomi Lebang and Edy Budiyarso, 'Will the Real suspects Stand up Please?', Tempo, 16 October 2000.
241 Ibid.
By the time the Humanitarian Pause expired on 15 January 2001, there was no sign of the peace process on the ground. On 9 January 2001, Indonesian government and GAM representatives signed a ‘Provisional Understanding’ in Geneva, in which both sides agreed to a ‘one month moratorium to stop violence.’ For the first time, the two sides also agreed to discuss the substantive issues that divided them and to ‘seek a formula for a lasting and comprehensive solution to the conflict.’ Importantly, the annex to the Understanding stipulated that democratic processes in Aceh should include ‘democratic consultation’, ‘free and fair elections’, a mutually acceptable ‘independent electoral commission’, and the formation of ‘locally-based parties’ to encourage GAM and their supporters to participate in the electoral process. While the Provisional Understanding would provide the foundations for peace talks under later governments, the violence escalated sharply in 2001. In January, police launched a door-to-door disarmament campaign aimed at ‘persuading’ GAM to surrender their weapons. As a result of this intrusive campaign, the cities of Bireuen, Langsa, Sigli and Lhokseumawe began to resemble ghost towns as their residents became too afraid to go about their daily activities.

The chasm between Jakarta’s conciliatory rhetoric and repressive policy implementation further widened during Abdurrahman Wahid’s final months in power. Both sides agreed in February 2000 to a ten-day extension of the Provisional Understanding to implement ‘new security arrangements’, including the establishment of confidence-building contacts between GAM and TNI forces and a ‘hot line’ to prevent violent clashes. At the same time, a second more offensive ‘Love the Mosque’ counterinsurgency operation (OCM-II) came into effect on 19 February. While the new operations were formally under police auspices, they were supported by about 6,000 TNI troops, bringing the total number of security forces in Aceh to about 30,000 personnel. Military leaders justified the TNI’s

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increased involvement in the police-led operations by pointing out that Polri lacked the operational capacity and training to deal with threats posed by GAM.248

As if to prove the military’s point, the following month ExxonMobil Oil Indonesia (EMOI) announced the indefinite suspension of its North Aceh operations due to security threats from GAM. According to EMOI, GAM had threatened to ‘wage war’ against the multinational company if it refused to pay Rp.5 billion (US$500,000)249 in annual ‘income tax’ to the ‘State of Aceh.’250 Company spokespeople also reminded the Indonesian government that the rebels had been gradually stepping up their attacks on company personnel, pipelines and transport since 1999. For their part, GAM denied directly targeting EMOI, even though the rebels regarded the Indonesian security forces personnel who guarded the installations as legitimate targets and their anger over the exploitative practices of Aceh’s oil and gas industries was well documented. For Jakarta, the closure came amidst Indonesia’s ongoing economic crisis and the central government was under enormous pressure to ensure that EMOI quickly resumed normal operations. Oil and gas exports from North Aceh earned more than US$1.8 billion per annum, a production rate of eleven million tonnes per year, and the central government stood to incur losses of at least US$100 million per month as a result of the closure.251 The suspended operations also created tensions between Abdurrahman Wahid and EMOI. With his ‘talent’ for portraying problems as simpler than they actually were, Abdurrahman Wahid announced that EMOI had only temporarily closed to renegotiate its contract, which prompted two senior executives from Houston to immediately fly to Jakarta to explain their security concerns in detail.252 For the increasingly powerful TNI, the shutdown presented an opportunity to reassert their public profile as the defender of state interests and strategic assets. Reflecting the military’s unchanged attitude towards separatism, the outspoken Army Strategic Reserves Command Chief (Kostrad), Lt. Gen.

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249 Exchange rates for 2001 are calculated at an average annual rate of Rp.1,000 to one U.S. dollar.
Ryamizard Ryacudu, stated that no further steps would be taken to accommodate GAM, whom he described as ‘enemies of the state that must be annihilated.’

The EMOI closure pushed the already strained relations between Abdurrahman Wahid and his cabinet, the legislature and military to breaking point. Although the president continued to resist calls by military leaders to declare a state of emergency in Aceh, he had no choice but to ‘crack down’ on GAM. In a final bid to persuade the rebels to abandon their armed struggle, Jakarta agreed to pre-planned talks with GAM in Geneva on 10 March (the day after the EMOI closure), when the peace process was renamed ‘Peace through Dialogue’ (*Damai Melalui Dialog*). On the same day, an emergency cabinet meeting decided to launch ‘limited’ military operations in Aceh to secure the oil and gas installations. Defence Minister Mahfud added that the central government had decided to formally pronounce GAM as a separatist movement because the rebel movement was ‘in legal terms…of a subversive nature.’

In practical terms, the EMOI shutdown marked the end of Abdurrahman Wahid’s influence over Aceh policy. With the president politically isolated and with Vice-President Megawati Sukarnoputri remaining characteristically silent, the task of formulating an Aceh policy to balance the competing demands of the national and international business communities, foreign aid donors, the military and the legislature fell to the Coordinating Minister for Political, Social and Security Affairs, Lieut. Gen. Susilo Bambang Yudhoyono. It was Susilo who drafted the ‘Comprehensive Steps in a Framework for Resolving the Aceh Problem’, which Abdurrahman Wahid reluctantly signed on 11 April as Presidential Instruction (*Inpres*) No.4 of 2001. This framework

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254 Interview with Abdurrahman Wahid, Jakarta, 23 October 2002.
255 No part of the ‘Peace through Dialogue’ was implemented, such as planned ‘peace zones’ in North Aceh and Bireuen and the reopening of Indonesian courts in Aceh that had been physically attacked or forced to close due to the intimidation of judges by GAM. ‘RI-GAM Sepakati Zona Aman’, *Kompas*, 19 March 2001; International Crisis Group, *Aceh: A Fragile Peace* (ICG Asia Report No. 47, 27 February 2003), p.3.
258 Interview with Wimar Witoelar (former spokesman for President Wahid), 8 November 2001, Jakarta.
outlined a program to end the conflict by combining counterinsurgency operations against GAM with social, political and economic programs and ‘special autonomy.’ Susilo had proposed a similar framework for conflict resolution in his former capacity as TNI Chief of Territorial Affairs, when he had argued for a mix of political, economic, social and security strategies to deal with the complexities of the Aceh problem. As only the security component was immediately implemented, however, the ‘comprehensive framework’ was cynically regarded in Aceh as a legal mechanism to protect the military by positioning its operations within a broader political framework.

Unlike the other post-New Order security operations in Aceh, which had formally been under police auspices, a new joint TNI-Polri security command structure was established in Aceh after the introduction of Inpres No.4/2001. Foreshadowing a return to the past, the TNI’s Operations Implementation Command (Kolakops) was reestablished alongside its police counterpart (Kodalops). These operations were headed by former deputy Kopassus commander, Brigadier General Zamroni, placing the army effectively in charge. The twin objectives of the new ‘Security Restoration Operations’ (Operasi Pemulihan Keamanan, Opslihkam) were to eliminate some 3,000 GAM guerillas while pressuring the rebels into accepting a special autonomy compromise. While police conducted operations in Aceh’s urban centres, the TNI and Brimob launched a counterinsurgency campaign in rural Aceh, and navy and air force battalions were deployed to the Malacca Straits to intercept arms shipments to GAM from Malaysia and southern Thailand. With their superior weaponry and human resources (there were about ten Indonesian security forces personnel to every GAM guerilla on the ground), the armed forces were adequately equipped to crush, or at least to militarily weaken GAM. Instead, the ‘security restoration operations’ resulted in a sharp escalation in violence as the systemic problems of poor discipline, abuses against civilians, illegal business activities, weak chains of command and poor troop coordination in the field remained unaddressed.

According to official sources, from 1 January to 1 June 2000, 448 people

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were killed in Aceh, including 398 civilians.\textsuperscript{263} Around the same time, the TNI announced that 127 soldiers had been killed in Aceh over the past three years.\textsuperscript{264}

Meanwhile in Jakarta, Abdurrahman Wahid became increasingly prone to delusional behaviour as he lurched from crisis to crisis. As Aceh’s security situation continued to deteriorate, the attenuated president began to allude to supernatural forces as a way of ending the conflict. According to the former Human Rights Minister Hasballah M. Saad, Abdurrahman Wahid claimed that the Aceh problem could be ‘easily fixed’ if the grave of the Acehnese colonial war heroine, Cut Nyak Dhien, were relocated from West Java next her husband, Teuku Umar Djohan Pahlawan, in West Aceh, so that ‘the two graves can become one.’\textsuperscript{265} Separately the president predicted that if he fell from power then the troubled provinces of Aceh, Irian Jaya and Riau would separate from Indonesia and the country would disintegrate.\textsuperscript{266}

While Abdurrahman Wahid struggled to ward off his political demise, the Home Affairs Ministry, DPR and Acehnese legislators began to look beyond the military campaign towards a political solution to the conflict. After a protracted process of negotiations, a special autonomy law for Aceh was passed days before President Abdurrahman Wahid’s impeachment. The new legislation, which changed Aceh’s name to ‘Nanggroe Aceh Darussalam’ (lit; State of Aceh, Abode of Happiness), was hailed in Jakarta as a ‘comprehensive’ package to win back Acehnese hearts and minds (see Chapter Five). In Aceh, however, the central government’s new promise of unilateral concessions was widely seen as meaningless amidst the escalating violence.

\textbf{4.8 Conclusion}

A persistent dilemma for Abdurrahman Wahid’s government was its inability to reconcile its competing claims to political legitimacy and territorial sovereignty in Aceh. For the greater part of Abdurrahman’s presidency, state repression to restore law and order took

\begin{itemize}
\item \textsuperscript{264} ‘Pasukan TNI Berangkat ke Aceh’, \textit{Kompas}, 21 April 2001.
\item \textsuperscript{265} ‘Solusi Gaib untuk Aceh’, \textit{Kontras} (Vol. 146), 11-17 July 2001.
\end{itemize}
precedence over efforts to convince the Acehnese people that it was worth belonging to Indonesia by encouraging political participation and establishing effective governance. Given the overwhelming levels of local support for a referendum on independence in Aceh, even the most competent government would have been challenged to strike a delicate balance between persuasion and repression, and the GAM insurgency made conciliatory approaches difficult. Under Abdurrahman Wahid’s chaotic leadership, however, the inefficacy of civilian decision-making processes tipped the balance decisively in favour of the military’s preferred strategy of repression.

To a great extent, Abdurrahman Wahid was responsible for his government’s incoherent choices about Aceh. He brought to his presidency a patrimonial leadership style which did not assist Indonesia’s democratisation process and the state’s goals of establishing accountable and responsible governance and structured political processes. By appointing his friends and allies over more capable ministers, and through his numerous impromptu decisions and off-the-cuff remarks about Aceh, Abdurrahman Wahid quickly lost the political legitimacy that he had gained through the electoral process, both in Aceh and at the national level.

Jakarta’s capacity to make effective political decisions about Aceh was also compromised by the number of generals in each of the three cabinets, whose language and Aceh policy preferences reflected their preexisting institutional loyalties. While these appointments were arguably necessary to stabilise Abdurrahman Wahid’s presidency, the military’s control over strategic portfolios made it difficult from the outset to implement human rights investigations and to hold trials that may have gradually led to improvements in Indonesia’s human rights record and gone some way towards accommodating Acehnese expectations of justice. Of course, widespread human rights trials may also have provoked a military backlash and had no minimising effect on Acehnese secessionist demands.
The lack of civilian control over Indonesia’s security forces was particularly problematic. Despite the central government’s repeated emphasis on ‘defensive’ and ‘limited’ security operations in Aceh, the security forces on the ground were incapable of reverting to a defensive position, as evidenced by the offensive sweeping operations, disarmament campaigns and acts of violence against the civilian population. This was the result of inadequate security sector reforms to improve the professionalism and inter-force coordination between the police and the TNI. It was also the result of a lack of capacity-building mechanisms to improve the effectiveness and responsiveness of Aceh’s governing institutions. While Aceh’s political infrastructure remained dysfunctional at best, and disabled in the worst conflict areas, provincial government officials remained reliant on Indonesia’s security forces for protection. And, while the TNI’s territorial command structure survived intact, the military remained the only Indonesian institution of authority in Aceh.

Related to this lack of civilian authority was the issue of central government neglect. Within Indonesia’s factious political environment, decision-makers in Jakarta were often preoccupied with internal power struggles at the expense of what was happening in Aceh and elsewhere. This was the case with Abdurrahman Wahid, who, despite his decision to personally handle the Aceh case was largely concerned with his own political survival. Despite his conciliatory language and emphasis on dialogue, Abdurrahman Wahid essentially gave the police and military a free rein in Aceh two months into his presidency when he authorised the use of repression without also introducing policies to improve the quality of governance and restore Acehnese faith in Indonesian rule.

In terms of Indonesia’s democratisation process, the biggest casualty of the intensifying conflict was Acehnese civil society. Of the more than one hundred Acehnese groups and organisations that had filled the political vacuum in Aceh at the start of Abdurrahman Wahid’s presidency, most had been intimidated into silence by the end. In the search for a democratic solution to the Aceh conflict, the central government could have encouraged the
participation of Aceh’s civil protest movement leaders and community representatives in a more inclusive peace process. Instead, the narrowing political space was overtaken by the two warring parties, whose incompatible ideologies and militant strategies could only produce further bloodshed.
CHAPTER FIVE

SEARCH FOR A SPECIAL AUTONOMY SOLUTION
CHAPTER 5
SEARCH FOR A SPECIAL AUTONOMY SOLUTION

Aceh is already special. We have the most TNI troops, the most human rights violations and the most trauma of all the provinces...we have the most natural resources but the highest poverty. Jakarta has already forced us to become special...what's so good about being special?

Acehnese civil servant, 3 December 2000.¹

While the legal foundations for Indonesia’s decentralisation process had been laid by the time Abdurrahman Wahid came to power, many questions remained about the capacity of local governments to effectively manage their increased responsibility and resources, and what this would mean for national cohesion and stability. In Aceh, where the decision had been made to accelerate the implementation of Laws No. 22 and 25 of 1999 under the Habibie administration, there was no evidence to suggest that the devolution of political, administrative and economic powers would serve as an effective conflict management tool. Although autonomy is generally seen as a positive solution to national identity disputes, Law No. 44 of 1999, which formally recognised Aceh’s special status, was also too limited to democratically accommodate the Acehnese people within the Indonesian nation-state.

As Acehnese faith in Indonesian authority plumbed new depths and fears about national disintegration in Jakarta peaked, the decentralisation debate increasingly focused on the structure of the Indonesian state and whether a federal or unitary system would better promote national stability. Acehnese political elites and some national elites argued that a federal system would recognise the rights of Indonesia’s disparate ethnic minorities and produce more stable sociopolitical and economic outcomes. Related to this argument was the idea that the centripetal tendencies of the unitary state precluded the consolidation of meaningful and inclusive democracy. By contrast, defenders of Indonesia’s unitary system argued that federalism increased the risk of eventual secession by the country’s

¹ Informal interview, Lhokseumawe, 1 December 2000.
disaffected regions. While unitary state proponents generally believed that some form of decentralisation was necessary to prevent Indonesia’s troubled peripheral provinces from seceding, many argued that excessive regional autonomy would heighten political fragmentation and national disunity.

In the following pages, these tensions over the form and substance of a ‘special autonomy’ solution to the Aceh conflict are explored during Abdurrahman Wahid’s presidency. The chapter begins by canvassing the key policy debates about decentralisation in the case of Aceh. The partial implementation of Law No. 44 of 1999 on Aceh’s special status is then discussed. Obstacles to the implementation of Laws No. 22 and 25 of 1999 and the government’s development and humanitarian programs in Aceh are also explored. Finally, the chapter traces the development of the Nanggroe Aceh Darussalam (NAD) special autonomy law, which the central government hoped would restore Acehnese confidence in Indonesian authority through the devolution of wide-ranging central state powers and material resources.

It is argued that the 1999 autonomy laws were too limited to accommodate Acehnese expectations. The largely symbolic recognition of Aceh’s special status through Law No. 44 of 1999 did not meet Acehnese demands for compensation for state injustices against them. While there was a high level of political consensus in Jakarta that Laws No. 22 and 25 of 1999 were too broad to deal with the complexity of the Aceh problem, the province’s deteriorating security environment impeded the effective deconcentration of limited political, administrative and economic authority. Nor did the majority of Acehnese people welcome the introduction of the NAD law, which was unilaterally imposed and did not respond to any of the primary causes of the contemporary conflict.

The capacity of Abdurrahman Wahid’s government to make effective political choices about Aceh was limited by the same problems of internal politicking, informal political processes and tensions between the government, the legislature and the military that
impeded the government’s decision-making capability in other areas. A particular problem in the area of decentralisation, as noted in Chapter Four, was the strained relationship between the Home Affairs and Regional Autonomy ministers, who could not agree on almost anything, from the meaning of ‘special autonomy’ to the constitutional position of Aceh within the Indonesian state. The central government’s failure to seek input from the Acehnese people about their expectations of autonomy further weakened Jakarta’s capacity to develop responsive legislation with mitigating conflict potential. Importantly, the autonomy laws were not supported by regulatory, accountability and transparency mechanisms to minimise corruption and maximise the effective redistribution of state power and resources.

In Aceh, there were serious political and structural obstacles to the implementation of regional and special autonomy. Provincial government officials, who were widely seen as corrupt by the civilian population, were regarded as the primary beneficiaries of the decentralisation process. Aceh’s leadership crisis was heightened by three gubernatorial appointments under Abdurrahman Wahid’s presidency, each of which lacked popular legitimacy. The damaged provincial infrastructure further impeded the transfer of power and responsibility to local administrations and the fair and equitable distribution of state resources. In the absence of responsible and accountable local governance, there was also a greater risk that decentralised state power and resources would be misappropriated by the warring parties to perpetuate the conflict.

Even if more comprehensive special autonomy legislation for Aceh had been developed in a more timely and efficient manner, there was still the question of whether it would have been accepted by the majority of Acehnese people. GAM and SIRA, which received strong community support, rejected autonomy as an unacceptable compromise. There was also a lack of grassroots support for special autonomy. For many Acehnese, Jakarta could not be trusted because of its past broken autonomy promises. This general feeling of mistrust was exacerbated by ongoing violence against the civilian population during security operations, which hardened Acehnese attitudes against the state that tried to embrace them.
5.1 The Decentralisation Debate

Public debate about decentralisation was far more intense at the start of Abdurrahman Wahid’s presidency than under Habibie, when national policy discussions had also focused on many other issues such as democratic elections, political parties and local and national legislatures. Abdurrahman Wahid was elected president six months after the passing of Laws No. 22 and 25 of 1999, and national opinion on regional autonomy became increasingly divided as the entire country began to look towards its implementation. The separation of East Timor from Indonesia added fuel to this debate, as centripetal forces in Jakarta began to equate ‘too much’ autonomy with political fragmentation and the ‘Balkanisation’ of Indonesia.

Indeed, as John-Mary Kauzya points out, ‘the difference between decentralisation and disintegration is very thin.’ Striking the right balance between competing centrifugal and centripetal interests depends on ‘a level of understanding on the formula to apply’ in the realignment of centre-periphery relations. Achieving an equilibrium between these opposing interests also depends on the extent to which promises made by the centre to the periphery are met. In Aceh, where Jakarta’s past broken promises about autonomy generated deep hostility towards the centre, the capacity of centrifugal and centripetal forces to agree on an acceptable autonomy formula was especially difficult. While decentralisation promised to provide the Acehnese people with ‘greater resources to engage in collective action’, there were serious questions about whether they would use those resources to participate in Indonesia’s nation-building project, or to strengthen their struggle for national self-determination.

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3 Ibid.
Like under Habibie, these questions about whether decentralisation would promote national integration or lead to inexorable disintegration saw a continuation of the public debate under Abdurrahman Wahid about the competing merits of federalism versus unitary statehood. As discussed in Chapter Three, although federations and unitary states may take many different forms, unitary systems imply a degree of central control, while two-tier federal systems imply a certain level of decentralisation. In Indonesia, unitary state proponents have tended to advocate a more limited form of decentralisation than advocates of federalism. Under Abdurrahman Wahid’s presidency, the latter group was again led by Amien Rais, the new MPR Speaker, who argued that subscribers to the ‘kindergarten theory’ that federalism would lead to national disintegration were not seriously committed towards democratically accommodating Indonesia’s aggrieved ethnic minorities in Aceh, Papua and Riau. By late 1999, however, support for federalism, which had never been strong at the national level, had further declined in the aftermath of East Timor’s secession. Although some central government leaders publicly flirted with the idea of reverting to a federal system, most were actually not serious about changing the constitution and could more accurately be described as enthusiastic advocates of broad decentralisation. For instance, while President Abdurrahman Wahid and Ryaas Rasyid supported a federal model for Aceh, both acknowledged that as the majority of Indonesians opposed the concept, federalism would gain wider acceptance if referred to by another name, such as ‘full autonomy’ or ‘special autonomy.’

As discussed in Chapter Three, the idea of transforming Indonesia into a federation penetrated the heart of Indonesian nationalism. For most Indonesian nationalists, the concept of federalism has generally been negatively associated with Dutch colonial rule and efforts to weaken the Indonesian nation-state. Little wonder then, that the concept generated divisions within the national executive and legislature. In the legislative branch of government, there were tensions between the dominant nationalist forces (the military, PDI-P and Golkar factions) and smaller factions such as Amien Rais’ National Mandate

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Party (PAN), and, to a lesser extent, Abdurrahman Wahid’s National Awakening Party (PKB). The leaders of the MPR and DPR also disagreed on the form of the Indonesian state. While the DPR Speaker and Golkar Chairman, Akbar Tanjung, welcomed public debate on Amien Rais’ federalist proposal, he argued that ‘a federal state does not fit with the Indonesian nation’ because it would create a ‘climate that could destabilise national unity.’8 Within the cabinet, Abdurrahman Wahid’s off-the-cuff remarks about reverting to a federal system also failed to impress military leaders and Vice-President Megawati Sukarnoputri. It was Megawati’s father, President Sukarno, who had worked to establish the unitary state to in order to prevent the reassertion of Dutch rule. For Megawati, changing the 1945 Constitution and implementing a ‘drastic’ form of regional autonomy threatened to bring ‘more losses than benefits’ to the unitary vision that her father had pursued.9 Military leaders too, argued that federalism would exacerbate regional ferment and erode national cohesion. Reflecting this view, the Coordinating Minister for Political Affairs and Security, General Wiranto, made it clear that calls for a federal system by provincial government leaders in Aceh and Riau were unacceptable because ‘the Unitary State of the Republic of Indonesia [NKRI] has already been finalised through the proclamation of independence.’10 Proponents of the ‘NKRI’ concept tended to adopt a narrow interpretation of Indonesian nationalism based on unitary republicanism, and saw ‘anti-NKRI’ elements as unpatriotic or as enemies of the state. In late 1999, for instance, a Rakyat Merdeka newspaper editorial accused Amien Rais of supporting GAM because of his outspoken support for a federal solution to Indonesia’s internal conflicts.11

The military’s aversion to federalism was also linked to the high degree of uncertainty about its role under a different system. According to the military’s civilian supporter in government, Defence Minister Juwono Sudarsono, federalism not only represented ‘an early step towards separatism’, but also a rejection of ‘anything related to the past such as the military, Suharto and the Unitary State of Indonesia.’12 Many military leaders believed that federalism was incompatible with Indonesia’s archipelagic composition,

8 ‘Akbar Siap Debat Terbuka dengan PAN’, IndoNews@indo-news.com, 4 September 1998.
12 ‘Indonesian defence chief warns against federalism’, AFP, 7 December 1999.
and that the armed forces would be less capable of protecting Indonesia’s coastal borders under a different system.\(^\text{13}\) In fact, there was no evidence to suggest that national security would have been compromised in a federation, especially if external defence remained constitutionally under central government control. According to the reform-minded Major General Agus Wirahadikusumah, the TNI was also ‘stressed’ about changing the constitution because ‘a federal state is incompatible with the military’s dual [sociopolitical/ security] function.’\(^\text{14}\) Although the military had itself decided to formally withdraw from politics and revert to predominantly external defence role, the TNI retained a high degree of autonomy in conflict areas like Aceh through its territorial command structure. Under Indonesia’s unitary system, the military stood to benefit from the decentralisation process in Aceh in the absence of effective civilian leadership. Under a federal system, however, the devolution of constitutional authority stood to empower provincial civilian administrations and potentially limit the military’s regional control.

In terms of Aceh autonomy policy development, there were also tensions between the Regional Autonomy Minister, Ryaas Rasyid, and the Home Affairs Minister Lieut. Gen. (ret.) Surjadi Soedirdja. While both ministers agreed that Aceh should be granted ‘special autonomy’, they could not agree on how this concept should be applied to Aceh.\(^\text{15}\) Surjadi Soedirdja favoured limited special autonomy, like that which had been conferred to Aceh through Law No. 44 of 1999.\(^\text{16}\) Echoing the views of his military colleagues, the Home Affairs Minister further argued that decentralisation in all provinces must be positioned within the NKRI framework\(^\text{17}\), and that any attempts to change the unitary system were ‘extreme, like demands for federalism.’\(^\text{18}\) For Surjadi, the success of Indonesia’s decentralisation process could be measured by the extent to which ‘the unitary state has been strengthened’ through improvements to the quality of public

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\(^\text{16}\) Interview with Andi Mallarangeng, Jakarta, 17 October 2002.


services and social welfare.\textsuperscript{19} By contrast, Ryaas Rasyid advocated a federal formula for conflict areas like Aceh in everything but name.\textsuperscript{20} Mindful of the high level of political opposition to federalism, the Regional Autonomy Minister agreed with Abdurrahman Wahid that applying a federal model to Aceh would need to be packaged as “special autonomy” in order to gain national acceptance.\textsuperscript{21}

The high level of dissension in Jakarta over the form and substance of a ‘special autonomy’ solution to the Aceh conflict was reflected in four central government proposals (that is, from minimal to maximal autonomy) that were presented before the DPR Pansus Aceh (Aceh Special Committee) on 26 November 1999.\textsuperscript{22} The Regional Autonomy and Home Affairs departments had jointly prepared the proposals following MPR Ruling No. IV/1999 on State Policy Guidelines (GBHN) for 1999-2004, which mandated the development of special autonomy legislation for Aceh and Irian Jaya in a ‘swift and appropriate’ manner to redress regional ‘dissatisfaction with central government policies.’\textsuperscript{23} Passed on 16 October 1999, the MPR decree reflected the high level of legislative opposition to federalism by stipulating that special autonomy in both provinces must aim to ‘defend national integration within the framework of the Unitary Republic of Indonesia [NKRI].’ At the same time, this ruling, which was passed after the introduction of Law No. 44/1999 on Aceh’s special status, also reflected a willingness to concede to Acehnese demands for greater control over their own affairs. The four central government proposals for different policy options on Aceh covered the entire spectrum of executive opinion. The first proposal drew from Law No. 44/1999 and offered Aceh limited special autonomy over only one area of central government authority in the field of either religion or justice. The second option proposed broad fiscal autonomy for Aceh through the phased transfer of economic power and resources to the province and the realignment of centre-periphery fiscal balance. Included in this second proposal were recommendations to develop new ‘special financial arrangements’ between Aceh and

\textsuperscript{19} ‘Confusion and Delay’, \textit{Down to Earth}, No. 48, February 2001.
\textsuperscript{21} ‘Federasi, Otonomi dan Identitas Bangsa’, \textit{ABC Radio Australia} [transcript], 26 April 2002.
\textsuperscript{23} \textit{Ketetapan Majelis Permusyawaratan Rakyat Republik Indonesia Nomor IV /MPR/ 1999 Tentang Garis-Garis Besar Haluan Negara, Tahun 1999-2004}, Chapter II, , Chapter IV, Letter G, Items 2(a) and (b).
Jakarta, and to accelerate the implementation of Law No.25 on ‘Fiscal Balance Between the Central Government and the Regions.’ The third proposal recommended more wide-ranging powers for Aceh than those granted to all the regions under Laws No.22 and 25/1999. Reflecting the preferences of Ryaas Rasyid and Abdurrahman Wahid, the final proposal offered Aceh ‘full autonomy’ at both the provincial and sub-provincial levels of government over all areas except for national economic/fiscal policy and foreign affairs. In his presentation before the Pansus Aceh, Ryaas Rasyid also recommended that if the DPR agreed to the fourth option then the central government would concurrently pursue a process of ‘reconciliation’ and reach a ‘political agreement’ with the Acehnese people.24

This debate about a special autonomy formula for Aceh did not reflect what was happening on the ground. By November 1999, debate in Aceh revolved around whether a referendum should be held to decide Aceh’s political status. As the New York-based International Forum for Aceh (IFA) stated:

A referendum does not mean independence, special autonomy, federalism or implementing Islamic law….a referendum, as understood by the Acehnese people, is to determine the opinion of the Acehnese people about their political status, whether to remain within Indonesia, or to separate in a peaceful manner to become a sovereign state.25

For most Acehnese people, a referendum actually meant the chance to be free from Indonesian state repression. While the civilian population overwhelmingly supported independence, however, many provincial government leaders did not. As discussed in Chapters Three and Four, the once loud calls by provincial politicians to adopt a federal system in early 1999 could hardly be heard by November, when hundreds of thousands of people converged on Banda Aceh to demand a plebiscite on national self-determination. This did not mean that outspoken Acehnese advocates of federalism and wide-ranging autonomy, such as Governor Syamsuddin Mahmud, simply abandoned their hopes for a special autonomy solution to the conflict within a federal system. Instead, they


pragmatically decided to ride the wave of public opinion and tacitly support the referendum movement while quietly continuing negotiations with Jakarta for a more comprehensive autonomy settlement. Their initiatives, and public responses to Jakarta’s offers of autonomy, are examined in the following pages.

5.2 Implementing Law No. 44 of 1999

At the start of Abdurrahman Wahid’s presidency, there were some divisions within the central government over whether Law No. 44 of 1999 on the ‘Special Status of the Province of Aceh Special Region’ could solve the conflict. The limited special autonomy package, which was modeled on formula used to resolve the Darul Islam rebellion, reflected the dominant attitude in Jakarta under Habibie’s presidency that the Aceh problem had stemmed from the central government’s failure to honour the terms of the Darul Islam settlement. By late 1999, however, it was becoming clear that the contemporary conflict was far more serious than the regionalist rebellion of the 1950s and early 1960s.

Within the cabinet, there were broad divisions between those who believed the Acehnese people had been granted enough concessions through Law No. 44/1999, and those who felt that more comprehensive special autonomy legislation was required to win back Acehnese hearts and minds. Included in the former group were Abdurrahman Wahid, the Human Rights Minister, Hasballah M. Saad, and Regional Autonomy Minister, Ryaas Rasyid. As Abdurrahman Wahid later admitted, the limited implementation of Islamic law in accordance with Law No.44/1999 did ‘not solve anything, because you know the binding of our lives to Syari’ah should be done outside the government, outside the law.’26 At the same time, the new president did not have a coherent political program on Aceh. His main strategy was simply to ‘get people to sit around in the spirit of musyawarah (dialog)…to get them to understand each other's position and get them to agree that the best way out of this issue is to talk peacefully and to talk at length.’27 Meanwhile, other ministers argued that Law No.44/1999 adequately acknowledged

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26 Interview with Abdurrahman Wahid, Jakarta, 23 October 2002.
Aceh’s special status and should be implemented in conjunction with Laws No.22 and 25 of 1999. The most outspoken proponents of this view were the Coordinating Minister for Political Affairs and Security, General Wiranto, and Home Affairs Minister Surjadi Soedirdja.\textsuperscript{28} Related to this second perception was the idea that Indonesia’s unitary state would be strengthened and support for GAM would decline if Acehnese pro-integrationist forces such as the MUI ulama and local government authorities were more politically empowered.

While the central government tried to work out how to proceed on special autonomy, Aceh’s DPRD took the first step towards implementing Law No.44/1999. This was not because there was strong support for limited special autonomy in either the DPRD or amongst the wider population, but because provincial politicians saw the largely symbolic recognition of Aceh’s special status as the first stage in a process that would eventually lead to the development of more meaningful legislation. Reflecting these broader autonomy ambitions, Governor Syamsuddin Mahmud stated that special autonomy should be ‘something that is felt by the Acehnese people in all areas of life, not only Syari’ah.’\textsuperscript{29} Despite the general lack of enthusiasm for Law No. 44/ 1999, the DPRD moved to impose aspects of Islamic law in late October 1999 by ordering Aceh’s 119 policewomen to wear brown veils to ‘serve as role models for Muslim teachings in Aceh.’\textsuperscript{30} This decision was made in accordance with Regional Regulation No. 451.1/ 21249, which was introduced on 6 September 1999 and required all female government employees to wear Islamic dress.

While Acehnese women did not explicitly oppose the new regulation, many were angered that they had been excluded from the decision-making process. This frustration was evident at an Aceh Women's Congress (\textit{Duek Pakat Inong Aceh}) in Banda Aceh on 20- 22 February


\textsuperscript{29} Interview with Syamsuddin Mahmud, Jakarta, 20 November 2001.

\textsuperscript{30} ‘Aceh policewomen to wear veils’, \textit{The Jakarta Post}, 26 October 1999.
2000, which was attended by almost 400 Acehnese women from the province’s twelve districts. During the three-day congress, twenty motions were passed with demands ranging from ‘at least a 30 per cent voice in the decision-making process for the future of our land’ to the right to act as mediators in the search for a peaceful solution to the conflict, and equal recognition with men under Islamic law. Related to the latter demand was growing concern amongst women’s organisations that the DPRD’s interpretation of Islamic law would lead to increased acts of violence against them. The jilbab raids (razia jilbab) that had begun in early 1999 became more frequent after the introduction of Law No. 44/1999. As the leader of one women’s organisation, Flower Aceh, Suraiya Kamaruzzaman, explained, ‘while making so much fuss about jilbab, the authorities do absolutely nothing to protect women against acts of violence like rape.’ Suraiya also pointed out that by transforming the decision to wear a jilbab from a personal choice into a form of repression, the provincial government and parliament had ignited two new horizontal conflicts in Aceh: between men and women, and between women and women. By early 2000, when banners were erected around the Baiturrahman mosque in Banda Aceh in Arabic, Indonesian and Acehnese languages warning women to cover their heads, Acehnese women found it increasingly difficult to openly discuss the jilbab issue for fear of being ostracised by the wider community and labeled ‘un-Islamic’ or ‘secular’ by the local media. From a different perspective, the gangs of youths who were responsible for the jilbab raids justified their violent behaviour by arguing that ‘When women have been warned many times but

35 While many more urban women wore jilbab after the implementation of Law No. 44/1999, the majority of women in rural areas did not, or only wore a traditional headscarf (selendang). ‘Sharia declared in Aceh to quell push for independence’, AFP, 12 December 2000.
continue to resist, what is wrong with cutting their hair or their mini-skirts?36 While there
was no direct link between these gangs and local political and religious leaders and
institutions, the conspicuous silence of the latter individuals and groups seemed to suggest
their tacit support for the raids.

Women were not the only group to be further marginalised by the provincial parliament’s
largely symbolic interpretation of Islamic law. Another vulnerable group was the poor,
especially after mid-2000 when the DPRD passed Regional Regulation No. 5 /2000 on
the ‘Implementation of Syariat Islam’, which imposed a Rp.2 million fine (US$240)37 or
three month jail sentence for those who did not respect Islamic law.38 For the majority of
Acehnese, who were unable to afford the hefty fine, imprisonment was the probable
punishment for violations of Islamic law.

In June and July 2000, the DPRD passed four other regional regulations to facilitate the
implementation of Law No.44/1999.39 These regulations were about (1) banning the sale
and consumption of alcohol, except by non-Muslims in their own homes, (2)
implementing religious education in Aceh, (3) enforcing customary law (adat), and (4)
establishing a new MPU (Majelis Permusyawaratan Ulama, Consultative Council of
Ulama).40 The timing of these regulations was important as they were introduced at the
start of the Humanitarian Pause peace agreement between the Indonesian government and
GAM. Governor Syamsuddin Mahmud hoped to use the reduced hostilities to reassert
provincial governmental authority and win public support for a special autonomy solution
to the conflict. The governor also hoped that the implementation of Islamic law could

36 Sylvia Tiwon, ‘From East Timor to Aceh: The Disintegration of Indonesia?’, Bulletin of Concerned
37 Currency conversion rates for 2000 are calculated at an average annual exchange rate of Rp.1,200 to one U.S.
dollar.
38 Peraturan Daerah Propinsi Daerah Istimewah Aceh Nomor 5 Tahun 2000 Tentang Pelaksanaan Syariat
Islam, Chapter 5, Article 19 (1).
39 ‘DPRD Bahas Empat Ranperda Istimewa’, Serambi Indonesia, 28 May 2000; 'Indonesia's Aceh moves to
40 Peraturan Daerah (Perda) No.4/2000 Tentang Larangan Minuman Beralkohol; Perda No.6/2000
tentang Penyelenggaraan Pendidikan; Perda No.7 /2000 Tentang Penyelenggaraan Kehidupan Adat;
Perda No.3/ 2000 Tentang Pembentukan Organisasi dan Tata Kerja MPU.
serve as a conflict management tool. Shortly after the peace deal came into effect, for instance, Syamsuddin Mahmud made a public announcement asking the Acehnese people to use the enforcement of Syari‘ah to create a ‘harmonious environment…under the umbrella of Islamic thought.’

The timing of the fourth regulation on establishing the MPU was also significant as it was passed shortly after the aborted Aceh People’s Congress (Kongres Rakyat Aceh, KRA; discussed in Chapter Four), which led to the retreat by HUDA ulama and their students in Rabithah Thaliban Aceh from Acehnese political life. The impetus for Regional Regulation (Peraturan Daerah, Perda) No. 3/2000 on the ‘Establishment, Organisation and Function of the MPU’ came from modernist urban-based MUI ulama, who decided to disband and establish the more politically powerful MPU. This regulation was in accordance with No. 44/1999, which envisaged the creation of an independent ulama council with the same status and decision-making powers as the DPRD. The decision to dissolve the MUI was also linked to the negative public image of the urban ulama, whose close cooperation with the New Order government had prevented their emergence as an independent force in post-Suharto politics. Syamsuddin Mahmud, who reportedly refused to deal with HUDA, also encouraged the MUI to play an active role in the MPU in the hope that the provincial government could retain influence over the independent ulama and sideline HUDA from the political process.

When the MPU was formed on 27 June 2001, however, two of the most senior positions went to traditionalist ulama. Although the elected MPU chairman, Teungku Muslim Ibrahim, was a former MUI ulama, his traditionalist views were more closely aligned with those of the independent rural ulama. One of two elected MPU vice-chairmen was

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42 Undang-Undang Nomor: 44 Tahun 1999 tentang Penyelenggaraan Keistimewaan Keistimewaan Propinsi Daerah Istimewa Aceh, Chapter III, Article 3(d) and 5(1), (2).
also a HUDA *ulama*, Teungku Daud Zamzami. The second vice-chairmanship went to former MUI *ulama* Teungku Alyasa Abubakar. In contrast to the government-backed MUI, the autonomous structure of the MPU was very attractive to the independent *ulama*, who saw the council as an avenue through which to regain political influence. As HUDA Chairman Teungku Nuruzzahri explained, through the establishment of the MPU, Acehnese *ulama* could stop acting as ‘an extension of the government.’

By June 2001, Syamsuddin Mahmud had also been replaced as Aceh governor by Abdullah Puteh, who was more willing to cooperate with the independent *ulama*, which he hoped would stabilise his leadership and allow the provincial government to exert more influence over Acehnese society.

While the Acehnese *ulama* became more united and politically powerful under Law No. 44/1999, there was little support for limited special autonomy amongst the civilian population. The main reason for this was the intensifying violence on the ground. Amongst the local population, there was a general perception that the provincial government’s emphasis on symbolic issues such as Islamic dress detracted attention from more important political issues such as human rights trials and a referendum. This dominant feeling of mistrust about autonomy in general, and Islamic law in particular, rose to the political fore during Abdurrahman Wahid’s visit to Banda Aceh on 19 December 2000. Although the president planned to use his Aceh visit to pronounce the implementation of Islamic law in accordance with Law No. 44/1999, many Acehnese saw the visit as an attempt to divert outside attention away from military plans to launch a full-scale offensive against GAM as the Humanitarian Pause agreement unraveled. This perception was reinforced by the deployment of 2,500 additional security forces personnel to secure the presidential visit, and also by fact that the provincial government had already issued five regional regulations about Islamic law several months previously. For SIRA, Abdurrahman Wahid was playing a ‘dirty political trick’ to

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justify the military’s ‘slaughter’ of the Acehnese people by portraying Islam in Aceh as ‘a fundamentalist type.’

SIRA argued that as the Acehnese could already practice Syari’ah under the 1945 Constitution, they did not need a ‘concocted’ government version like that which had been imposed in Aceh during Dutch colonial times. SIRA President Muhammad Nazar further pointed out that ‘Wahid doesn’t need to declare Islamic law because that’s not what the Acehnese people are asking for.’

GAM was equally outspoken in condemning Jakarta’s offer of Islamic law. According to Hasan di Tiro, ‘the struggle of the Acehnese people never had anything to do with Syari’ah,’ although this was clearly untrue given that the Acehnese’ involvement in the Darul Islam rebellion had been about implementing Islamic law in a re-established province of Aceh. Like SIRA, however, GAM believed the government was attempting to portray the Acehnese people as ‘fanatical’ or ‘fundamentalist’ Muslims. For example, when Governor Abdullah Puteh, announced that Islamic law would constitute ‘a kind of medicine’ that would cool down tensions and even make GAM ‘happy because they are Muslims and should abide by the religion’, GAM negotiator Amni Marzuki retorted that ‘The Indonesian government wants to make us look like Afghanistan.’

This was a nebulous claim given that the vast majority of political leaders in Jakarta had already acknowledged that centre-periphery imbalances and human rights violations were at the heart of Acehnese grievances. Significantly, Abdurrahman Wahid also used his Aceh visit to apologise for his inability to redress these problems, stating that ‘If I were not a Muslim, I would probably have killed myself.’ At the same time, the president hardly convinced the Acehnese people of the benefits of Islamic law by announcing during his thirty-four minute speech that fears about the hands of thieves being chopped off were groundless because ‘Islam treats all with wisdom.’

Even if Abdurrahman Wahid had portrayed Islamic law in a more positive light, however, he would have found it difficult to ‘sell’ special autonomy to the Acehnese people while GAM and SIRA held

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52 Interview with Hasan di Tiro, Norsborg, Sweden, 5 July 2000.
such strong political influence, and amidst the intensive counterinsurgency campaign on the ground. For GAM, Abdurrahman Wahid’s ‘Javaneseness’ alone made him untrustworthy, and those Acehnese who supported autonomy within the ‘neocolonial Javanese-Indonesian’ system were traitors. For other Acehnese, Abdurrahman could not be trusted because of his broken referendum promise, and like past Indonesian presidents, could just as easily break his promises about special autonomy.

The general lack of support for Law No. 44/ 1999 was more of a backlash against a government that was increasingly seen as repressive and illegitimate in Aceh than it was a rejection of Islamic law. The majority of Acehnese people did not oppose Syari’ah as such, and practiced Islam in their daily lives. What mainly angered Acehnese women’s organisations was their exclusion from the political process, and the DPRD’s interpretation of Islamic law which they saw as threatening their safety. What GAM rejected, beyond Indonesian state authority in general, was what they interpreted as an attempt by Jakarta to delegitimise their cause in the eyes of the international community by portraying their nationalist struggle as an Islamic holy war, or jihad.

However, there were sections of the civilian population that welcomed the limited offer of Islamic law. As Islamic courts and Syari’ah police had not yet been introduced, some Acehnese even took the task of interpreting and enforcing Islamic law into their own hands. Little effort had been made by provincial authorities to ‘socialise’ special autonomy and very few copies of Law No. 44 of 1999 were made publicly available.56

This lack of public awareness about the legislation made the Islamic law component in particular open to interpretation and application. This was demonstrated by the jilbab raids and by other forms of extra-judicial violence against those accused of moral misconduct. Transsexuals, couples caught having extra-marital sex and sex workers were publicly humiliated and paraded around the streets of Banda Aceh by local vigilantes.57 Non-Muslims, and especially non-Muslim women Batak traders from North Sumatra, were subjected to growing acts of violence.58 Sometimes, local community leaders and

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village heads also interpreted and enforced Islamic law. In November 1999, for instance, a group of village elders in Mata Ie village in Pidie ordered a young man to receive 100 lashings (by ten local men who took turns in dispensing the lashings) for impregnating a young woman. The village leaders ordered the woman, who was four months pregnant, to be similarly punished after giving birth.\(^{59}\) Although lashings constituted a criminal offense under Indonesian national law, provincial authorities interpreted the incident as adat (customary law) and took no punitive action against the responsible villagers.

Later, under the government of Megawati Sukarnoputri, an Islamic court system and religious police would be established that would create a new set of challenges for the Indonesian state and for Acehnese society (see Chapter Seven). Under Abdurrahman Wahid, however, the only initiative to establish an Islamic law enforcement agency came from Aceh’s provincial parliament. On 28 July 2000, the DPRD announced plans to establish an ‘anti-vice’ (anti-maksiat) squad to ‘wage war’ on violators of Syari’ah and to ‘clean up the region.’\(^{60}\) The DPRD envisaged that the anti-vice squad would initially concentrate on ‘cleaning up’ Banda Aceh by eradicating prostitution, gambling and cockfights (the latter entertainment allegedly took place in a shop in TP Polem Street, and every Sunday in Tgk. Chik di Tiro Street). Even if the envisaged anti-vice squad had been established, it may simply have constituted another form of state repression. In the absence of any legal mechanisms to enforce Syari’ah, however, local vigilantes were able operate with impunity.

Although Law No. 44/1999 was eventually overtaken by the development of the NAD law, the provincial administration’s interpretation of Syari’ah did not meet ameliorate the dispensation of justice. On the contrary, the emphasis by provincial authorities on symbolic religious issues such as Islamic dress and Arabic signposts, and harsher interpretations of Islamic law by sections of the wider community, created a new kind of lawlessness in Aceh. Unfortunately, the primary victims of this relatively new form of religious violence- the most vulnerable groups and individuals in the community- were

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\(^{59}\) ‘Man lashed in Indonesia for fornication’, [www.islamonline.net](http://www.islamonline.net), 1 December 1999.

the same people whose need for state protection and justice was the greatest. Not only did the introduction of limited Islamic law under Law No. 44/1999 reduce the Indonesian state’s capacity to protect its citizens in the absence of functioning state institutions, but the growing numbers of local vigilantes also reduced the state’s monopoly over the legitimate means of physical violence.

5.3 Obstacles to Implementing Regional Autonomy

While the decision to accelerate the implementation of Laws No. 22 and 25 of 1999 in Aceh had been made during Habibie’s final months in power, this clearly was not possible by late 1999. Aceh’s governing authorities and institutions had lost power and legitimacy in the eyes of the local population. GAM had consolidated control over about seventy per cent of the province, and public support was overwhelmingly behind the referendum movement.61 There were also growing attacks on Aceh’s provincial infrastructure as the security situation deteriorated. In January 2000 alone, more than 400 buildings were burnt down by ‘unidentified gunmen’, compared with approximately the same number for the entire year of 1999.62 Under these conditions, it difficult to see how the central state could reassert its governing presence in Aceh. Even harder to imagine was how central state power and responsibility could be effectively devolved to Aceh’s sub-provincial administrations when local governance had ceased to exist in many areas (mostly in Pidie, North, East and South Aceh) by the start of Abdurrahman Wahid’s presidency.

Despite the seemingly insurmountable obstacles towards implementing Laws No. 22 and 25/1999 in Aceh, Abdurrahman Wahid’s government initially decided to start enforcing regional autonomy in the troubled province before the official deadline of 1 January 2001. Jakarta’s position was outlined in November 1999 by the Coordinating Minister for Political Affairs and Security, General Wiranto, who announced that the central

government would ‘solve the Aceh problem’ through the immediate implementation of Laws No. 22, 25 and 44 of 1999. The main political consideration behind this decision seemed to be that the rapid implementation of autonomy in Aceh had already been placed on the agenda under Habibie’s presidency, and was seen by Jakarta as a generous move. It was also possible that central government hoped that empowering sub-provincial legislatures would gradually discourage referendum demands by turning public attention towards local communities. Another political consideration in the central government’s decision may have been that limited regional autonomy could be used as a bargaining tool in the search for a negotiated settlement to the conflict. General Wiranto first alluded to this approach in December 1999 after Abdurrahman Wahid announced his intention to pursue negotiations with GAM:

The president has already explained that attempts to gain independence will not be tolerated. What can be discussed in a dialogue is Law No. 22 about regional autonomy, Law No. 25 about fiscal balance and Law No. 44 about the implementation of Syariat Islam; later the benefits of implementation will become clear.

Wiranto’s statement also reflected the military’s concern that negotiating with separatists would lead to the separation of Aceh from the Indonesian state. By framing an Aceh dialogue within the context of limited regional autonomy (and also within the unitary state), Wiranto hoped that the central government would remain in control of the negotiations process and therefore be able to apply pressure on GAM to accept an autonomy compromise.


Of course, as past Indonesian governments and the Acehnese people had learned, promises about autonomy are more easily made than kept. By early 2000, Abdurrahman Wahid cast doubt over his administration’s capacity to accelerate the decentralisation process in Aceh by admitting that ‘there are several obstacles towards the immediate implementation of regional autonomy, such as poor human resources.’ Although Governor Syamsuddin Mahmud and Aceh’s DPRD Speaker Teuku Muhammad Yus flew to Jakarta soon afterwards to meet with the president to gain his ‘strong support’ for ‘quickly’ enforcing the 1999 autonomy laws, the central government could not, or would not take any immediate action. According to Muhammad Yus, the 1999 laws needed to be implemented as an interim measure until more comprehensive special autonomy legislation could be passed to assist the provincial administration’s ‘efforts to lessen what has already happened in Aceh.’ Around the same time, the Acehnese political leaders submitted their draft NAD bill to the DPR. However, their hopes for immediate decentralisation were further reduced as national legislators began to debate whether Laws No. 22 and 25/1999 would even apply to Aceh if the DPRD bill was eventually passed as legislation.

Although Jakarta did not move to accelerate the implementation of Laws No. 22 and 25 of 1999 in Aceh, the central government did announce plans in December 1999 to embark on a series of development projects to restore Acehnese faith in Indonesian rule and strengthen the provincial infrastructure in preparation for eventual autonomy. Drawing from Habibie’s ‘nine-point’ Aceh plan, Abdurrahman Wahid stated that his administration would allocate Rp.500 billion (US$69.75 million) to rehabilitate Aceh’s damaged infrastructure, rebuild the provincial railway network, develop Sabang as a

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68 Ibid.

69 ‘Syamsuddin Mahmud Minta NAD Disahkan’, Serambi Indonesia, 16 April 2000.

70 Exchange rates for 1999 are calculated at an average annual rate of Rp.1,3950 to one U.S. dollar.
Freeport and create the foundations for long-term economic development. Like Habibie before him, however, Abdurrahman Wahid soon encountered a number of obstacles regarding implementation, principally Aceh’s deteriorating security environment (which dissuaded investors), as well as a lack of regulatory mechanisms to ensure transparency and accountability at all levels of government. Critically, Indonesia’s ongoing economic crisis and low levels of foreign investment in the national economy under Abdurrahman Wahid’s unpredictable leadership also reduced the central government’s capacity to fund its Aceh rehabilitation and development programs. As the Transportation and Communications Minister, Lieut. Gen. (ret.) Agum Gumelar, conceded in January 2000, ‘many promises were made- to rebuild a railway system, and so on- but we don’t have any money.’ Although Abdurrahman Wahid vowed to rebuild the US$90 million Aceh railway network by awarding contracts to private companies, many investors saw the project as too risky within the context of Aceh’s unstable security environment.

The central government’s efforts to develop the Freeport of Sabang were similarly ill-fated. As discussed in Chapter Three, President Habibie had unsuccessfully attempted to establish Sabang as an ‘Integrated Economic Growth Area’ (Kapet) by Presidential Instruction (Keppres) No. 171 of 1998. In January 2000, Abdurrahman Wahid tried to continue this policy by paying a two-hour presidential visit to Sabang to inaugurate the port as a free trade zone. Sabang residents, however, questioned how they would benefit from their district’s new status. As one local explained, ‘We’re surprised that there are no facilities and yet this can suddenly be formalised.’ Without any infrastructure, the government’s goal of transforming Sabang into ‘Aceh’s future economic development centre’ was unachievable, and the district continued to rely primarily on traditional fishing and farming methods. By the end of the 1999-2000 financial year, Sabang had

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73 'Gus Dur keeps Aceh off end-year travel plans', The Jakarta Post, 9 December 1999.
75 'Keunggulan 'Free Port' Sabang Bakal Mengejar Batam', Suara Karya, 7 February 2000.
only contributed 0.02 per cent towards Aceh’s total annual exports.\textsuperscript{76} Even after 1 September 2000, when Sabang’s Freeport status was formally returned by Government Regulation (\textit{Perpu}) No. 2/2000, the local economy continued to stagnate.\textsuperscript{77} In part, this was due to deteriorating security conditions on the mainland, which especially impeded Sabang’s capacity to develop its tourism industry. Sabang’s greatest reason for ‘pessimism’, however, was the lack of government and private funding to develop the Freeport facilities, which meant that ‘whatever Sabang’s status it would ‘continue as normal’…as a dead city.’\textsuperscript{78}

On the mainland, the only district to achieve solid economic growth was oil and gas-rich North Aceh. For the 1999-2000 fiscal year, North Aceh’s Regional Production Department (\textit{Dispenda}) reported a massive thirty-eight per cent increase in economic growth (Rp.42.5 billion, US$5.312 million), predicting that the district would exceed its annual target for the next financial year by twenty per cent.\textsuperscript{79} In stark contrast to the Freeport of Sabang, North Aceh boasted a fifty per cent increase (US$167.9 million) in exports in 2000 from the ports of Blang Lancang and Lhokseumawe.\textsuperscript{80} North Aceh was also better positioned than the other districts to benefit from the implementation of Law No. 25/1999 on fiscal balance. With its oil and gas industries generating US$1.9 billion in 2000 alone, provincial authorities predicted that North Aceh would receive twelve percent of the thirty per cent of oil and gas revenue that had been allocated to Aceh under Law No. 25/1999. By comparison, Aceh’s eleven other districts and municipalities collectively stood to receive twelve per cent of the revenue, while the provincial

\textsuperscript{77}‘Perpu Freeport Sudah Turun; Sabang Punya Kewewenangan Penuh’, \textit{Serambi Indonesia}, 2 September 2000.
\textsuperscript{79}‘Pendapatan Aceh Utara naik’, \textit{Bisnis Indonesia}, 24 October 2000.
\textsuperscript{80}In the 1999-2000 financial year, 57.87 per cent of Aceh’s total produce was exported from the Blang Lancang harbour at Arun, while 25.68 per cent of exports were shipped from Lhokseumawe harbour. ‘Pertumbuhan Ekonomi D.I Aceh Tahun 1999 Turun 2.3\%’, \textit{Business News}, 14 August 2000; ‘Ekspor Aceh Utara naik 50\%’, \textit{Bisnis Indonesia}, 14 December 2000; ‘Ekspor dari Aceh naik 50\%’, \textit{Bisnis Indonesia}, 10 January 2001; ‘PAD Aceh Utara di atas target’, \textit{Bisnis Indonesia}, 7 February 2001.
administration expected to receive the remaining eight per cent.81 North Aceh would also have derived more profits from its fisheries industries under Law No. 25/ 1999, which granted the districts eighty per cent of their fisheries revenues. North Aceh’s Fisheries Department estimated that the district’s thriving groper fish industry alone would earn the local government Rp.6 billion (US$600,000) in exports.82

North Aceh’s high economic growth did not lead to any substantive improvements in the lives of the local population. The district’s strategic economic assets were guarded by large numbers of Indonesian security forces personnel, whose abuses against civilians fuelled public support for GAM. The popularity of the rebels also stemmed from the pronounced wealth gap between multinational company employees and the rest of the population. Like other parts of rural Aceh where GAM received strong community support, the forced closure of many local administrations amidst the ongoing fighting prevented the distribution of government resources to North Aceh villages.83 As one civil servant in Lhokseumawe explained in April 2001:

The Indonesian government is hardly working in the villages anymore… Here in town, we’re still drawing salaries but we hardly go to work anymore. GAM is now far more active.84

With virtually no state revenue being invested into public facilities and services at the village level, public anger turned towards local government leaders. In particular, the North Aceh bupati, Ir. Tarmizi Karim, who was Syamsuddin Mahmud’s relative by

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82 In February 2001, the North Aceh Fisheries Department announced plans to export 240 tonnes of groper fish from 4,100 hectares of sea around North Aceh. 'Aceh targetkan ekspor 240 ton ikan kerapu', Bisnis Indonesia, 8 February 2001.
marriage, was widely seen as corrupt and commonly believed to have won the 1998 bupati election by buying votes from legislators in the DPRD–II.85

At the provincial level, government leaders suffered from a similar lack of legitimacy. Despite his conciliatory attitude towards the referendum movement, Governor Syamsuddin Mahmud had been plagued by growing accusations of corruption and financial mismanagement since his reelection in May 1998.86 During his second term, Syamsuddin became even more politically isolated as all four DPRD factions turned against him. Aceh’s provincial leadership crisis culminated on 7 June 2000, when Syamsuddin Mahmud was dismissed by Presidential Decree No. 167/ 2000 after the DPRD passed a vote of no-confidence against him on the grounds that he lacked a clear vision to solve Aceh's problems.87

Syamsuddin’s replacement was even more unpopular amongst the civilian population. Ramli Ridwan, who was installed as caretaker governor on 21 June, was a former North Aceh bupati and close associate of another widely disliked Aceh governor, Ibrahim Hasan (1986–93).88 Many Acehnese believed that Ibrahim Hasan had condoned the atrocities committed against civilians during DOM, and the former Aceh governor was the only civilian to be summoned before the Pansus Aceh hearing in November 1999 to explain his involvement in human rights abuses committed during his tenure (see Chapter

86 'Mahasiswa Aceh Datangi DPRD Tentang Pencalonan Gubernur', Suara Karya, 9 April 1998.
87 Syamsuddin Mahmud’s second gubernatorial term was due to end in 2003. After his dismissal, Abdurrahman Wahid asked Syamsuddin, a Belgian-trained economist and professor at the Syiah Kuala University in Banda Aceh, to accept an appointment as Deputy Chairman of the National Development Planning Board (Bappenas) in Jakarta. Syamsuddin declined the offer, however, claiming that he was too old at 65 [the retirement age for the position is 60], and also because ‘the job carries political connotations.’ 'Pencopotan Gubernur Aceh Harus Sesuai UU', Media Indonesia, 27 May 2000; 'Gubernur Aceh Bantah Dapat Uang Bulog', Suara Pembaruan, 29 May 2000; 'Petisi DPRD Aceh Temui Presiden. Dewan Minta Gubernur Dicopot dari Jabatan', Media Indonesia, 31 May 2000; 'DPRD Berhak Nilai Gubernur', Kompas, 19 June 2000; 'Syamsuddin Mahmud Tolak Jadi Wakil Kepala Bappenas', Kompas, 20 June 2000.
Four). This public frustration with Aceh’s political leadership was palpable on the day Ramli Ridwan was sworn in as acting governor. Hundreds of students staged a two-day demonstration outside the DPRD building in Banda Aceh to demand the dissolution of the provincial parliament and sprayed the building with graffiti. According to the students, the DPRD had done nothing to prevent Jakarta’s ‘coercive move’ to install Ibrahim Hasan’s ‘crony’, and had made ‘no significant contribution’ towards ending the conflict. Also on the day of Ramli’s appointment, about 500 SIRA activists stormed the DPR building in Jakarta to demand the resignation of Acehnese legislators. During the protest, two legislators from the PDI-P faction, Julius Usman and Karimun Usman, were dragged from their hearing rooms and forced to remove their jackets and listen to the students’ demands for a referendum on Acehnese independence.

Aceh’s leadership crisis was also related to the provincial government’s unwillingness, or inability, to consult the Acehnese people about their expectations, or to invite public participation in the political process. Ramli Ridwan, for example, was far more outspoken than his predecessor in arguing against a political role for the Acehnese ulama.

As the caretaker governor announced in September 2000:

What is clear is that we don’t want the ulama to talk politics, other than actualising religious doctrines and God’s Islamic laws that have been forgotten by the people who remain divided over issues…the language of religion and the language of the ulama have always been the pulse leading the Acehnese people.

Ramli Ridwan’s emphasis on the religious importance of the Acehnese ulama seemed to be aimed at preventing further political challenges to the provincial administration’s

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90 A third legislator, Erwin Pardede, was kicked and beaten by the protesters while trying to defend Karimun. ‘Ramli installed as Aceh governor amid protests’, The Jakarta Post, 22 June 2000.
authority. Similar arguments had been used by the New Order to confine the *ulama* to the non-threatening spheres of religion, education and culture. Unlike Syamsuddin Mahmud, who had at least attempted to placate the students at the vanguard of the referendum movement, the acting governor was also more concerned with restoring security than with winning popular support in the six months prior to the next gubernatorial election. In August and September 2000, as the peace process verged on collapse, Ramli Ridwan repeatedly warned that while the majority of Acehnese people opposed a state of civil emergency in Aceh, he had not ruled it out as a means of restoring law and order.

Although Aceh’s next governor, Abdullah Puteh, who was elected by the DPRD on 4 November 2000, adopted a more conciliatory attitude towards his electorate, he too lacked strong popular legitimacy. Soon after his election, Abdullah Puteh announced that he would adopt a ‘give and take’ and ‘sharing’ approach towards GAM by continuing Abdurrahman Wahid’s policy of negotiating with the rebels. At the same time, the new governor was installed amidst allegations of ‘money politics’ and corruption, which later become synonymous with Abdullah Puteh’s administration and eventually led to his dismissal and imprisonment. Like Ramli Ridwan, Abdullah Puteh led Aceh’s provincial administration at a time when the central government had started to emphasise the delivery of humanitarian assistance through the Humanitarian Pause agreement as a way of winning back Acehnese hearts and minds. Jakarta was under pressure from the international community to find a peaceful solution to the conflict as foreign governments and organisations pledged funding and other forms of humanitarian assistance.

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assistance in exchange for a ceasefire.\textsuperscript{97} Even the IMF, which had been prescribing policy advice in return for financial disbursements since the start of Indonesia’s economic crisis, withheld a $400 million bailout loan until five days after the Pause was signed.\textsuperscript{98} As one Indonesian legal scholar, Nono Anwar Makarim, explained at the time, ‘Aceh is held hostage and foreign aid is anticipated as ransom.’\textsuperscript{99}

Despite its humanitarian focus, Jakarta delayed releasing any funds to assist Aceh’s conflict victims until mid-July, more than one month after the Humanitarian Pause came into effect. It was only after Ramli Ridwan publicly complained on 11 July that Jakarta had not yet acted on its promise to deliver Rp.825 billion (US$99 million) in humanitarian aid that the funds were suddenly transferred one week later.\textsuperscript{100} Also in July, the DPRD announced plans to allocate Rp.125 billion (US$15 million) towards implementing a series of rehabilitation programs in Aceh in the fields of health, education, agriculture, housing and resettlement to facilitate the normalisation of living conditions and help resolve the conflict.\textsuperscript{101} Aceh’s provincial government spokesman, Teuku Pribadi, explained the massive expenditure by stating that the DPRD expected to receive substantially more international and central government funding as the ceasefire progressed.

The majority of Acehnese derived no benefits from the injection of humanitarian assistance into the province. In part, this was due to ongoing clashes between GAM and Indonesian security forces. As discussed in Chapter Four, the continuing violence during the Pause was demonstrated by the growing numbers of internally displaced people from


\textsuperscript{100} ‘Rp 825b in humanitarian aid for Aceh held up: Governor’, \textit{The Jakarta Post}, 12 July 2000.

36,000 to 40,000 refugees in late 1999, to approximately 55,000 by July 2000. Amidst ongoing administrative delays and financial mismanagement, most of the government’s humanitarian assistance never reached Aceh’s refugee camps. By August, official sources estimated that some 38,000 refugees in South and East Aceh were ill or facing starvation due to a lack of food and medical supplies.

Instead of focusing on the urgent task of providing emergency relief assistance, both Ramli Ridwan and Abdullah Puteh were businessmen and were more preoccupied with regional development. Immediately after Jakarta released humanitarian funds to Aceh, Ramli Ridwan announced plans to spend Rp.600 billion (US$72 million) on developing the province’s rich natural resources. The acting governor also identified two of Aceh’s biggest problems as its difficulty in attracting foreign investors and the province’s underdeveloped agricultural sector, which employed about three-quarters of the local population but required revitalisation and diversification. In order to redress these problems, Ramli Ridwan launched a state-run KKPA (Credit Cooperation for Members) micro-development program in September 2000, which allocated state land to Acehnese farmers, fishermen and small business owners on the condition that they sold their produce to certain core businesses. In February 2001, Governor Abdullah Puteh announced plans to expand this program after the Ministry for Cooperatives and Small/Medium Enterprises, several national banks and the Indonesian Worker’s Social Security Program jointly allocated Rp.1 trillion (US$100 million) to establish agricultural cooperatives throughout Aceh. According to Abdullah Puteh, the provincial administration would form cooperatives in every sub-district and provide each with funding to cultivate one hundred hectares of state land as a way of boosting agricultural

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production and empowering local entrepreneurs.\textsuperscript{106} By early 2001, however, many farmers had become targeted by Indonesian security forces personnel and were too afraid to tend their crops.\textsuperscript{107} With no sign of the peace process on the ground, the cooperatives did not materialise as agricultural production, like most other sectors, continued to stagnate amidst the intensifying violence.

While the conflict on the ground escalated, Acehnese political elites, businesspeople and academics continued to debate the form and content of a special autonomy formula with the central government and DPR legislators in Jakarta. As the vast majority of Acehnese people had derived no benefits from the either the government’s rehabilitation, development and humanitarian programs in Aceh or the partial implementation of limited special autonomy under Law No. 44/1999, it was difficult to see how a more comprehensive offer of autonomy would improve the lives of the civilian population. Unless serious efforts were made to overcome the serious problems of unrestrained state (and extra-state) violence, Aceh’s civilian leadership crisis and the lack of transparency and accountability in government processes, it seemed that even substantial central government concessions would not be capable of winning back Acehnese hearts and minds.

5.4 Drafting the NAD Law

The impetus for the NAD law came from a small but diverse group of Acehnese legislators and government leaders, businesspeople and academics. Although members of this group had different interests and priorities, they agreed that Law No. 44/1999 provided inadequate compensation for what they viewed as Aceh’s historically unfair

treatment by Jakarta. They also believed that Aceh should remain part of Indonesia, and hoped that broad autonomy would gradually reduce local support for a referendum and return power and legitimacy to Indonesian government authorities and institutions. The expectations of, and efforts made by these Acehnese elites arguably represented the most realistic option in the search to democratically accommodate the Acehnese people within the Indonesian nation-state. There can be little doubt that the drafters of the NAD law genuinely wanted to reach a negotiated settlement. Throughout the protracted drafting process, however, few Acehnese outside this elite grouping were consulted about their expectations of autonomy or invited to participate in the drafting process. While holding an inclusive dialogue on special autonomy would have been extremely difficult within the context of the conflict, the lack of popular consultation impeded the government’s capacity to develop responsive legislation. This was reflected in all the major drafts of the NAD law, which contained no provisions to redress the dominant Acehnese demand for retribution and compensation for human rights violations.

The process of drafting the NAD law began almost immediately after the introduction of Law No. 44/1999. Encouraged by MPR Ruling No. IV/1999, which stipulated new special autonomy legislation for Aceh and Irian Jaya, Acehnese legislators in the DPRD prepared several drafts on special autonomy between late 1999 and early 2000 in consultation with local academics and business leaders. The first complete DPRD draft, which was submitted before Commission II on Law and Home Affairs in the DPR on 22 March 2000, proposed ambitious changes to the relationship between Jakarta and Aceh. Moving beyond an earlier proposal in January 1999 by Acehnese political and community leaders to return eighty per cent of Aceh’s natural resource revenue, the DPRD draft retained ninety per cent and returned just ten per cent to Jakarta. The DPRD draft also proposed wide-ranging powers of autonomy for Aceh in the fields of

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justice, religion and defence, including the right to implement Islamic law and establish a separate Aceh police force.\textsuperscript{110} Other sections called for several new Acehnese institutions, including a \textit{Majelis Rakyat Aceh} (Aceh People’s Assembly) to take over certain national legislative and executive powers, and a \textit{Wali Nanggro} (lit., Guardian of the State) to serve as a cultural representative of the Acehnese people. Other important symbolic provisions in the draft included changing the name of Aceh to \textit{Nanggro Aceh Darussalam} (lit; State of Aceh, Abode of Happiness), the formal adoption of Acehnese language as the official ‘state language’ and a separate Aceh flag.\textsuperscript{111} Reflecting the dominant view in Aceh’s DPRD at that time, Syamsuddin Mahmud stated that ‘This is called special autonomy. If it’s not like that, then it’s not special autonomy.’\textsuperscript{112}

Despite these ambitious changes, the DPRD draft contained no references to human rights. Acehnese legislators explained this major omission by arguing that national law was required to deal with human rights abuses (which were not specific to Aceh), and that including specific rights provisions may have invited repercussions from the military that could have sabotaged their entire proposal.\textsuperscript{113} As Rodd McGibbon points out, however, this argument was not convincing given that a different special autonomy law for Papua contained substantial human rights provisions.\textsuperscript{114} Aceh’s political leaders, it seemed, were more intent on mollifying Indonesia’s military leadership than their own constituents. It is also quite possible that they were frightened. The omission of human rights provisions, however, reflected the lack of public consultation and input into the draft, and later contributed towards the legislation’s rejection by a large cross-section of the civilian population.

\textsuperscript{114} \textit{Ibid}, p.16.
In Jakarta, there were mixed reactions to the DPRD draft. While DPR Speaker Akbar Tanjung agreed to accept the special autonomy draft for discussion, he reiterated his earlier concern that Aceh must be granted special autonomy within the NKRI framework, because federalism ‘is not in accordance with the spirit of our building a unitary state.’\(^{115}\)

Within the MPR, the dominant PDI-P, Golkar and military factions expressed similar concerns that excessive autonomy would lead to Aceh’s secession from Indonesia. These fears came to the political fore during the MPR Annual Session on 7-18 August 2000, which debated, amongst other matters, constitutional amendments to prepare for special autonomy in Aceh and Irian Jaya. During the session, the MPR issued Rule No. IV/MPR/2000, which mandated the completion of special autonomy legislation for both provinces ‘by May 1 2001, at the latest.’\(^{116}\) In a bid to pacify the centralist forces in Jakarta, the MPR also passed a constitutional amendment defining the role of the military the defender of ‘national integration’ and confirming that Indonesia is a unitary state based on ‘an archipelagic concept.’\(^{117}\)

Within the national executive, there were also divisions over the Aceh draft. Soon after the DPRD submitted its proposal before the DPR, the Regional Autonomy Department began preparing a new Aceh special autonomy bill that drew heavily from the DPRD document. According to one senior bureaucrat, Andi Mallarangeng, who worked closely with Regional Autonomy Minister Ryaas Rasyid in developing the special autonomy draft, ‘we just tidied up the format’ of the DPRD proposal ‘to make it more consistent with existing legislation, but it was rejected by the Home Affairs Minister, Surjadi Soedirdja, who wanted to develop his own draft.’\(^{118}\) In fact, the Home Affairs Department went ahead and prepared a very limited draft that granted few concessions to Aceh beyond those already allocated to the province under Laws No. 22, 25 and 44 of 1999 (see Appendix). Reflecting Surjadi Soedirdja’s concern that ‘too much’ decentralisation would threaten the integrity of the unitary state, the most substantive

\(^{116}\) *Ketetapan Majelis Permusyawaratan Rakyat Republik Indonesia Nomor IV/MPR/2000 Tentang Rekomendasi Kebijakan Dalam Penyelenggaraan Otonomi Daerah* (Recommendation No.1).
\(^{118}\) Interview with Andi Mallarangeng, Jakarta, 17 October 2002.
concessions in the Home Affairs draft related to the right to impose civil law based on *Syari’ah* in Aceh, the creation of a *Syari’ah* court, an Advisory Board of *Ulama* and a Justice Commission to facilitate the inauguration of Islamic law.

By late 2000, Jakarta had made little progress on the NAD bill. Abdurrahman Wahid’s optimistic pronouncement in August 2000 that ‘God willing, the special autonomy for Aceh will materialise within this very year of 2000’ was mainly aimed at deflecting growing criticism of his administration’s poor performance within the MPR and DPR.119 The strongest political support for the DPRD draft in Jakarta came from a small group of Acehnese political elites and businesspeople. While it could be cynically argued that some of these elites hoped to benefit from the devolution of central state power and material resources, they also seemed to genuinely want to achieve a political outcome that served the interests of the Acehnese people. Within the national legislature and executive, however, there were initially few political leaders willing to support a special autonomy proposal that had no guarantee of success and which threatened to further destabilise the region.120

Frustrated by Jakarta’s inaction, DPRD legislators worked to expedite the legislative process by watering down their original proposal and incorporating elements from the two government drafts. This revised bill was presented to Akbar Tanjung on 10 January 2001 and submitted before the DPR for discussion on 17 January 2001.121 The key tenets of the new draft were Aceh’s revenue-sharing arrangements with Jakarta, the implementation of Islamic law, direct local elections and the creation of several new institutions. The most symbolically important of these new institutions was the *Wali Nanggroe*, the titular Guardian/ Head of State, who was envisaged to be elected by an *Ahlul Ahli Wal Aqdi* (lit. ‘Those Who Loose and Bind’), comprising ninety-nine DPRD members.

120 McGibbon, *Secessionist Challenges in Aceh and Papua*, p.16.
At first, the revised DPRD draft attracted sharp criticism from the PDI-P, Golkar and TNI factions over provisions that were seen to accommodate GAM, such as the nomination of Hasan di Tiro to the position of Wali Nanggroe.\footnote{Some PDI-P and Golkar legislators were also initially concerned about the creation of qanun (regional regulations) in the DPRD draft, which they feared could empower Aceh to legislate for secession. ‘Aceh special autonomy bill cops flack from experts’, \textit{The Jakarta Post}, 27 April 2001.} As one Acehnese Member of Parliament, Teuku Syaiful Ahmad, explained, the DPRD had nominated Hasan di Tiro for the position because ‘he is the symbol of resistance against the central government. How could we ask GAM to surrender if we didn’t give them any positions at all?’\footnote{Aulia Andri, Fitri and GB., ‘Aceh Special Autonomy Bill Handed to The House’, \textit{detikworld}, 10 January 2001.} Although the Wali Nanggroe was only ever intended to uphold Acehnese customs and culture and not to have any direct government role (like the Sultan of the Special Province of Yogyakarta), the title had special significance for GAM, who also referred to Hasan di Tiro by that name. According to the IAIN Rector, Safwan Idris, his proposal that GAM fighters be incorporated into a separate Aceh police force because ‘they already have uniforms, weapons and experience in security operations’\footnote{‘Aceh wants 80% of revenues from natural resources’, \textit{The Jakarta Post}, 15 December 1999.} was similarly rejected by Jakarta.

A particularly controversial component in the DPRD draft was the realignment of centre-periphery financial arrangements. In contrast to the Home Affairs draft, which only offered Aceh fifteen per cent of oil, thirty per cent of natural gas and eighty per cent of fisheries, forestry and mining revenue in accordance with Law No. 25/1999, the revised DPRD draft proposed that Aceh retain eighty per cent of all revenue generated within its borders. According to Governor Abdullah Puteh, the proposed 80:20 percent revenue split was fair and necessary to promote Aceh’s ‘economic recovery and the various social and community issues.’\footnote{A related problem was that neither draft specified control over land ownership, forestry and mineral resources. One natural resources expert, Maria S. W. Sumardjono, was concerned about the lack of clarification over ‘what happens to non-Acehnese people who own land in the province’, arguing that such confusion could lead to ‘new human rights violations’ against transmigrants. ‘Aceh special autonomy bill cops flack from experts’, \textit{The Jakarta Post}, 27 April 2001.} The central government, however, was at that time still unwilling to confer such a large percentage of Aceh’s oil and gas proceeds, which made a healthy contribution towards Indonesia’s vacillating national economy.\footnote{Interview with Prof. Safwan Idris, Banda Aceh, 15 September 2000.}
There was also some dissension over the imposition of Islamic law in Aceh, which had periodically been a source of national contention since 1945, when Islamic leaders had proposed the ‘Jakarta Charter’ (a clause obliging Muslims to follow Islamic law) as part of the preamble to the Indonesian constitution. While the secular nationalist majority in Sukarno’s government had blocked the proposal, Islamic parties had attempted to revive the clause after Suharto’s resignation. Although Megawati Sukarnoputri’s PDI-P later accepted the NAD law, the party’s position on Islamic law during the drafting process had been ‘non-negotiable’ on the grounds that Syari’ah was incompatible with the 1945 Constitution. In secular nationalist circles, there were also concerns that imposing Syari’ah in Aceh would encourage other predominantly Muslim provinces to demand similar treatment. Somewhat differently, Andi Mallarangeng described the imposition of Islamic law in Aceh as a reactive central government policy that would incite sectarian violence outside Aceh and ‘create other problems by having no legal parameters’, as had already occurred in Aceh under Law No. 44 of 1999. Acehnese advocates of Islamic law, however, such as Usman Hasan (Habibie’s former chief advisor on Aceh), attempted to win political support for Syari’ah by arguing that non-Muslims and Muslims would be subject to different legislation in Aceh.

In Aceh, where there had been little public participation in the drafting process, there was a lack of public support for yet another offer of special autonomy by Jakarta. Despite claims by Aceh’s DPRD Speaker Muhammad Yus that he often received telephone calls from GAM leaders asking him to ‘clarify various matters…especially concerning the

127 During the MPR Annual Session on 7-18 August 2000, for example, the secular nationalist PDI-P, Golkar and TNI factions had blocked a proposed constitutional amendment by several Islamic parties to compel all Indonesian Muslims to adhere to Islamic law. ‘Mengapa Anggota Majelis Terhormat Tidak Keras Lagi?’, Radio Nederland Wereldomroep [transcript], 15 August 2000; ‘Aktor-Aktor Sidang Tahunan’, Majalah Suara Hidayatullah, September 2000.


Nanggroe Aceh legislation\textsuperscript{132}, GAM dismissed the autonomy offer as a mere ‘propaganda project’ to detract attention away from the intensifying counterinsurgency campaign.\textsuperscript{133} As there had not yet been any government initiatives to ‘socialise’ special autonomy, the majority of people had little knowledge of the NAD law or how it would lead to improvements in their own lives. Even if provincial government officials had been willing and capable of implementing such a program within Aceh’s volatile security environment, it was questionable whether the legislation would have been accepted by the local population when it failed to address human rights concerns, and when many already wanted independence. According to SIRA President Muhammad Nazar, an additional risk was that ‘a new conflict will break out within the community if the proposal is forced on us’ between the provincial government, the \textit{ulama} and the wider population. Reflecting the lack of public confidence in special autonomy, the SIRA president claimed that ‘I am convinced Jakarta won't give as much as what's promised in the bill.’\textsuperscript{134}

In fact, when the NAD law was passed on 19 July 2001, it included some substantial concessions by Jakarta.\textsuperscript{135} Previously in March, the DPR had approved the establishment of a fifty-member ‘Special Committee for the Special Autonomy Draft of Aceh’ to discuss the different drafts in consultation with Acehnese legislators and community leaders. Within the committee, there had been a high level of political support for the DPRD draft, with the majority of legislators agreeing to only treat the central government bill as ‘an enriching source.’\textsuperscript{136} In part, this was due to the strong presence of Acehnese political leaders on the committee, in part because Abdurrahman Wahid’s government had become widely discredited, and in part because the DPR was under growing pressure to pass the legislation following MPR Decree No. IV/ 2000, which had mandated special autonomy legislation for Aceh by 1 May 2001 at the latest.\textsuperscript{137} After the DPR missed the

\textsuperscript{133} Teungku Amri bin Abdul Wahab (local GAM leader) in ‘Acehnese skeptical of autonomy bill under debate in Indonesian House’, \textit{Agence France-Presse}, 5 July 2001.
\textsuperscript{134} \textit{Ibid}.
\textsuperscript{137} Interview with Dr. Ahmad Farhan Hamid (Acehnese legislator, Head of DPR Reform Faction), 29 October 2002.
May deadline, the House met for six days on 4-9 July 2001 for a final round of discussions on two bills: the DPR special committee draft (which was based on the DPRD draft) and the central government bill. By that time, the majority of national parliamentarians were preoccupied with the issue of Abdurrahman Wahid’s impeachment and did not seriously debate contentious issues such as the implementation of Islamic law and more generous revenue sharing arrangements. By the end of the session, all ten DPR factions had unanimously endorsed special autonomy legislation that was largely based on the DPR bill. The main provisions in the NAD law, which are discussed in detail in Chapter Seven, included the right to impose Syari’ah in Aceh (with appeals to be heard by the Supreme Court in Jakarta), direct local elections and the return of most of Aceh’s natural resource revenue, including seventy per cent of the province’s oil and natural gas revenue for eight years in after-tax proceeds. Even the Home Affairs and Regional Autonomy Minister, Surjadi Soedirdja, and the former Regional Autonomy Minister, Ryaas Rasyid, agreed on the legislation, at least publicly. Surjadi Soedirdja described the NAD law as representative of the aspirations of Acehnese society, and a political solution to the conflict that would ‘strengthen the whole fatherland of the Unitary State of the Republic of Indonesia (NKRI).’ In a different vein, Ryaas Rasyid saw the special autonomy offer as ‘asymmetric federalism, like what you have in Portugal and Spain. There's a special province which enjoys some kind of sovereignty, and that's what you have in Aceh.’

Despite its generous concessions, Jakarta’s capacity to restore Acehnese faith in Indonesian authority remained slim. The central government’s portrayal of the NAD law as a ‘political solution’ to the conflict was undermined by the omission of provisions to safeguard human rights and guarantees to end the systemic violence in Aceh. Other conspicuous omissions from the NAD law were specific provisions to accommodate GAM and to encourage the rebels to transform their militant struggle into a political

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138 According to the head of the DPR Special Committee on Aceh, Ferry Mursyidan Baldan, the majority of legislators had only agreed to return most of Aceh’s oil and gas revenue because of the eight-year time frame. 'RUU-NAD Disahkan, Merah Putih Berkibar', *Media Indonesia*, 20 July 2001.
140 Interview with Ryaas Rasyid, Jakarta, 17 October 2002.
movement. The lack of public consultation and participation in the drafting process had effectively precluded the development of representative legislation. While the provision for direct local elections in the law was encouraging, the widely unpopular incumbent provincial administration, led by Governor Abdullah Puteh, was responsible for implementing the first critical phase of special autonomy when public opinion about the benefits of special autonomy would crystallise. This lack of public confidence in Aceh’s governing authorities and institutions made the task of ‘selling’ the NAD law to the public especially challenging. For the majority of Acehnese, whose daily experience with Indonesian authority was violence, Jakarta’s latest offer of special autonomy promised to bring no tangible improvements to their own lives.

5.5 Conclusion
The capacity of Abdurrahman Wahid’s government to contain the Aceh conflict through its different offers of autonomy was weak at both the decision-making and implementation levels. In Jakarta, divisions between those who promoted wide-ranging autonomy and those who saw their sphere of influence being threatened or diminished by it, slowed the development and implementation of the decentralisation process. The failure by both central and provincial government leaders to ask the Acehnese people about their expectations further impeded the government’s capacity to develop legislation with conflict mitigating potential. In other words, the Acehnese people were treated as observers instead of participants in political decisions about their future.

The greatest obstacle towards implementing the 1999 autonomy laws was the escalating conflict on the ground. It was impossible to decentralise central state power and resources to sub-district level administrations when local government offices had completely closed in the most violent areas, and where attacks on state buildings and facilities were an almost daily occurrence. As Indonesia had effectively lost its governing presence in the countryside, where three-quarters of the population lived, the majority of Acehnese were understandably skeptical that they would gain any material benefits from autonomy in the form of improved public services and infrastructure, employment opportunities and security.
Under these conditions, it was difficult for provincial authorities to promote the government’s offers of autonomy and to implement positive changes in local communities. Although Aceh’s political leadership, businesspeople and academics worked towards achieving a special autonomy solution to the conflict, there were very few government initiatives to involve communities in the decentralisation process by encouraging public participation in local development planning and implementation. For much of Abdurrahman Wahid’s presidency, the provincial government was more concerned with wealth creation than with managing and distributing state resources for the benefit of the wider population. This in turn further eroded Acehnese faith in Indonesian authority and fuelled public perceptions that local government officials were corrupt and untrustworthy.

Within the context of Aceh’s explosive security situation, there was also the risk that decentralisation would create new horizontal conflicts between individuals and groups in the competition for limited economic, political and cultural resources. The redistribution of central state power and resources to the regions threatened to heighten pre-existing tensions between provincial government representatives and the wider community. Religious and cultural cleavages also increased under Law No. 44/1999. For Acehnese women’s organisations, the provincial government’s emphasis on Islamic dress created new horizontal conflicts between men and women, and between Acehnese women. Although the tensions between the MUI and HUDA were to some extent resolved by the formation of the MPU, there were ongoing divisions between the MPU and GAM and SIRA.

Despite Aceh’s increasingly fractured and polarised political landscape, the Acehnese people remained largely united in their opposition to Indonesian rule. For the greater part of Abdurrahman Wahid’s presidency, the central government relied far more heavily on security operations than on initiatives to resolve the conflict through political means. If the aim of autonomy was to reduce the violence, then it could only succeed if Indonesia’s security forces first stopped committing human rights abuses, which turned the civilian
population against Indonesian authority. That the professionalism and discipline of the armed forces did not improve under Abdurrahman Wahid reflected the inability of civilian authorities to subordinate the military to democratic control, as well as Aceh’s political leadership crisis and the central government’s often incoherent Aceh policy program. Beyond his rhetoric about national reconciliation and negotiations, Abdurrahman Wahid did not have a clear idea about how to end the Aceh conflict. And, for a significant portion of his presidency, Abdurrahman Wahid was more preoccupied with his own political survival than with what was happening in Aceh.
<table>
<thead>
<tr>
<th></th>
<th>DPRD/ DPR NAD Draft</th>
<th>Government NAD Draft</th>
<th>Laws No.22 and 25 of 1999</th>
<th>Law No.44 of 1999</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Central government powers</strong></td>
<td>External defence Foreign relations Fiscal policy</td>
<td>As per Laws No. 22, 25 and 44 of 1999, except for certain provincial revenues</td>
<td>Defence/ security Fiscal policy Legal system National policy and planning Religious affairs</td>
<td>As per Laws No. 22 and 25 of 1999, except certain religious, educational, and customary law (adat) matters</td>
</tr>
<tr>
<td><strong>DPRD/ Provincial government powers</strong></td>
<td>Regional macro-planning and development Administration Religion Education Foreign loans Internal Defence Customary law Justice</td>
<td>As per Laws No. 22, 25 and 44 of 1999</td>
<td>Regional macro-planning Human resource development and research Management of regional ports Environmental protection Spatial planning Regional tourism Regional trade Pest control/ quarantine</td>
<td>Religion Customary law (adat) Education</td>
</tr>
<tr>
<td><strong>DPRD-II/ Sub-provincial government powers</strong></td>
<td>None</td>
<td>As per Laws No. 22 and 25 of 1999</td>
<td>Local trade and investment industry policy Public works Education Health Labour Agriculture Environment</td>
<td>None</td>
</tr>
<tr>
<td><strong>Revenue sharing arrangements</strong></td>
<td>80 per cent of all revenue generated within Aceh’s borders</td>
<td>15 per cent of oil 30 per cent of natural gas 80 per cent of forestry, fishing and mining</td>
<td>15 per cent of oil 30 percent of natural gas 80 per cent of forestry, mining and fishing 25 per cent of national revenue under General Allocation Fund (DAU) Provincial Level: 20 per cent of resource revenue/ 10 per cent DAU District level: 80 per cent of natural resource revenue/ 90 per cent DAU</td>
<td>None</td>
</tr>
<tr>
<td><strong>Appointments</strong></td>
<td><em>Wali Nanggroe</em> chosen by <em>Tua Nanggrooe</em> Governor chosen by <em>Ahlul Ahli Wal Aqdi</em> or by direct local elections Legislature chosen by direct local elections</td>
<td>Governor appointed by Jakarta Legislature chosen by general elections</td>
<td>Election and dismissal of governors with approval from Jakarta Elections of <em>bupati</em>/ Mayors without prior approval from Governor/ Home Affairs Department</td>
<td>Independent <em>Ulama Council</em> elected by <em>ulama</em> Islamic Education Organisation chosen by provincial government</td>
</tr>
</tbody>
</table>
| **New Institutions** | Wali Nanggroe  
Tuha Nanggroe  
Ahlul Ahli Wal Aqdi  
Syari’ah Court  
Nanggroe Aceh Police Force  
Ulama Advisory Council  
Governor’s Advisory Board  
Justice Commission  
General Election Commission | Syari’ah Court  
Advisory Board of Ulama  
Justice Commission | None | Independent Ulama Council  
Islamic Education Organisation |
|----------------------|----------------------------------|--------------------------|-------------|---------------------------------|

<table>
<thead>
<tr>
<th><strong>Legal system</strong></th>
<th>Based on <em>Syari’ah</em> for both civil and criminal cases- recourse to appeal level</th>
<th>Civil law with <em>Syari’ah</em> component- appeals to Supreme Court in Jakarta</th>
<th>Civil law with <em>Syari’ah</em> component; recourse for appeals to Supreme Court in Jakarta</th>
<th>Civil law with limited <em>Syari’ah</em> component.</th>
</tr>
</thead>
</table>
| **Security**     | Internal: Aceh regional police force  
External: TNI | armed forces | armed forces | armed forces |
|                  |                                                  |                                                                 |                                                                 |                                                |
PART THREE

MEGAWATI SUKARNOPUTRI
CHAPTER SIX

AN AUTHORITARIAN PAST REVISITED
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AN AUTHORITARIAN PAST REVISITED

*To the people of Aceh, be patient. If Cut Nya’ [name for respected Acehnese woman] leads the nation, I will not allow even a drop of blood to touch ‘tanah rencong’ [lit., ‘land of the Acehnese dagger’] that played a pivotal role in making Indonesia independent.*

Megawati Sukarnoputri, 30 July 1999.1

*Groups who commit violence and disturb public order have to be sternly punished.*

President Megawati Sukarnoputri, 3 July 2002.2

At the start of Megawati Sukarnoputri’s presidency, there were more Indonesian security forces on the ground in Aceh than at any time since the New Order’s collapse. There were also more human rights violations against the civilian population, with an average of two to three fatalities per day.3 In addition to the abuses committed by soldiers and police officers, GAM acted violently against non-Acehnese transmigrants, suspected spies and government officials. Within Aceh’s polarised political landscape, the main arena for airing grievances was the battlefield. The referendum movement and humanitarian NGOs that had briefly flourished after the fall of Suharto had been forced underground, and many of their leaders arrested, kidnapped or summarily executed.4

In Jakarta, there was much disenchantment with the search for a democratic solution to Indonesia’s internal conflicts by the time Megawati Sukarnoputri came to power. After Abdurrahman Wahid’s chaotic leadership, when separatist activity had sharply escalated in the country’s disaffected regions, political and economic stability had become more

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3 There were 203 reported fatalities from April when *Inpres* No.4/2001 was passed until the third week of August 2001. ‘Pemerintah Serius Selesaikan Masalah Aceh Dengan Dialog’, *Kompas*, 23 August 2001; ‘GAM support base waning: minister’, *The Jakarta Post*, 24 August 2001.
important than democratic reforms for the majority of national elites. From Jakarta’s perspective, the Acehnese people had abused the climate of greater political openness during Indonesia’s democratic ‘breakthrough’ to mobilise support for secession rather than help to build a more democratic nation-state. Amongst the Indonesian public, there was also a lack of political support for Acehnese separatism and growing acceptance of a military response to the threat posed by GAM. In stark contrast to the start of Indonesia’s regime change, when the military had been seen as the primary source of Aceh’s problems, many Indonesians now saw the TNI as part of the solution and the Acehnese people as ingrates with an unrealistic set of expectations.

Like Abdurrahman Wahid before her, President Megawati Sukarnoputri decided to pursue a dual-track Aceh approach that comprised two key parts. First, the Megawati administration attempted to persuade the Acehnese people to remain part of Indonesia through its unilateral offer of special autonomy. Second, there were almost continuous counterinsurgency operations aimed at eliminating GAM, or at least militarily weakening the rebels in order to pressure them into accepting the NAD law. Through these combined persuasive and repressive strategies, the central government aimed to stabilise Aceh’s policy environment to create space for implementing a special autonomy solution to the conflict.

This chapter explores the Megawati government’s capacity to restore security in Aceh. The discussion focuses on the period from 23 July 2001, when Megawati Sukarnoputri was installed as Indonesia’s fifth president, until 18 May 2003 when martial law was imposed in Aceh. President Megawati declared a military emergency in Aceh almost exactly five years after Indonesia began its transition to democracy. In the following pages, it is argued that central government leaders were more concerned with the elimination of separatism than with the search for a democratic solution to the Aceh conflict by the time Megawati Sukarnoputri came to power. Although the Megawati administration briefly revived the Aceh peace process that had begun under Abdurrahman Wahid, it generally relied far more heavily on security operations. In part, Megawati’s Aceh approach stemmed from her deep mistrust of the NAD law and her
concern that excessive decentralisation would strengthen GAM’s cause. Unlike B. J. Habibie and Abdurrahman Wahid, Megawati Sukarnoputri did not include the TNI amongst her list of political problems and was far more receptive to a military response to threats to Indonesia’s territorial integrity and national cohesion.\(^5\) Since her defeat in the 1999 presidential election, Megawati had maintained uneasy relations with a large cross-section of Indonesia’s political leadership, and granted concessions to the military in order to prevent challenges to her presidency.\(^6\) For this reason, and also because Megawati did not move to interfere with the TNI’s internal affairs, her administration received strong military support. While the TNI’s increased involvement in government decisions threatened to reverse many of the gains that had been made during the early years of Indonesia’s democratisation process, it also promised to create a higher level of national stability. In Aceh, however, where ‘stability’ had long been associated with repression, the new administration’s hard-line security approach represented a return to DOM in everything but name.

It is further argued that while the intensified counterinsurgency campaign successfully reduced GAM’s military capability, it made no progress towards reducing the violence on the ground. In a large part, this was because the government did not attempt to subordinate the military to democratic control, or move to prosecute security forces personnel for their atrocities against the civilian population. In the absence of strong civilian leadership, the TNI remained the primary instrument of Indonesian state power in Aceh. The unrestrained application of force further undermined the legitimacy of the Indonesian state in the eyes of most Acehnese people and created fertile recruiting grounds for a new generation of GAM fighters.

\(^5\) In her 1993 autobiography, Megawati described the military as the ‘real sons of the people.’ Megawati Sukarnoputri. *Bendera Sudah Saya Kibarkan: pokok-pokok pikiran Megawati Soekarnoputri* (Jakarta: Pustaka Sinar Harapan, 1994).

6.1 The *Gotong Royong* Government

In contrast to Abdurrahman Wahid’s patrimonial leadership style, it was clear from the start of Megawati Sukarnoputri’s presidency that her heavy reliance on advice meant that Aceh policy would be largely determined by those whom she selected for key cabinet positions. While Megawati’s detractors saw this characteristic as a sign that she had ‘no strategy of how she wants to run the country’ ⁷, her supporters argued that ‘for Mega, making a decision is important’, which is why ‘she gives full authority to anyone who she thinks deserves it.’ ⁸ Somewhat differently, one senior minister who had worked with Megawati in her former capacity as vice-president predicted that her passive leadership style would be the key to her political survival because ‘she doesn't do enough to create annoyances.’ ⁹

Megawati Sukarnoputri’s *Gotong Royong* (Mutual Cooperation) Cabinet, which was sworn in on 9 August 2001, was characterised by at least two noteworthy features. The first was that like the B. J. Habibie and Abdurrahman Wahid administrations, generals were once again awarded senior cabinet positions. ¹⁰ Second, several ministers shared Megawati’s personal reservations about decentralisation. Vice-President Hamzah Haz, for instance, argued that ‘excessive’ decentralisation would lower foreign investor confidence and weaken the Indonesian state. ¹¹ On Aceh security policy, however, Hamzah Haz tended to remain publicly silent while his United Development Party (PPP) openly criticised Megawati’s heavy reliance on counterinsurgency operations in the DPR. ¹² In part, Hamzah’s reluctance to openly endorse his government’s hard-line security approach stemmed from his party’s support base in Aceh. The Islam-based PPP had traditionally been the most popular party in the almost entirely Muslim province,

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having won twenty-nine per cent of the provincial vote in the 1999 general election, compared with Megawati's PDI-P, which secured just thirteen per cent. Hamzah Haz was also not directly involved in Aceh decision-making. Soon after coming to power Megawati ordered her vice-president to deal with the conflicts in Kalimantan, Sulawesi and Maluku, while she followed in Abdurrahman Wahid’s footsteps by deciding to ‘personally’ deal with Aceh and Papua.

Like in the two previous administrations, the most senior cabinet position of Coordinating Minister for Political Affairs and Security was awarded to a general, Lieut. Gen. (ret.) Susilo Bambang Yudhoyono. Susilo did not form part of Megawati’s inner circle, and the politically influential general had been appointed as a payoff for supporting her presidency. Nevertheless, Susilo played a key role in Aceh decision-making. More often than not, it was Susilo who announced changes to Jakarta’s Aceh approach, suggesting that Susilo and not Megawati was primarily responsible for most Aceh policy choices.

Reflecting the new government’s reduced emphasis on decentralisation, the ‘Home Affairs and Regional Autonomy Ministry’ was renamed the ‘Home Affairs Ministry’, which became responsible for administering the implementation of autonomy in the provinces. This strategic portfolio was awarded to a ‘military hardliner’ and former ABRI faction chairman in the DPR, Lieut. Gen. (ret.) Hari Sabarno. Like Megawati, Hari Sabarno believed that ‘certain regions rich in natural resources have issued rules to

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14 ‘President to Focus on Problems in Aceh, Irian Jaya’, The Jakarta Post, 14 August 2001. There were also personal and political tensions between Megawati Sukarnoputri and Hamzah Haz, who had argued during the 1999 presidential election campaign that Islam forbade women from running the country. Hamzah Haz’s Islam-based United Development Party (PPP) had formed part of the Central Axis (Poros Tengah) Islamic faction that helped to elect Abdurrahman Wahid as president. ‘Competing Interests’, The Indonesian Observer, 1 July 1999; ‘Axis force: A case of sour grapes’, The Jakarta Post, 23 August 1999.
17 Hendropriyono and Bambang Kesowo, the key figures in Megawati's kitchen cabinet', Tapol, 21 August 2001.
help them boost their own revenue as high as possible’ in order to strengthen their ‘hidden mission to separate from the unitary state some time in the future.’\(^{18}\) In his ministerial capacity, he also publicly opposed reviving the internationally facilitated Aceh peace process on the grounds that ‘GAM is not a state, so no foreign mediator is needed.’\(^{19}\)

Although the defence portfolio was again awarded to a civilian, Matori Abdul Djalil was close to the military and shared their conservative nationalist agenda in Aceh. As Megawati’s Defence Minister, the former head of Abdurrahman Wahid’s National Awakening Party (PKB) helped to prepare a ‘Defence White Paper’ that emphasised the importance of the TNI in ‘facing the threat of armed separatist groups in Aceh and Papua.’\(^{20}\) Matori also employed the same argument used by the New Order to justify the TNI’s controversial territorial command structure and function ‘as a people’s army that must always be close to the people, know the people and live with the people.’\(^{21}\)

Conservative nationalists also comprised Megawati’s inner circle. The president’s key advisors were State Secretary Bambang Kesowo, State Intelligence Agency Chief (Badan Intelijen Negara, BIN), Lt. Gen. (ret.) Abdullah Mahmud Hendropriyono, and Lieut. Gen. (ret.) Agum Gumelar, who was reinstated to the post of Transportation Minister that he had held under Abdurrahman Wahid. Bambang Kesowo, who had served as Megawati’s private secretary when she was vice-president, was described by one government source as the president’s ‘closest adviser.’\(^{22}\) This Harvard-educated lawyer and career bureaucrat shared Megawati’s reservations about decentralising state power and reportedly encouraged her to move towards ‘recentralisation’ (see Chapter Seven). The generals in Megawati’s inner circle also shared the president’s mistrust of special autonomy and believed that GAM must be militarily eliminated. As discussed in Chapter

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22 Confidential interview, Jakarta, 6 October 2002. Bambang Kesowo was the son of a prison warden who commenced employment at the state secretariat in 1968, where he worked until the end of the New Order.
Four, Agum Gumelar was one of the few ministers to hold positions in all three of Abdurrahman Wahid’s cabinets because of his personal loyalty to Megawati. Agum had previously served as an intelligence officer in Aceh, and had supervised military operations in the province as Chief of Staff at Kodam Bukit Barisan during the DOM period (September 1994- March 1996). Both Agum Gumelar and A. M. Hendropriyono (who had served as Minister for Transmigration and Settlement of Forest Settlers under both Suharto and Habibie) saw Acehnese independence demands as ‘not tolerable’ and believed that it was the ‘responsibility of the whole nation to contend the rebel group’ in defending ‘an integral part of Indonesia.’

To balance her military appointments, Megawati assigned the foreign affairs portfolio to a political moderate, Hassan Wirayuda, who had served as chief negotiator in the peace talks with GAM under Abdurrahman Wahid. While Hassan’s appointment seemed to indicate Megawati’s willingness to revive negotiations with the rebels, many national political and military elites had begun to see the peace process as a futile exercise by the time Megawati came to power. The dominance of conservative nationalists in Megawati’s government also raised questions about whether Hassan Wirayuda would be asked to participate in another internationally-monitored Aceh peace process, or whether Jakarta would attempt to restrict further negotiations with GAM to the domestic arena.

The other important department in the search for a political settlement to the Aceh conflict was the Justice and Human Rights Ministry, again headed by Yusril Ihza Mahendra. While this ministry was symbolically significant, it was questionable whether Yusril Ihza Mahendra would be granted sufficient political authority to properly function,

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especially given the poor human rights record of one of Megawati’s closest advisors, Hendropriyono. As discussed in Chapter Two, Hendropriyono had commanded a battalion in 1989 that was responsible for killing more than one-hundred villagers in Lampung.²⁶ Yusril’s commitment towards human rights was also equivocal given that the conservative Islamic politician had refused to condemn the atrocities committed by Laskar Jihad militias in Ambon while holding the same post under Abdurrahman Wahid.²⁷

While Megawati Sukarnoputri’s cabinet was characterised by a higher degree of political stability and cohesion than Abdurrahman Wahid’s government, the composition of the new administration did not reassure many Acehnese people that there would be any softening of Jakarta’s Aceh approach. Soon after Megawati’s election by the MPR, GAM spokesman Sofyan Dawood announced that the rebels ‘will not forge a relationship with Megawati’ because ‘the policies of Megawati and Sukarno have only harmed the Acehnese people and not solved anything.’²⁸ As Husaini Ibrahim, a history lecturer at the Banda-Aceh based Syiah Kuala University, explained, ‘The Acehnese do not trust the government any more because they have continually been cheated.’²⁹ In contrast to the mood of cautious optimism that had surrounded Abdurrahman Wahid’s election, when many Acehnese hoped that their referendum demand would be met, Megawati Sukarnoputri’s administration only threatened to bring further repression.

### 6.2 Insurgency and Counterinsurgency

The general feeling of pessimism in Aceh about Megawati Sukarnoputri’s appointment was reinforced by the new president’s policy agenda. Although Megawati followed the


²⁷ It could be argued that Yusril’s reluctance to condemn the atrocities committed by Laskar Jihad militias was due to his belief that they were defending Muslims who had been attacked by Christian gangs. *International Crisis Group, Indonesian Briefing Paper. Indonesia’s Maluku Crisis: The Issues*, ICG Asia Report, 19 July 2000, p.7.


precedent set by B.J Habibie by apologising to the Acehnese people ‘who have long suffered as a result of inappropriate national policies’, she did not order the withdrawal of any non-organic troops from Aceh, or move to reduce the intensity of the counterinsurgency campaign on the ground.\(^{30}\) Despite her own ‘bitter experience with violence’ under the New Order, Megawati also took no immediate action on human rights issues or provide a clear commitment towards ending systemic state violence in Aceh and other conflict areas.\(^{31}\)

What Megawati did upon coming to power was pronounce a six-point working program that identified the defence of national unity ‘within the NKRI framework’ as her government’s top priority.\(^{32}\) The new president also vowed to continue Indonesia’s democratic reform process, uphold the rule of law and restore Indonesia’s international credibility following the ‘loss’ of East Timor.\(^{33}\) Like many Indonesian nationalists, Megawati was said to be ‘still bitter’ over East Timor’s independence and refused to tolerate a break up of the country her father had founded.\(^{34}\)

This concern about national disintegration was reflected in Megawati Sukarnoputri’s Aceh approach. As noted, President Megawati adopted a dual-track approach that combined security operations with limited initiatives to restore Acehnese faith in Indonesian rule by offering to negotiate with GAM and granting the Acehnese people special autonomy in the form of the NAD law. Beyond her rhetorical commitment towards personally resolving the Aceh problem ‘in a peaceful manner’ and through ‘a responsible political process’\(^{35}\), however, Megawati Sukarnoputri was principally concerned with safeguarding Indonesia’s territorial integrity. This was underscored by


\(^{31}\) In 1996, Megawati’s PDI party headquarters had been ransacked by security forces personnel and dozens of PDI members were killed. ‘Our problems can’t be solved by violence. Interview with President Megawati Soekarnoputri’, *Time Asia*, 25 August 2001.


\(^{34}\) Megawati refused to meet with East Timor President Xanana Gusmao until May 2002. ‘Mega Still Smarts Over Timor’, *FEER*, 10 May 2001, p.10.

\(^{35}\) *Transcript of the Address by H. E. Megawati Soekarnoputri President of the Republic of Indonesia at the USINDO Gala Dinner in Washington DC*, 19 September 2001.
her decision to continue the joint TNI-Polri ‘Security Restoration Operations’ that had begun in April 2001, despite the proven ineffectiveness of the counterinsurgency campaign in restoring law and order. By mid-2001, approximately 30,000 security forces personnel were stationed in Aceh to eliminate some 3,000 GAM rebels. Even with a ratio of ten to one TNI/Polri personnel to GAM fighters, however, the security forces had made little progress towards achieving their goal of crushing the rebels. In a large part, this was because the systemic problems of poor discipline and troop coordination had not been addressed. The relative weakness of Indonesia’s civilian leadership and absence of human rights trials had provided the military with little incentive to submit to civilian control. Even some military spokesmen acknowledged that the troops stationed in Aceh were ‘not disciplined, in fact they violate the law’ and ‘as a consequence maybe their function needs to be changed.’

There were also ongoing confusing chains of command under the joint TNI/Polri security operations command. As one Acehnese MP, Said Muchsin, explained, ‘Aceh is different to safe regions’ where the ‘police are clearly in front’, because in Aceh, there are ‘clear divisions between the TNI and Polri’, resulting in ‘chaos in the field.’

Related to these behavioural and disciplinary problems was the continuing problem of the inadequate defence budget. As one former TNI Territorial Affairs Assistant to the TNI Chief of Staff, Maj. Gen. (ret.) Saurip Kadi, explained, ‘When soldiers finish their duties, we have to turn a blind eye if they want to look for other work because how else will they feed their families?’ Although soldiers stationed in Aceh were supposed to receive meal allowances of Rp.17,500 per day (US$1.90), many only received Rp.10,000 (US$1.10) per day. The shortfall in the defence budget posed a dilemma for the Megawati administration, which was reluctant to reduce the large security presence in Aceh, but at

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the same time could not fund the military’s minimum requirements. In an attempt to provide some redress to this problem, Megawati Sukarnoputri increased the defence budget by eighteen per cent in September 2001. Reflecting Jakarta’s political priorities, the TNI and Polri also each received an additional Rp.1 trillion (US$115 million) for the 2002-03 financial year. These increases were particularly generous given that Megawati’s government had inherited a foreign debt of about US$150 billion. In real terms, however, the total defence budget of approximately US$1 billion continued to provide only about twenty-five to thirty per cent of funding required by the military. In order to meet their basic budgetary requirements, the TNI therefore remained largely reliant on independent businesses for funding, which Aceh’s war economy offered in abundance.

As discussed in Chapters Two and Four, the military’s business interests in Aceh covered the entire economic spectrum, from selling fishing licenses to foreign fishing vessels to private security businesses to the sale of arms to GAM, extortion, drug smuggling and the illegal trade of exotic wildlife such as Sumatran tigers and elephants. The TNI, however, was not the only group to financially benefit from the perpetuation of the conflict. For every financial scandal that rocked the military in Aceh, the police, Brimob, local government officials, Acehnese businesspeople and/or GAM were involved, although the rebels’ illegal business activities were obviously on a far smaller scale given their proportionately smaller numbers and lack of direct access to state power and resources. It was well known, for instance, that GAM sold marijuana to TNI/Polri personnel in return for guns, ammunition and logistical information. The rebels also

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42 ‘TNI dan Polri Mendapat Tambahan Rp 1 Trilyun’, *Kompas*, 19 July 2002. This currency conversion is worked out at an average annual rate for the 2002-03 financial year of Rp.0.000115 to one U.S. dollar.
continued to purchase weapons directly from TNI’s own PT Pinda arms factory in Bandung, which reportedly sold commercial weapons to militant groups in other conflict areas such as Poso and Maluku. There were similar reports of extensive business networks between Indonesian security forces, local government officials and GAM in Aceh’s illegal logging industry. While Aceh’s conflict economy provided powerful incentives for the TNI, police, Brimob and other groups and individuals to perpetuate the conflict, it also gave corrupt local government officials an excuse for failing to effectively distribute state resources amongst the local population and to implement government projects. The diversion of state resources and low accountability levels severely restricted the government’s capacity to improve local living standards in the form of developing public facilities and services and by creating employment and business opportunities.

Unlike B. J. Habibie and Abdurrahman Wahid, who had at least made some attempts to respond to Acehnese justice demands by launching human rights investigations and granting amnesty to Acehnese political prisoners, Megawati only approved the conditional release of six political prisoners soon after coming to power. On 20 August 2001, Megawati ordered the release of six GAM negotiators who had been charged with

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subversion following a final unsuccessful round of talks between the two sides on 16-18 July in Banda Aceh. According to central government spokespeople, this move demonstrated Megawati’s commitment towards reviving negotiations with the rebels. Only five of the GAM negotiators were conditionally released, however, while the sixth remained in jail for holding a fake passport. Meanwhile, ordinary citizens continued to be arbitrarily arrested. According to Kontras, some 110 civilians had been unlawfully arrested since the start of *Inpres* No. 4/2001 in April. The central government’s first offer of ‘amnesty’ to GAM, made in November 2001, was also conditional on the rebels agreeing to completely abandon their armed struggle. Not surprisingly, GAM rejected the offer on the grounds that ‘we will never seek a pardon from the colonialist government of Indonesia’, which ‘should have apologised for killing thousands of Acehnese people.’

It could be argued that by the time Megawati came to power, Jakarta had no choice but to militarily respond to the threat posed by GAM in order to restore an effective governing presence in Aceh. By mid-2001, GAM had stepped up its campaign of violence against suspected spies (*cuak*), non-Acehnese transmigrants and state facilities, which posed a serious problem for the Indonesian government. While it seemed that nothing short of force could contain the insurgency, however, the rebels were vastly outnumbered by the


52 The six detained negotiators were Nashiruddin bin Ahmad, Amni Marzuki, Amdi bin Hamdani, Tgk. Kamaruzzaman, Tgk. Mahmud and Sofyan Ibrahim Tiba. Five of the GAM negotiators were arrested on 20 July at the Kuala Trip Hotel in Banda Aceh. The sixth negotiator was later arrested at his home on 4 August. The six negotiators were charged under Article 106 of the Indonesian Criminal Code for waging war against the Indonesian state. None of the negotiators were granted amnesty as the charges against them were not dropped even after their release from prison on 29 August. ‘Presiden Setuju Lepas Juru Runding GAM’, *Suara Merdeka*, 21 August 2001; ‘Juru Runding GAM Dibebaskan asal Penuhi Syarat Pemerintah’, *Suara Pembaruan*, 21 August 2001.


better resourced and equipped Indonesia’s security forces. Moreover, the security forces were incapable of exercising restraint in their dealings with the civilian population, as shown by the sharp rise in civilian casualties during counterinsurgency operations. The only way to break this vicious cycle of violence was by reforming the security sector and by building the capacity of Indonesia’s governing institutions in Aceh. This monumental task would have challenged even the most capable president. But Megawati Sukarnoputri brought little in the way of leadership to her presidency and essentially gave the unreformed security forces free reign in Aceh. By mid-2001, the majority of ministers in Megawati’s cabinet had also run out of patience with GAM and were not serious about pursuing a political solution to the conflict. This assessment may invite criticism given the intractable nature of GAM’s militant struggle. However, the findings of a ministerial delegation to Aceh in August 2001 left little room for a more generous appraisal of Jakarta’s commitment (or lack thereof) towards a negotiated settlement at that time.

On 22 August 2001, Megawati Sukarnoputri sent a delegation of thirteen senior ministers and generals to Aceh to ‘assess the needs of the Acehnese people’ and convey her administration’s desire to negotiate with GAM ‘to stop separatism and bring back our brothers who want to break away from us.’ Headed by Susilo Bambang Yudhoyono, the high-profile delegation aimed to search for short-to-medium term solutions to the conflict. From their visit, the ministers and military leaders concluded that GAM had demonstrated a lack of commitment towards peace by ‘waging a campaign of terror

among the Acehnese with a series of killings, bombings and arson attacks.’ 60 In stark contrast the position he would later adopt as Indonesia’s sixth president, Susilo added that ‘no country solves its armed movement problems with dialogue.’ 61 The ministerial delegation concluded from their Aceh visit that it was necessary to continue the joint TNI-Polri ‘Security Restoration Operations’ against GAM. Although the delegation announced plans to conduct a review of Inpres No. 4/ 2001 because ‘the guidelines on implementing the six steps are not yet perfect’, the ministers believed it was unrealistic to reduce the security presence in Aceh while separatist sentiment and activity remained high. 62 Somewhat differently, the TNI Commander in Chief, Admiral Laksamana Widodo Adi Sucipto, argued that it was impossible to revoke the decree because it provided ‘the legal rationale to deal with the Aceh issue.’ 63 This did not mean that military leaders were entirely happy with Inpres No. 4/ 2001, as many wanted greater power and legal protection for the security operations by imposing a state of emergency in Aceh. According to the Army Chief-of-Staff, Endriartono Sutarto, ‘because a state of emergency hasn't yet been declared’, the TNI was only authorised to ‘provide assistance to the police to deal with armed groups.’ 64 Of course, this was incorrect as a joint TNI-Polri security command had already been established in Aceh in April 2001, which was led by former deputy Kopassus commander, Brigadier General Zamroni. Although the central government eventually replaced Inpres No. 4/ 2001 on 9 October with Inpres No. 7/ 2001, the new decree included no substantive changes to Jakarta’s Aceh policy and only extended the Security Restoration Operations for another four months on the grounds that force was necessary to ‘maintain peace.’ 65

61 Ibid.
In Aceh, there was widespread opposition to the *Inpres*.\(^{66}\) GAM, which had condemned the official visit to Aceh as a mere ‘tourist trip of ministers at the bloody expense of the Acehnese people’\(^{67}\), described *Inpres* No. 4 and No. 7/ 2001 as ‘legal frameworks for the barbaric actions of the TNI in Aceh.’\(^{68}\) Similarly, Kontras Coordinator Munarman concluded that the decrees had exacerbated Aceh’s ‘biggest problem of human rights abuses.’\(^{69}\) Since April, only the security component of the *Inpres* had been implemented, leading to a sharp escalation in violence. From April until the third week of August, 539 people had become victims of violence in 193 incidents.\(^{70}\) This represented a dramatic increase from January to April 2001, when 256 victims were reported in seventy-nine incidents.\(^{71}\) Although GAM and TNI/ Polri incurred casualties, the vast majority of victims were civilians caught in the crossfire or suspected Indonesian ‘spies’ (*cuak*).

For Indonesian security forces, the ‘success’ of the Security Restoration Operations could be mainly measured by the number of rebels killed. There were at least two fundamental problems with this criterion. First, security forces personnel often failed to distinguish between GAM rebels and the civilian population. Rather than attempt to reduce the civilian death toll by strengthening military intelligence on the ground, however, soldiers and police officers often recklessly treated GAM and Acehnese civilians as inseparable.\(^{72}\)

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\(^{70}\) Of this number, there were 203 fatalities, 197 torture cases, twenty-nine disappearances and 110 arbitrary arrests. ‘Pemerintah Serius Selesaikan Masalah Aceh Dengan Dialog’, *Kompas*, 23 August 2001; ‘GAM support base waning: minister’, *The Jakarta Post*, 24 August 2001.

\(^{71}\) *Ibid.* These victims included 100 casualties in sixteen extra-judicial killings, sixty-five torture cases, six disappearances and eighty-five arbitrary arrests.

\(^{72}\) The indiscriminate application of state violence was shown by the civilian death toll. From 15 January, when the Humanitarian Pause agreement ended, until 5 June 2001, sixty-eight GAM rebels were killed compared with 406 civilians. Police and military casualties had also mounted, with forty-eight TNI/ Polri fatalities recorded in Aceh over the same period. ‘Kematian Sia-sia di ACEH’, *Elsam Newsletter*, August 2001.
The second problem with this approach was that it failed to take into account that GAM’s political influence far exceeded its military capability. Without strong civilian support, the rebels would have been unable to control large parts of the province. That GAM’s popularity was consistently greatest in the most violent districts of Pidie, North and East Aceh reflected both the extent of depredations committed by security forces and the strong public perception of the TNI as an occupying force. This did not mean that residents of those districts would have necessarily supported GAM if they had been awarded greater freedom of speech and association and the right to democratically elect their own political representatives. It did, however, emphasise the necessity of prioritising a political solution over security operations to resolve the conflict.

In the absence of the rule of law, most perpetrators of the violence remained at large. By the time Megawati came to power, there were only twenty-two serving judges in Aceh, well below the recommended number of 126 judges. The International Crisis Group reported that only two of Aceh’s eighteen civil district courts retained their normal contingent of three judges. In some districts, where there were no judges, penitentiary authorities released suspected criminals after their maximum legal detention period of 120 days without trial expired. As Indonesian security forces personnel were almost never prosecuted in Aceh’s civilian courts, GAM was widely seen as responsible for threatening and intimidating the judges. The central government made some efforts to redress this situation by installing twenty-five new judges in the province in mid-2001. President Megawati also later ordered the Justice and Human Rights Department and the Attorney General to send more judges and prosecutors to Aceh by Presidential Instruction (Inpres) No.1 of 2002. By May 2002, however, there were only twenty-nine judges left.

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77 Presidential Instruction No.1/2002, which was issued on 11 February 2002, ordered the Justice and Human Rights Department and Attorney General to send judges to the districts of Jantho, Sigli, Pidie, Bireuen, Lhokseumawe, Lhoksukon, Calang and Tapaktuan. At that time, there were only five serving judges in Banda Aceh, seven in Sabang, five in Jantho, two each in Takengon, Kutacane and Sinabang and one each in Lhokseumawe, Lhoksukon, Singkil and Blangkajeren. The courts in Idi, Kuala Simpang and Tapaktuan had no judges. Ibid; Inpres No. 1/2002 Diluncurkan-Konflik Aceh Harus Selesai 2002.
in Aceh. It is unlikely that a few more judges would have made much difference to Aceh’s dysfunctional judicial system, especially while security forces personnel continued to commit abuses against the civilian population with impunity. This situation, however, only encouraged individuals to settle their grievances outside the scope of the law.

One disturbing sign of the rising lawlessness was the number of mass killings on a scale not seen in Aceh since the Bantaqiah incident of July 1999. In the worst of these massacres, on 9 August 2001, thirty workers and a two-year old child were summarily executed at the PT Bumi Flora palm oil plantation in Banda Alam, Julok sub-district, East Aceh. The TNI and GAM typically blamed each other for the killings. According the human rights organisation Tapol, however, eyewitnesses claimed that the victims were shot dead by a unit of about twenty soldiers. This claim was supported by SIRA, which identified the killers as non-organic troops from an elite Rajawali counterinsurgency unit that had recently established a command post in the area. Although the East Aceh district administration conducted an independent fact-finding investigation into the Julok incident, its report was never made public and six village chiefs (keuchik) in Julok subdistrict were abducted soon after the investigation began. In another ‘independent’ investigation, which was so poorly handled that it inadvertently protected the perpetrators, Komnas HAM allowed TNI officers to accompany them on their fact-finding visit to Julok, preventing witnesses from speaking freely. Though it is likely that Komnas HAM had no choice but to accept their TNI escorts, the commission then waited for five months before announcing plans to establish a ‘Commission of Inquiry’ into the Julok massacre, which led to no arrests. Komnas HAM had not conducted any serious investigations into rights violations cases since late 1999. In part, this was because the commission had become increasingly dominated by conservative nationalists who

79 Before their deaths, the victims had reportedly been ordered to strip to the waist and kneel in rows so that the soldiers could conduct an identity check to ensure that they were ethnic Acehnese ‘Mega Harus Buktikan Janjinya untuk Aceh (Habis) Para Korban Berharap Pelakunya Ditungkap’, Media Indonesia, 22 August 2001; ‘Massacres and assassinations in Aceh’, Tapol, Bulletin No. 163, October 2001.
enjoyed close relations with the military. The growing ineffectiveness of the national human rights commission also stemmed from the government’s formation of the largely symbolic ‘Human Rights Ministry’ and subsequent ‘Justice and Human Rights Ministry’, which generated confusion regarding overlapping areas of authority and undermined the efficacy of both institutions.

While Indonesian security forces were widely feared and hated for their depredations against the civilian population, GAM also increased its campaign of violence against suspected spies, transmigrants and Indonesian state facilities. The rebels justified their attacks on Indonesian facilities by arguing that ‘in a state of war, public and economic facilities belonging to the warring nations are legitimate targets.’ GAM saw their attacks on suspected spies and migrant communities in Central Aceh as equally legitimate. Central Aceh is dominated by three main ethnic groups: ethnic Acehnese, Aceh’s largest indigenous Gayo minority (comprising about 200,000 people, or five per cent of the total population of Aceh), and the biggest ethnic minority of Javanese transmigrants, government employees and security forces personnel (about 275,000 people, or seven per cent of the total population). Since 1990, violent clashes had been reported between GAM and Javanese settlers who had relocated to Central Aceh as part of the New Order’s transmigration program. In late 2000, these tensions intensified as GAM attempted to gain greater influence amongst poorer Acehnese and Gayo people by attacking Javanese transmigrants and burning their homes. In one particularly violent incident on 5-6 June, for which GAM was widely seen as responsible, forty-two Javanese settlers were killed in and around the Central Aceh capital of Takengon. In retaliation, the TNI and its militia proxies, or ‘People’s Resistance’ (Perlawanan Rakyat, Wanra) took up arms against GAM, with the result that the violence further escalated. By the end

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84 Tengku Sofyan Dawood (GAM spokesman) in ‘GAM warns of attacks on state facilities’, *The Jakarta Post*, 21 May 2002.
of July, about 150 people had been killed in Central Aceh. By October, the number of fatalities had further risen to 299 fatalities, with 1796 injured, 144 disappearances, 1640 homes burnt down, and fifty-six villages ‘emptied’ that left some 11,800 civilians internally displaced.

The growing numbers of civilian militias exacerbated the chaos on the ground. According to GAM Spokesman Sofyan Dawood, there were 5,000 to 6,000 active civilian militias in Aceh by 2001. Like in East Timor and Papua, the TNI had attempted to strengthen its campaign against GAM in Aceh by recruiting, training and arming militias. Though Indonesia’s military establishment sought to distance itself from these militias, there was strong anecdotal evidence linking the TNI, and particularly Kopassus, with the Aceh militias. In July 2001, one regional commander, Lieut. Col. Rochana Hardiyanto, even admitted that the TNI recruited militias, and ‘especially transmigrants from the island of Java’, who had been active in the province since 2000. According to one report by the non-governmental organisation Aceh-Eye.org, these militias were either recruited voluntarily or through coercion. Voluntary recruits joined militias for financial gain or to protect their (usually ethnic) communities. Coercion was also reportedly applied to recruit militias under Law No. 23/1959 on Military Emergency Authority, which instructs residents to contribute their time and service towards national defence in a state

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87 Material losses had also accumulated as more than 800 homes, public buildings and schools were burnt down the same month. ‘31 Mayat Ditemukan di Pedalaman Aceh Tengah’, Kompas, 3 July 2001. According to one report by the Norwegian Refugee Council, 7,000 of the 18,005 internally displaced people in Aceh by mid-2001 were from Central Aceh. An additional 50,000 mostly non-Acehnese refugees had also fled to neighbouring North Sumatra. Norwegian Refugee Council (NRC), NRC Update: Internal Displacement in Indonesia & East Timor: new profile summary, http://www.internal-displacement.org/, 8 August 2001; ‘DKK Bantu Pemulangan Pengungsi Aceh’, Kompas, 27 August 2001.


89 Interview with Sofyan Dawood, Banda Aceh, 27 July 2006.


of emergency. Under Megawati’s tenure, the TNI also initiated a series of ‘neighbourhood watch’ schemes in Aceh, in which villagers who refused to join militias risked being labeled as GAM members or sympathisers.

Amidst the escalating violence, the political middle ground, which had gradually narrowed under Abdurrahman Wahid’s tenure, was effectively lost. In the propaganda war for Acehnese hearts and minds, GAM and Indonesian security forces moved to restrict freedom of speech and association. By 2001, both sides had increased their acts of intimidation and attacks on journalists and local media outlets. According to the Indonesian Journalists Association, fifty-three journalists had been attacked in Aceh since 1999, mostly in the worst conflict areas of Pidie, North and East Aceh. On 12 May 2001, for example, Abbas Gani, a journalist for Fakta magazine, and Umar HN, an RCTI television correspondent, were beaten by TNI officers for their negative coverage of the military’s activities in Aceh. Then in June and August, the Banda Aceh-based Serambi Indonesia newspaper was forced to briefly cease publication under threat by GAM. The movements of foreign journalists were also increasingly restricted. During Abdurrahman Wahid’s final months in power, the central government had loosely imposed a ban on foreign journalists travelling to Aceh due to ‘security concerns for their safety.’

93 See Chapter Two, Footnote No. 231.
94 For a more detailed account of recruitment methods, see ‘Fear in the shadows: militia in Aceh’, Aceh-Eye.org, July 2004.
95 The only journalist killed in Aceh in 2001 was Rusli Radja, who wrote for the weekly magazine Pena Lestari, on 18 February. His body, which showed signs of torture, was discovered in East Aceh. Although the police launched an inquiry into Rusli’s death, the killer was never found. ‘Indonesia annual report 2002’, Reporters without Borders, 2002, http://www.rsf.org/article.php3?id_article=1464; ‘Violence against reporters in Aceh’, The Jakarta Post, 9 July 1999.
96 ‘Indonesia: Journalists Face Terror in Aceh: IFJ Secures Safety Guarantee’, International Freedom of Expression Exchange (IFEX), 2001, http://www.ifex.org/alerts/content/view/full/29063/?PHPSESSID=; Serambi Indonesia was forced to close for one day on 20 June for reporting on an incident in which a group of armed men entered a village in a Kijang vehicle and killed an entire family. GAM took offence because the article did not state that the vehicle belonged to Brimob officers. On 11 August, the local newspaper was again forced to cease publications for two weeks after publishing an article the previous day about the ‘Jolok Massacre’ (discussed later in this chapter), in which a journalist quoted police officers to attempted to blame GAM for the incident. ‘Tengoklah Merah Putih di Aceh’, Kompas, 3 August 2001, ‘Ancaman atas Serambi Indonesia: Wartawan AS Kecam GAM’, Kompas, 16 August 2001; ‘Terbit Kembali’, Satunet, 24 August 2001; Human Rights Watch, Indonesia: The War in Aceh. IV. GAM Abuses, 2001. http://www.hrw.org/reports/2001/aceh/indaceh0801-05.htm
Megawati, this trend of restricting the flow of information coming out of Aceh increased. By May 2003, when Megawati pronounced martial law in Aceh, all foreigners were banned from entering the province and Indonesian journalists were forced to undertake ‘nationalist indoctrination’ military training courses before being ‘embedded’ with TNI combat units on the ground.99

Another sign of the narrowing political space was the retreat of Acehnese civil society groups from political life. Many of these civil society groups and organisations had already been forced underground by the political developments of mid-2000. As discussed in Chapter Four, it was around this time that HUDA ulama had returned to their dayah (Islamic boarding schools) under threat by Indonesian security forces and GAM following the aborted Aceh People’s Congress (KRA). When the independent ulama eventually returned to political life in mid-2001, it was not as supporters of the referendum movement, but as political allies of the provincial government. Seizing the opportunity to promote their conservative Islamic agenda, the sub-provincial HUDA ulama had joined forces with the urban-based MUI ulama under the auspices of the MPU (Consultative Council of Ulama) and began to exert growing influence over provincial government policy (see Chapter Seven). By contrast, SIRA became increasingly radicalised and alienated from Indonesian authority. Following the police campaign of early 2001, which had aimed to discredit the students by portraying them as ‘terrorists’, some SIRA leaders had been arrested and their members and supporters threatened or intimidated. Muhammad Nazar, for instance, who was first arrested on 20 November 2000, was subsequently charged with subversion and sentenced on 28 March 2001 to ten months imprisonment.100 The SIRA Coordinator was later rearrested on 12 February 2003 and sentenced to five years on 1 July 2003 under Article 154 of Indonesia’s Criminal Code for failing to obtain permission to hold a public rally in Lhokseumawe.101

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Under Megawati’s tenure, the central government’s efforts to discredit GAM were assisted by international political developments. Following the 11 September terrorist attacks on the United States of America, Jakarta increasingly sought to position GAM within the US global ‘war on terror’. In her post-11 September speech in Washington, for instance, Megawati Sukarnoputri attempted to win US support for her government’s military campaign against GAM by describing the ‘terrorist acts’ committed by the rebels in the form of ‘a series of bombing campaigns that destroyed more than 50 school buildings in Aceh.’ Even political moderates like Foreign Minister Hassan Wirayuda warned that if GAM should ‘resort to terrorism, as the separatists have done in recent times, burning school houses and escalating the violence, we will not hesitate to administer a firm but measured military response.’

Concerned about their international image, GAM’s political leadership in Stockholm issued a press release condemning the ‘senseless and brutal attacks’ on the United States and conveying the empathy of the Acehnese people, who ‘feel and share the grievances of the Americans during these difficult days, as we too have been subject to a brutal terrorist campaign’ by the Indonesian government. GAM could not escape the ‘terrorist’ stigma, however, and soon became embroiled in a number of conspiracy theories surrounding 11 September. The Hong Kong-based *Far Eastern Economic Review* (FEER) magazine, for instance, reported that Hasan di Tiro was ‘worried’ because the Bush administration suspected al-Qaeda of raising revenue from Aceh’s illegal marijuana industry. This theory stemmed from a Philippines military intelligence report that Osama Bin Laden’s senior aide, Ayamane al-Zawahiri, and former al-Qaeda military chief, Mohammed Atef, had visited Aceh in June 2000, where

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102 Transcript of the Address by H. E. Megawati Soekarnoputri President of the Republic of Indonesia at the USINDO Gala Dinner in Washington DC, 19 September 2001. Megawati’s statement that GAM had only burnt down fifty schools was odd given that hundreds of schools had been burnt down by unknown arsonists in Aceh since the New Order’s collapse, and also shortly before her Washington visit. See, for example, ‘Six killed, eleven buildings destroyed in Aceh’, *The Indonesian Observer*, 23 November 1999; ‘Condemnation pours in on school burning in Aceh’, *The Jakarta Post*, 20 August 2001; ‘Rp 29b needed to rebuild Aceh schools’, *The Jakarta Post*, 31 August 2001.

103 Statement by H. E. Dr. N. Hassan Wirayuda, Minister for Foreign Affairs, Republic of Indonesia, before the Jakarta Foreign Correspondents’ Club, Jakarta, 12 October 2001.


they were said to have been ‘impressed by the lack of security, the support and extent of the Muslim population.’ 106 While there was strong anecdotal evidence that al-Qaeda operatives had visited Aceh, GAM did not ‘want to have anything to do with an organisation that plays the religious card like al-Qaeda.’ According to GAM, the real terrorists in Aceh were ‘Muslim hardliners like Laskar Jihad’ militias, who incited ‘racial and religious sentiment’ in Aceh and detracted international attention away from GAM’s nationalist campaign. 107

The Megawati administration’s hardening Aceh approach was indirectly influenced by Washington’s changing foreign policy towards Indonesia in at least two ways. First, in the aftermath of 11 September, the administration of George W. Bush worked to secure cooperation from the world’s most populous Muslim nation in its ‘war on terror’ by promising to finance TNI/Polri education and training programs. 108 Second, the Bush administration developed an increased interest in preventing further TNI massacres that could have led to a revision its warmer relations with Jakarta. The US therefore adopted a pro-active stance in encouraging Jakarta to revive the Aceh peace process. This was shown by Washington’s deployment of high profile negotiators- including special adviser to the US Secretary of State, retired Marine General Anthony Zinni, and the US Deputy Assistant Secretary of State, Matt Daley- to meet with Hasan di Tiro in early 2002. Though these ‘wise men’ from Washington failed to persuade Hasan di Tiro to accept Jakarta’s offer of special autonomy, the involvement of mediators of international

106 According to the intelligence report that was made available to CNN, al-Zawahiri and Mohammed Atif were accompanied by two other Al-Qaeda operatives who were later arrested. The others were Omar al-Faruq (a Kuwaiti who was said to be Al Qaeda's senior South-East Asian representative) and Agus Dwikarna, an Indonesian. Kompas later reported that Omar al-Faruq had spent three days in Tanjung Baroh, Muara sub-district, North Aceh, in December 1999. ‘Intelligence Report: Bin Laden sought Indonesian base’, CNN World News, 10 July 2002; ‘Military denies al Qaeda presence in restive Aceh’, The Jakarta Post, 11 July 2002; ‘Omar Al Farouq Pernah Tawarkan Bantuan Al Qaeda di Aceh’, Kompas, 18 December 2002.


political stature contributed toward GAM’s decision to eventually return to the negotiating table.\textsuperscript{109}

By early 2002, there was growing confidence in Jakarta that GAM could be coerced into compliance. In part, Jakarta’s hardening Aceh approach was related to international developments. Following the US invasion of Afghanistan in October 2001, governments around the world had seized the opportunity to finish off their separatist movements. As Susilo Bambang Yudhoyono explained, ‘Any separatist movement must be crushed, and we have the international support to maintain our national territorial integrity.’\textsuperscript{110} By January 2002, the security forces had also made some progress towards reducing GAM’s military strength. By the rebels’ own later admission, Indonesian security forces had limited the rebels’ control over Aceh to thirty to forty per cent, compared with sixty to seventy per cent the previous year.\textsuperscript{111} Despite GAM’s forced retreat, however, the security forces in 2001 had only killed 315 of an estimated 3,000 rebels, or ten per cent of their stated goal. By contrast, the 2001 civilian death toll was 1,028 fatalities, which exceeded that of any year since the fall of Suharto.\textsuperscript{112} TNI/Polri casualties had also mounted, with 134 security forces personnel killed the same year.

Despite the growing numbers of casualties on both sides, Jakarta’s confidence that it could militarily defeat GAM was also reinforced by the assassination of the iconic AGAM commander Abdullah Syafi’ie on 22 January 2002, which central government leaders believed had weakened the rebels’ morale. Indeed, the killing of Abdullah Syafi’ie (along with his wife, Fatimah, and five bodyguards) by Indonesian security forces was a major blow to GAM. Abdullah Syafi’ie’s assassination also deepened hostilities between the rebels and provincial government leaders. According to GAM, Governor Abdullah Puteh had sent a letter to Abdullah Syafi’ie three days before the rebel commander’s death that contained a green microchip tracking device, although this

\textsuperscript{111} ICG, \textit{Aceh: A Slim Chance for Peace}, pp.1-2.
\textsuperscript{112} ‘Report on Human Rights in Indonesia 2001 (11)’, \textit{Laksamana.net}, 5 March 2002; ‘Military to get new mandate to crush the GAM’, \textit{The Jakarta Post}, 8 February 2002.
claim was never substantiated. In his defence, the governor argued that he had only invited Abdullah Syafi’ie to participate in peace talks, and described the deceased rebel commander as ‘a leader agreeable to dialogue’ with ‘a fairly modern perspective.’ By contrast, Abdullah Syafi’ie’s replacement, the former deputy AGAM commander, Muzakkir Manaf, reportedly had a reputation in Jakarta as a ‘temperamental commander’ who was ‘quick to make decisions’ and ‘likely to bring the political temperature in Aceh to boiling point.’

Given the deep hostility between Abdullah Puteh and GAM, the governor’s support for the reinstatement of a permanent military command (Kodam) in Aceh was not surprising. On 2 January 2002, Abdullah Puteh, Vice-Governor Ir Azwar Abubakar and several DPRD leaders flew to Jakarta to request the reinstatement of Aceh’s controversial Kodam Iskandar Muda. In contrast with the views of Acehnese politicians after the end of DOM, Abdullah Puteh claimed that Aceh needed its own Kodam because of the province’s geographical largeness, distant proximity from Jakarta, and to improve the behaviour of troops in the field by strengthening the military’s chain of command. An Acehnese parliamentarian, Nasir Jamil, also argued that placing the military in ‘full control of defence and security matters’ would reduce the problem of poor inter-force coordination and ‘help the government to seek a comprehensive solution to the conflict.’ In fact, the real impetus for the Aceh Kodam came from military leaders with whom Abdullah Puteh enjoyed close relations. For the TNI, their goal of establishing a permanent military presence in Aceh was less likely to attract harsh public criticism if

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117 ‘Does Aceh need a military command?’, The Jakarta Post, 10 January 2002.
formally requested by Aceh’s civilian leadership. Within days of the Aceh delegation’s arrival in Jakarta, President Megawati personally delivered a ‘positive response’ on the reinstatement of the Aceh Kodam, which was formally ratified on 9 January 2002.\textsuperscript{118} Also on Abdullah Puteh’s recommendation, an ethnic Acehnese commander, Brigadier General M. Djali Yusuf, headed Kodam Iskandar Muda.\textsuperscript{119} According to Abdullah Puteh, an Acehnese commander was more likely to be culturally tactful in dealing with the civilian population.\textsuperscript{120} When Brigadier General M. Djali Yusuf was formally installed as the new Kodam commander on 5 February 2002, much was made of his Acehnese credentials. Djali Yusuf, however, was not renowned for his sensitivity. While serving as former deputy to Brigadier General Zamroni in the Security Restoration Operations, he had consistently advocated a hard-line security approach. Shortly before his promotion, Djali Yusuf had ordered ‘all security personnel to shoot on sight those found intentionally disturbing the peace or public interests.’\textsuperscript{121} Although the new regional commander announced plans to ‘recruit Acehnese to serve under the new Kodam’ in order to create ‘better relations between the security forces and the local population’, this did not happen.\textsuperscript{122} Less than twenty per cent of the organic troops recruited under the new Kodam were ethnic Acehnese, reflecting the deep mutual mistrust between the TNI and the local population.\textsuperscript{123}

The reinstated Aceh Kodam represented a major victory for the TNI. As discussed in Chapter Two, the military had been trying to expand its territorial command system into Aceh since 1999. Despite this success, military leaders still attempted to deflect public criticism by portraying the Aceh Kodam as consistent with the TNI’s reform process,

\textsuperscript{119} \textit{Kodam Iskandar Muda} was officially inaugurated by Army Chief of Staff Endriartono Sutarto.
which envisaged the military’s gradual consignment to a predominantly external defence role. It was for this reason that TNI spokesmen downplayed the domestic security threat posed by GAM and emphasised Aceh’s susceptibility to border incursions due to its geopolitically strategic location astride the Malacca Straits. As the Director General for Strategy and Defence in the Defence Ministry, Major General Sudradjat, argued, ‘The TNI's consideration is more than [GAM]. We consider the province to be vulnerable to external threats.’

From a capacity perspective, it was difficult to see how a permanent military command would help to improve security conditions in Aceh while the problems of budgetary constraints and poor professionalism within and between the armed forces remained unaddressed. Indeed, a small minority of generals saw Kodam Iskandar Muda as a costly mistake that would weaken the integrity of the military as an institution by perpetuating its reliance on independent funding. Proponents of this view generally argued that a smaller military command, such as an operational executive command (Kolakops) or another military resort command (Korem), would have sufficed to deal with the Aceh problem. For some generals, there was also the risk that the TNI’s reputation would be further tarnished in the eyes of the Indonesian public if they failed to contain the Aceh conflict and continued to commit atrocities against the civilian population. As Deputy MPR Speaker Lieut. Gen. (ret.) Agus Widjojo pointed out, the Aceh Kodam represented ‘a backward step’ because it involved no substantive changes to the security operations on the ground but threatened to negatively ‘influence public opinion about us in many respects.

In Aceh, the reinstated Kodam reinforced public perception of the TNI as a hostile occupying force. SIRA viewed the Kodam as a central government strategy ‘to

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126 Susilo Bambang Yudhoyono addressed this criticism by pointing out that ‘we already have a military command post and enough deployment in Aceh.’ Fabiola Desy Unidjaja, ‘Military command reinstated in Aceh despite protests’, The Jakarta Post, 11 January 2002.
strengthen the concentration of repressive [forces] in order to kill every political aspiration of the people.\textsuperscript{128} GAM interpreted the military command as a ‘declaration of war’ and ordered a three-day public strike, which caused about seventy-five per cent of the province to shut down on 16-18 January 2002.\textsuperscript{129} Beyond the widespread public opposition to Kodam Iskandar Muda, however, the mass strike reflected the prevailing climate of fear in Aceh.\textsuperscript{130} According to the Serambi Indonesia newspaper, most civilians stayed at home because they were too ‘confused and afraid’ to know how to act after being told by GAM that they ‘had the right to strike’ and by TNI/Polri that they ‘had the right not to strike.’\textsuperscript{131}

In Jakarta, the reinstated Kodam reinforced the general feeling of confidence amongst government leaders about the strength of their own position. This attitude was reflected in Megawati Sukarnoputri’s pronouncement of a new Aceh approach less than one week after Kodam Iskandar Muda was re-established. On 11 February, the president replaced Inpres No. 7/ 2001 with Inpres No. 1/ 2002, which prioritised the implementation of the NAD law and other ‘socio-political, legal and economic approaches’ over security operations to end the conflict.\textsuperscript{132} Although the new decree ordered the continuation of ‘Security Restoration Operations’ and clarified the central government’s designation of GAM as ‘a separatist movement’, eight of the ten points focused on persuasive strategies. The new Inpres, which was drafted by Susilo Bambang Yudhoyono, also outlined a ‘comprehensive and integrated’ interdepartmental effort to improve communication, uphold the rule of law, promote economic development, create job opportunities, and develop health, education and social programs in Aceh. To implement these combined government programs, an ‘Aceh Desk’ office was created in Banda Aceh.

In contrast to past Inpres, the new decree included a provision to hold a ‘Joint Consultative Meeting in Geneva’ with GAM that would be ‘separate from, and not

influenced by Indonesian security forces.’\textsuperscript{133} In fact, this was not the case as the military interpreted \textit{Inpres} No.1/2002 as an extension of their existing counterinsurgency campaign. According to the hard-line Kostrad Commander, Ryamizard Ryacudu, there would be no change to the TNI’s strategy to ‘Exterminate provocateurs, shoot rioters.’\textsuperscript{134} The chasm between the conciliatory nomenclature of \textit{Inpres} No.1/2002 and the conflict on the ground could be measured by the number of fatalities. From January to August, 974 people were killed in Aceh, while hundreds more civilians were arbitrarily arrested, kidnapped or tortured.\textsuperscript{135}

As the security operations in Aceh intensified, the central government began to apply pressure on GAM to return to the negotiating table. While the TNI and its civilian supporters in the national executive and legislature remained fundamentally opposed to reviving an internationally-facilitated Aceh peace process, some, including Megawati Sukarnoputri, pragmatically acknowledged that there was strong international support for a democratic solution to the conflict. The United States had taken a special interest in reviving the Aceh peace process as part of its changing post-11 September foreign policy towards Indonesia, as shown by the deployment of ‘wise men’ from Washington to hold a series of informal meetings with Megawati Sukarnoputri and GAM leaders in late 2001 and early 2002. Even under international pressure, however, the central government made it clear that it would not negotiate with the rebels indefinitely, and that any further talks with GAM ‘must soon reach an ‘end state’ that is moulded to the framework of Acehnese thought as part of the NKRI, and the Nanggroe Aceh Darussalam law.’\textsuperscript{136}

Jakarta’s impatience to reach an ‘end state’ to the conflict reflected both the reservations amongst central government leaders about international mediation, and the aspirations of some ministers to hold domestic talks with GAM. By early 2002, the success of domestic


\textsuperscript{135} USAID, \textit{Field Report: Indonesia}, August 2002


peace talks in Malino to stem the sectarian conflicts in Poso and the Moluccas had raised hopes amongst some government leaders that the Aceh conflict could be similarly resolved. On 6 March, for instance, Susilo Bambang Yudhoyono announced during a two-day visit to Aceh that if the Geneva talks failed then the central government would consider a Malino-style peace process in Aceh. In Jakarta, there was also growing support for the idea of excluding GAM’s political leadership in Sweden from any negotiated settlement to the conflict. As Susilo Bambang Yudhoyono argued, ‘Is it fair to let our land continue to suffer a tragedy that has been masterminded by a Swedish citizen?’ Somewhat differently, the Home Affairs Minister, Hari Sabarno, argued that there was ‘no need for the central government to hold a dialogue with GAM’, and that the rebels should only ‘negotiate with the provincial government, as the central government’s representative’ in Aceh. Not surprisingly, GAM’s political leadership vowed to only deal with Jakarta. GAM also urged the central government to immediately resume the Geneva talks ‘to decide once and for all whether to resolve the Aceh case by dialogue or war.’

The rebels were eager to return to the negotiating table to lobby the international community to support their cause, and also in the hope of a ceasefire that would enable them to consolidate their depleted fighting forces. To buy time, GAM reluctantly agreed to accept the NAD law ‘as a starting point’ during the first round of peace talks in Geneva on 2-3 February 2002. Although further talks were planned for April, these were postponed until May after GAM demanded a ceasefire as a precondition to continuing the peace process. By 8 May, when the two sides met in Bavois for two more days of negotiations, GAM’s options had been further reduced after Susilo Bambang

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Yudhoyono obtained a statement from the Swedish government that supported Aceh’s special autonomy status and rejected Acehnese independence.  

It was at the May talks that both sides signed their first agreement under the Megawati administration. The limited ‘Joint Statement’ comprised two points. First, both sides agreed ‘on the basis of the acceptance of the NAD law as a starting point’ to hold a ‘democratic, all-inclusive dialogue involving all elements of Acehnese society’ that would lead to a ‘review of elements of the NAD law’ and the election of a democratic government in Aceh, Indonesia. Second, both parties agreed to establish an ‘agreement on cessation of hostilities with an adequate mechanism for accountability’ in order to build trust and facilitate the delivery of humanitarian assistance.

Despite this small step forward, both sides managed to dispute four issues in the two-point agreement. First, GAM interpreted the statement to mean a ‘cessation of hostilities’, whereas Jakarta's chief negotiator to Geneva, Wiryono Sastrohandoyo, explained that this was impossible as no ‘mechanism for accountability’ had been established. Second, GAM understood ‘the election of a democratic government in Aceh, Indonesia’ to mean a vote on Acehnese independence, while Jakarta maintained that the clause referred to 2004 Indonesian general election. GAM also rejected the inference in the Joint Statement that ‘Aceh’ was part of Indonesia, while Jakarta opposed the spelling of ‘Aceh’, which is preferred by the ‘Achheh Sumatra National Liberation Front.’ The most substantive issue dividing the two sides, however, was their irreconcilable end goals. For GAM, the NAD law was only ‘a starting point’ for future talks that would eventually result in Acehnese independence. For Jakarta, however, special autonomy was the only acceptable final solution to the conflict.

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142 ‘Swedia akan Berperan Aktif Mendorong GAM ke Meja Perundingan’, Kompas, 23 April 2002. Although the Swedish government refused Susilo’s request to extradite Hasan di Tiro to face criminal charges in Indonesia, it offered to assist Jakarta by pressuring GAM to return to the negotiating table. ‘Perundingan Indonesia-GAM 8-9 Mei di Jenewa’, Kompas, 23 April 2002.


The peace process had no impact on reducing the hostilities on the ground. The new AGAM commander, Muzakkir Manaf, described Jakarta’s refusal to commit to a ceasefire as a ‘treacherous’ act and announced that he was preparing his troops for war.\textsuperscript{146} Brig. Gen. Djali Yusuf also confirmed that he had received no orders from Jakarta to recall troops to their barracks, and vowed to ‘tie GAM up and slowly tear apart those people who are camouflaged with their lies.’\textsuperscript{147} Like other regional commanders, Djali Yusuf also resented the arrival of HDC peace monitors in Aceh, whom he accused of taking sides with GAM.\textsuperscript{148} Aceh’s Police Chief Inspector General Yusuf Manggabarani similarly urged the central government to closely monitor the HDC’s activities in Aceh to ensure that they behaved in a ‘neutral and transparent’ manner.\textsuperscript{149}

For the military, which had opposed the peace process from the beginning, the lack of clear progress in Geneva presented an opportunity to push for a military solution to the conflict. According to the head of the TNI faction in the DPR, Maj. Gen. (ret) Slamet Supriadi, ‘GAM only want to negotiate when they feel inferior. If they consolidate their forces again they’ll want to fight again.’\textsuperscript{150} The new TNI Commander in Chief, Endriartono Sutarto agreed that ‘We cannot continue with the way things are…I am trained for war so I would choose war to end the Aceh problem, not negotiations.’\textsuperscript{151} Like other generals and many central government officials, Endriartono also resented the ‘biased’ media coverage of the peace process, which he believed portrayed GAM ‘traitors’ as ‘heroes.’\textsuperscript{152} For Kostrad commander Ryamizard Ryacudu, there was to be ‘no more dialogue…the rebellion has to be crushed.’\textsuperscript{153}

It was becoming increasingly clear that the military wanted a state of emergency to annihilate GAM. The timing of the military’s renewed push for emergency rule in mid-2002 coincided with two important political developments. The first was the termination of the peace process' return to violence.
of *Inpres*. No.1/ 2002 on 30 July, which had provided some protection to the military by positioning the counterinsurgency campaign within a political framework. Second, in June, an ad hoc human rights court was established in Jakarta to prosecute senior generals who were implicated in atrocities committed in East Timor. Though the East Timor Tribunal had mainly resulted from pressure by the international community, and sixteen of the eighteen suspects tried by the court were later acquitted, the trials nevertheless invoked some disquiet within the military hierarchy. It was becoming apparent that the TNI wanted more power and security than an *Inpres* could provide. A state of emergency offered greater legal protection for the military and promised to increase its power over the province.

Although the idea of declaring emergency rule in Aceh had been raised under the past two governments, it had been rejected by those in power who had favoured a negotiated solution to the conflict. By mid-2002, however, the central government was becoming more sympathetic to the military’s growing frustration with the peace process. As Defence Minister Matori Abdul Djalil explained, while the central government would continue negotiations with GAM, he personally could see ‘no way forward other than a security approach’\(^\text{154}\), although this statement may have been a bargaining tactic to increase pressure on GAM to accept special autonomy. Susilo Bambang Yudhoyono, who had in the past advocated a ‘comprehensive’ solution to the conflict, was especially outspoken in supporting the military’s calls for a state of emergency. In July, Susilo approached the DPR to seek formal support for the central government’s ‘plan to take stern measures against GAM, including imposing a state of emergency in the province to keep out country united.’\(^\text{155}\) As Susilo explained, the government was finding it ‘very hard to sustain dialogue with terrorists’, so if the DPR declared emergency rule in Aceh then ‘it follows naturally that [the] government should explain to the world that we have given enough opportunities to no avail.’\(^\text{156}\) The only member of Megawati’s cabinet to openly question the logic of imposing emergency rule was Vice-President Hamzah Haz,

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who pointed out that GAM was not the only ‘terrorist group’ operating in Aceh, alluding to the motives of ‘disgruntled generals’ and ‘external parties who want Indonesia to be unstable’.157

The high level of political support for emergency rule in Jakarta was also related to growing frustration with Aceh’s ineffective civilian leadership. For some national political and military elites, it was easier to blame Abdullah Puteh’s government for the worsening conflict rather than address the serious issues of human rights abuses and poor professionalism of Indonesian security forces personnel.158 According to Home Affairs Minister Hari Sabarno, ‘the worst possible scenario would be a civilian emergency status in Aceh and not a military emergency’ because Aceh’s civilian political leadership had done nothing towards restoring Acehnese faith in Indonesian authority.159 While the poor performance and financial mismanagement of Abdullah Puteh’s administration undoubtedly contributed towards the erosion of Acehnese faith in Indonesian authority, the provincial government was not primarily responsible for the violence. As the Deputy MPR Speaker, Lieut. Gen. (ret.) Agus Widjojo, pointed out, the provincial administration had traditionally been ‘squeezed into a dilemma’ by having to balance their responsibilities to ‘NKRI’ on one hand, while facing the ‘reality of being part of a region that is always typically facing a situation of counterinsurgency’ on the other.160

In Aceh, almost the entire population opposed the planned state of emergency. Even Abdullah Puteh, who had supported the reinstatement of Kodam Iskandar Muda, rejected the plan, arguing that about ninety per cent Acehnese were still traumatised by the concept of emergency rule, which reminded them of the DOM period.161 It is possible, however, that Aceh’s governor would have preferred a civil emergency and was mainly concerned about demands by sections of the TNI to impose martial law that would have limited his administration’s authority. Acehnese DPRD leaders also argued that a state of

157 ‘Haz points to disgruntled generals’, Laksamana.net, 10 July 2002.
emergency would increase the fighting between GAM and security forces and add to the general ‘chaos on the ground.’\textsuperscript{162} Despite the high level of local opposition to emergency rule, Susilo Bambang Yudhoyono paid a visit to Aceh in July to gauge support for his government’s proposal. His visit was largely counterproductive, however, and invoked panic amongst the civilian population. Hundreds of Acehnese men who feared being linked with GAM fled the province.\textsuperscript{163} Hasan di Tiro compounded these fears by issuing an ‘Order of the Day’ to all Acehnese to be on ‘full alert’ in preparation for ‘almost 100,000 fully-equipped combat troops’ who were about to wage ‘total war against Aceh.’\textsuperscript{164} SIRA, too, warned of a new wave of violence, warning that ‘the Acehnese people must be prepared to face the worst situation.’\textsuperscript{165}

The international community, and especially the governments of the United States and the United Kingdom, also opposed emergency rule in Aceh. In addition to Washington’s improved bilateral military ties with Indonesia and related interest in improving the TNI’s professionalism, the US had major oil and natural gas investments in Aceh and wanted to avoid major disruptions to the production rate of multinational companies like ExxonMobil Oil Indonesia. It was for these reasons that the Bush administration warned Jakarta in July of a possible ‘hardening of Congressional attitudes’ if Indonesia completely abandoned the Aceh peace process.\textsuperscript{166} Then in August, the US Secretary of State, Colin Powell, only agreed to deliver US$50 million in funds for military and police training and education on the condition that Megawati Sukarnoputri promised to proceed with security sector reforms.\textsuperscript{167} The UK was also concerned that its bilateral military ties with Indonesia would suffer if the armed forces resorted to excessive force in Aceh.

Tensions between the two governments had already arisen in May after Jakarta deployed ten British Hawk fighter jets to Aceh to conduct a sixty-day \textit{Operasi Rencong Terbang}

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  \item \textsuperscript{162} “Soal Darurat Sipil ataupun Darurat Militer, DPRD Aceh Menolak”, Kompas, 11 July 2002.
  \item \textsuperscript{163} Ibu Mat Noor and Nani Farida, ‘Acehnese worry about state of emergency’, \textit{The Jakarta Post}, 9 July 2002.
  \item \textsuperscript{164} Hasan di Tiro, ‘Order of the Day’, \textit{Press Statement}, 21 July 2002. This order was issued on the same day that the ASNLF formally changed its name to GAM through the signing of the \textit{Stavanger Declaration} in Norway. See Chapter One, Footnote No. 34.
  \item \textsuperscript{165} “Perjalanan Menuju Darurat Militer”, \textit{Kompas}, 5 August 2002.
  \item \textsuperscript{166} Aleksius Jemadu, ‘Little choice for Indonesia in U.S Policy’, \textit{The Jakarta Post}, 31 July 2002.
  \item \textsuperscript{167} “Bantuan Militer AS: Untuk Apa?”, \textit{Kompas}, 15 August 2002.
\end{itemize}
The three official aims of this operation were to: (1) secure Indonesia’s vital economic interests in the region, including the oil and gas industries around Lhokseumawe, (2) monitor the use of Indonesian airspace in Aceh and North Sumatra, and (3) ‘help restore security in Aceh.’ Concerned that British aircraft were being used for ‘acts of internal repression’, the British ambassador to Indonesia approached Susilo Bambang Yudhoyono, who described the operation as merely an ‘annual reconnaissance exercise over Western Indonesia’ to deal with piracy in the Malacca Straits. Unconvinced, the UK warned Indonesia that it would ‘continue to monitor any reports of improper use of Hawk jets very closely.’ As a result, when *Operasi Terbang Rencong Udara 2002* was launched in Aceh in September, the British Hawks were replaced by four fleets of North American OV-10F Bronco fighter jets. The second round of operations, however, were described by the Indonesian air force as ‘both directly and indirectly…related to the TNI operation’ to ‘administer shock therapy to GAM.’

Under national and international pressure, the central government decided to postpone declaring emergency rule in Aceh. At the same time, Megawati Sukarnoputri sought to appease the military by stepping up the counterinsurgency campaign against GAM. On 19 August 2002, the central government announced a new seven-point Aceh policy program that comprised two key parts. The first was to ‘intensify law enforcement measures’ in the form of more counterinsurgency operations to ‘protect civilians’ and ‘crush GAM.’ Second, the central government gave the rebels an ultimatum to accept the NAD law by the end of the Muslim fasting month of Ramadhan in December or face the military consequences. As Megawati explained on 1 August in her Annual Progress

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170 Open letter from British Head of Parliamentary Relations and Devolution Department, Foreign and Commonwealth Office to Clerk of the Committee on Foreign Affairs, dated 19 July 2002.
172 ‘Senin Ini, Kebijakan Baru Aceh Akan Diumumkan’, *Detik.com*, 19 August 2002
Report in the MPR, ‘This standpoint is aimed at compelling the GAM to accept special autonomy’ as a final solution to the conflict.\(^{174}\)

Although many generals were displeased that their calls for emergency rule had not been met, regional commanders immediately acted on the order to intensify operations against GAM. Brig. Gen. Djali Yusuf announced that Kodam Iskandar Muda would start to collaborate with Kodam Bukit Barisan in conducting ‘more intensive intelligence operations to locate GAM’s position’ and anticipate the rebels’ movements.\(^{175}\) The TNI’s new emphasis on military intelligence, however, did not lead to a reduction in violence or the number of fatalities. By late November, the Banda Aceh Legal Aid office (LBH) reported that 1,228 people had been killed since the start of the year, in addition to 1,854 torture cases, 330 disappearances and 973 arbitrary arrests.\(^{176}\)

While the extreme violence continued unabated, the HDC worked to convene a series of informal meetings with Indonesian government officials and GAM leaders in a desperate bid to secure a formal peace agreement. On 28 August, after five Indonesian ‘wise men’ who were involved in the HDC met with President Megawati, the central government briefly revisited its policy of refusing to negotiate with GAM until December by announcing that informal talks could begin as early as 5 September.\(^{177}\) These talks were postponed, however, after Jakarta failed to confirm the scheduled date.\(^{178}\) Although Susilo Bambang Yudhoyono visited the HDC in Geneva on 3 September to reschedule follow-up negotiations for late September and early October, these too were cancelled. Despite these setbacks, Jakarta’s chief negotiator to Geneva, Wiryono Sastrohandoyo,

\(^{174}\) *Speech by the President of the Republic of Indonesia. Delivered at the Annual Session of the People's Consultative Assembly*, 1 August 2002.
\(^{177}\) The five included Ali Alatas (former Foreign Affairs Minister), Syafii Ma’arif (Muhammadiyah Chairman), Soerjadi Soedirdja (former Home Affairs Minister), Ali Yafie (former MUI chairman), and Nurcholish Madjid (Islamic scholar). The central government’s about-turn also coincided with a US Congress session to review the Leahy amendment on bilateral military relations with Indonesia. Fabiola Desy Unidjaja, ‘Govt backpeddles, agrees to Aceh talks soon’, *The Jakarta Post*, 29 August 2002; ‘GAM bersedia lanjutkan dialog awal September’, *satunet.com*, 23 August 2002.
announced in late October that a draft agreement had been finalised and ‘almost 90 percent of the items to be negotiated have been discussed.’\textsuperscript{179} There were only two substantive outstanding issues. First, GAM opposed any law enforcement role for Polri and Brimob under a ceasefire. The paramilitary police were especially renowned for their poor discipline and brutality against the civilian population. Second, GAM opposed a provision in the draft agreement requiring them to deposit their weapons in ten designated sites to be locked and co-guarded by the rebels and a third neutral party.\textsuperscript{180}

GAM’s concerns were heightened on 29 October when about 1,200 TNI troops encircled the marshland surrounding the rebel stronghold of Paya Cot Trieng village in North Aceh.\textsuperscript{181} The siege appeared to be aimed at forcing GAM to accept the peace agreement, ‘preferably before Ramadhan’ on 7 November.\textsuperscript{182} Some government and military leaders denied this, claiming that they believed AGAM commander Muzakkir Manaf was hiding in the area along with dozens of other rebels who ‘do not have the right to use weapons.’\textsuperscript{183} Many public statements by Indonesian officials, however, linked the siege to the impending peace talks. Susilo Bambang Yudhoyono, for example, argued that ‘it is not logical to ask the TNI to stop their armed action [in Cot Trieng] while GAM refuses to sign the peace agreement.’\textsuperscript{184} The TNI Commander-in-Chief, Endriartono Sutarto, also warned that the TNI would destroy the rebels ‘if they do not accept that peace agreement.’\textsuperscript{185} Although GAM was commonly believed to have escaped from the Cot Trieng marshland area by mid-November, the rebels resented what they saw as an ultimatum and did not want to negotiate under pressure. As the siege continued into early December, both sides continued to trade insults and gunfire. Ryamizard Ryacudu declared that if the rebels ‘don’t want to surrender then I will send my troops to finish

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\textsuperscript{183} ‘GAM held at gunpoint, told to sign agreement’, \textit{The Jakarta Post}, 9 November 2002.
\textsuperscript{184} ‘Menko Polkam, Tak Logis TNI Diminta Stop Kepung GAM’, \textit{Analisa}, 11 November 2002.
\textsuperscript{185} ‘Panglima TNI, Sejumlah Pembesar GAM Terkepung’, \textit{mediaindo.co.id}, 14 November 2002.
\end{flushleft}
GAM in turn taunted Ryamizard, retorting that ‘It would be an honour if Army Strategic Reserves (Kostrad) Commander Lt. Gen. Ryamizard Ryacudu would come to Aceh and lead the fight against us, instead of venting his anger in Jakarta.’

Under these conditions, GAM’s presence at the signing ceremony in Geneva on 9 December was uncertain until the last moment. GAM threatened to boycott the signing if Jakarta continued to use repression to force a ceasefire. Defence Minister Matori Abdul Djalil retaliated by threatening to close down Aceh’s ‘land, sea and air communications from both within and outside’ if GAM refused to sign. Despite their reduced military capability, GAM would not have agreed to sign a peace deal under duress if not for international community attention and funding. Though the peace deal did not advance the cause of either side, the international community was able to offer enough incentives to encourage the warring parties to put aside their differences and, at least temporarily, focus on humanitarian concerns.

6.3 CoHA

On 9 December 2002, when both sides signed the ‘Cessation of Hostilities [Framework] Agreement’ (CoHA), it was largely due to the efforts of the international community. On 3 December, the USA, Japan, the European Union and the World Bank and twenty-four donor country representatives convened a ‘Preparatory Conference on Peace and Reconstruction in Aceh’ in Tokyo, Japan, in which they pledged to establish an Aceh trust fund to deliver humanitarian aid and support provincial reconstruction and

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development projects in the event of both sides signing an agreement. Jakarta recognised the diplomatic imperative of signing the peace deal and welcomed the substantial injection of foreign humanitarian assistance. GAM wanted the international attention and the chance to consolidate their depleted fighting forces. Beyond these objectives, however, the signing of the peace agreement did seem to reflect, at least in part, an interest by both sides to stop fighting and start working towards peace.

This did not mean that the limited ‘framework’ agreement brought either side any closer to their end goal. The nine-point CoHA only stipulated a ‘cessation of hostilities’ in the hope that more substantive issues could be addressed later. The first phase of the peace pact stipulated a two-month ‘confidence-building period’ that included the establishment of peace zones. It also provided for the activation of a Joint Security Committee (JSC) to resolve disputes arising from the implementation of the agreement and encourage GAM and the TNI/ Polri to revert from offensive to defensive positions. The police were in charge of law enforcement throughout the peace process. Following GAM’s earlier objection to the involvement of Brimob in police operations, the agreement further stipulated that the paramilitary police must ‘strictly conform to regular police activities.’

Pending the success of this initial period, a five-month demilitarisation phase was envisaged in which GAM agreed to the ‘phased placement of its weapons’ in designated sites. Jakarta agreed to the ‘simultaneous phased relocation of TNI forces’ and the eventual withdrawal of non-organic troops from Aceh. If, by the end of the second phase, a cessation of hostilities was achieved, then a third phase was planned in which ‘an all-inclusive Aceh dialogue’ would be held that would lead to ‘the election of a democratic government in Acheh, Indonesia… in accordance with the review of the NAD law.’

At least initially, the CoHA generated high hopes in both Aceh and Jakarta that peace was possible. On the eve off the signing, hundreds of civilians gathered at the

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Baiturrahman mosque in Banda Aceh to pray for peace.\textsuperscript{192} Megawati Sukarnoputri demonstrated her confidence in the process by paying her first overnight visit to Aceh on 17-18 December, when she described the CoHA as ‘a golden promise to move on to a life of peace’, even optimistically (or naively) predicting that ‘within two years Aceh can be rebuilt.’\textsuperscript{193} For the first month, GAM and the TNI largely adhered to the terms of the agreement, when the JSC only reported twenty-eight known violations and twelve civilian casualties, compared with eighty-seven fatalities in the month before the ceasefire.\textsuperscript{194} On the day of the signing, the North Aceh 011 Lilawangsa Military Commander, Colonel Azmin Yusri Nasution, ended whatever remained of the Cot Trieng siege, withdrawing the last 1,000 troops from the area.\textsuperscript{195} The National Police Chief, General Da’i Bachtari, also ordered the 12,000 police officers in Aceh to revert to strictly defensive positions, and told Brimob to hand in their firearms and use regular police weapons.\textsuperscript{196}

Despite the improved security situation on the ground, unresolved differences between the two sides soon resurfaced. One week after the signing, the abrasive Ryamizard Ryacudu reflected the military’s opposition to the peace pact by announcing that ‘There should be no questions asked about the presence of a million troops in an area because that’s where they belong.’\textsuperscript{197} The Iskandar Muda Kodam Commander Djali Yusuf, added that ‘What is clear is that until now there is no policy to withdraw our troops from their existing posts.’\textsuperscript{198} The military, it seemed, had decided to tolerate the peace process on the insistence of the central government, but had not abandoned their goal of crushing GAM.

\textsuperscript{192} ‘Acehnese pray for peace as hopes fade for conflict to end’, \textit{The Jakarta Post}, 9 December 2002.


\textsuperscript{194} Nani Farida, ‘JSC sends more monitors as GAM vows to pursue peace’, \textit{The Jakarta Post}, 8 January 2003.


One dispute soon arose over the international contingent of the 150-member tripartite JSC monitoring team, which equally comprised fifty GAM, Indonesian and ‘senior third party’ representatives ‘of high standing agreed upon by both sides.’ Although Jakarta had made a significant concession by agreeing to allow foreign peace monitors from Thailand and the Philippines, GAM argued for a larger international presence. The rebels also accused the Filipino monitors of siding with Jakarta because of their experience in fighting Moro Islamic Liberation Front (MILF) separatists back home.199 As a result, Jakarta made a further concession by agreeing to bring in Indian weapons inspectors to oversee the first phase of GAM’s disarmament.200

The biggest dispute concerned nature of an ‘election of a democratic government in Aceh, Indonesia.’ Jakarta, fearing that local elections would reduce central government control over Aceh and strengthen GAM’s cause, maintained that the Acehnese people would only be allowed to participate in the 2004 general election.201 Importantly, this decision contravened both the CoHA and the terms of the NAD law, which stipulated direct local elections for Aceh's governor, vice-governor, bupati and mayors (see Chapter Seven). GAM too, interpreted the electoral component differently from the CoHA and NAD law. GAM maintained that two elections would be held in Aceh: Indonesia’s 2004 general election and a separate election on the government of an independent ‘State of Aceh.’202

By 9 February 2003, when the five-month disarmament phase officially started, there were already deep cracks in the peace process. Presaging a return to the past, Army Commander Endriartono Sutarto warned that the TNI had developed a ‘contingency plan’ if GAM continued to violate the agreement.203 Although GAM had agreed to deposit twenty per cent of its weapons into thirty-two hidden caches in eight districts every

203 ‘TNI has contingency plan for Aceh’, The Jakarta Post, 5 February 2003.
month until July, no weapons had been placed in any of the designated sites by mid-March. Nor had the TNI adhered to its part of the agreement by organising the ‘simultaneous phased relocation’ of troops. In fact, Brig. Gen. Djali Yusuf admitted that TNI troop levels in Aceh had actually increased from 22,000 to 26,000 personnel since December. With some 12,000 police and Brimob forces also stationed in Aceh, this brought the total number of security forces stationed in the province to 38,000 personnel, the highest in the post-New Order period. GAM also used the relative peace to recruit new members and strengthen its civil administration in rural Aceh. According to Ryamizard Ryacudu, GAM had ‘reinforced itself to 5,000 personnel and 2,300 weapons’ compared with 3,000 members and 1,800 weapons before the agreement.

Despite these growing tensions, the inauguration of ‘peace zones’ initially went smoothly. Unarmed GAM and Indonesian security forces were allowed to enter the demilitarised areas, which were marked at the entrance by blue signs. The first of eight planned peace zones was established on 25 January 2003 in Indrapuri sub-district south of Banda Aceh. Over the next two months, six more ‘safe havens’ were created in South, West, North and East Aceh, Bireuen and Pidie. On 8 March, however, hundreds of villagers waved GAM flags at the opening ceremony for a peace zone in Hasan di Tiro’s birthplace of Tiro village in Pidie, which the TNI interpreted as a violation of the CoHA.

Meanwhile, on 3 March, the first JSC office closed in Takengon, Central Aceh, after being attacked by an angry mob claiming to be ‘frustrated’ because JSC monitors had ignored their complaints about ‘extortion’ by GAM. GAM blamed the TNI and its

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205 ‘War in Aceh needs 50,000 combatants’, The Jakarta Post, 16 April 2003.
invisible hands’ as part of the military’s broader strategy to sabotage the peace process. These ‘invisible hands’ were ‘Laskar Jihad’ militias, said to be recruited, trained and armed by the TNI. Military spokesmen characteristically denied the existence of the militias and blamed GAM for the attack. Unlike its namesake, the Central Aceh ‘Laskar Jihad’ largely comprised Javanese transmigrants, although the Central Aceh militias wore the same distinctive headbands and saw jihad (holy war) in Indonesian nationalist terms. For both ‘Laskar Jihads’, the purpose of jihad was to eliminate ‘infidel’ separatists who threatened Indonesia’s territorial integrity and national cohesion. As one Central Aceh resident explained, ‘the militiamen, who call themselves members of Laskar Jihad, have terrorised villagers not to support GAM.’

More JSC offices shut down as the security situation further deteriorated. Like the attack on the Central Aceh JSC office, the other attacks were all conducted by angry mobs with putative grievances against GAM. This pattern created the general impression that the TNI was behind the attacks. On 6 April, the JSC office in Langsa, East Aceh, was burnt down by an angry mob demanding the release of civilians whom they claimed had been abducted by GAM. The following day, a mob stormed the HDC office in Tapaktuan, South Aceh, in protest over the JSC’s failure to end extortion and acts of intimidation by GAM. Most peculiar, however, were the ‘protests’ over ‘extortion’ by GAM and demands for a stronger TNI presence in the rebel stronghold of Pidie district.

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217 ‘Masyarakat Pidie Demo Minta Penambahan Pasukan TNI’, Tempo, 28 March 2003. On 27 March, GAM also allegedly kidnapped fifty-six village heads in around the district capital of Sigli who were said to be planning to demonstrate against their ‘extortion tactics.’ ‘GAM Menyandera 56 Kepala Desa di Aceh’, Media Indonesia, 27 March 2003.
Not surprisingly, Jakarta portrayed GAM as the primary violators of the peace deal. Soon after the JSC ‘temporarily’ relocated all one-hundred of its international JSC monitors to Banda Aceh\textsuperscript{218}, Susilo Bambang Yudhoynono warned that if the rebels continued to sabotage the agreement then Jakarta would ‘have to make other plans…that is military operations to maintain the country's territorial integrity.’\textsuperscript{219} In fact, the TNI had already made such plans and ‘only await[ed] government instructions’ to launch a full-scale military offensive against the rebels.\textsuperscript{220} Previously, on 26-28 March, the TNI had convened its annual strategic planning session at the PT Arun LNG company in Lhokseumawe to discuss the military’s priorities for 2003, which included defending Indonesia’s coastal borders and eliminating separatism.\textsuperscript{221} The choice of location was especially controversial as such meetings had previously been held in Jakarta. According to Ryamizard Ryacudu, TNI leaders had decided to meet in Aceh to provide moral support for the troops stationed there, and to convey to the Acehnese people the military’s commitment towards ‘solving their problems.’\textsuperscript{222} GAM, however, interpreted the meeting as a ‘show of force’ in violation of the CoHA.\textsuperscript{223}

As the central government became increasingly concerned about GAM’s growing strength and its earlier concession to allow foreign monitors into Aceh, it began to reassess its commitment towards the peace process. Sensing Jakarta’s wavering position, TNI leaders became more outspoken in articulating their expectations. Djali Yusuf announced that if 50,000 troops were deployed to Aceh then he could eliminate GAM in just six months.\textsuperscript{224} Soon afterwards, the National Police Chief, Da’i Bachtiar, placed some 6,000 Brimob troops in Aceh on ‘high alert’, while the navy concurrently made

\textsuperscript{218} Tiarma Siboro, ‘Govt, GAM urged to abide by peace deal’, \textit{The Jakarta Post}, 29 March 2003.
\textsuperscript{221} The meeting was attended by seventy-five senior generals and twelve Aceh military commanders. Previously on 12 March, TNI spokesman Major General Sjafrie Syamsoeddin told a press conference in Jakarta that ‘Separatism remains our concern this year, particularly in Aceh and Papua.’ Tiarma Siboro and Muninggar Sri Saraswati, ‘TNI to step up security in Papua, Aceh’, \textit{The Jakarta Post}, 13 March 2003; ‘Diseminarkan, RUU Komponen Cadangan Pertahanan Negara’, \textit{Suara Karya}, 27 March 2003.
\textsuperscript{223} Tiarma Siboro and Nani Farida, ‘Army top brass to hold meeting Aceh’, \textit{The Jakarta Post}, 26 March 2003.
\textsuperscript{224} ‘War in Aceh needs 50,000 combatants’, \textit{The Jakarta Post}, 16 April 2003.
plans to dispatch fourteen to seventeen warships to the province. Thousands of TNI troops also began to assemble along the North Sumatra border in preparation for war.

Amidst these advancing military preparations, the central government looked towards its exit from the CoHA. In what seemed like an obvious appeal to an international audience, Jakarta accused GAM of being ‘in material breach’ of the ceasefire (the US and UN Security Council had used the same terminology in condemning Iraq for non-compliance with its disarmament obligations). In April the central government called an emergency Joint Council Meeting, which was allowed under the terms of the CoHA if the JSC failed to resolve a dispute between the two sides within thirty days. If the Joint Council Meeting was unsuccessful, then either party was entitled to unilaterally withdraw from the agreement. At first GAM refused to attend the meeting, arguing that the JSC was ‘able to handle the current situation in Aceh.’ GAM capitulated, however, after Susilo Bambang Yudhoyono warned that the central government would ‘paralyse’ the rebels if they refused to attend. Faced with the threat of a large-scale military offensive, GAM reluctantly agreed to a Joint Council Meeting in Tokyo on 17-18 May to review the terms of the CoHA. Even though five GAM negotiators were arrested in Banda Aceh on the eve of the talks, the rebels reiterated their commitment towards the peace process. They refused, however, to sign two new government conditions that demanded they end their armed struggle and accept the NAD law in its entirety as a final solution to the conflict. For GAM, these conditions, which effectively called for their total surrender, were unacceptable. Instead, GAM made two considerable concessions by agreeing to ‘refrain from advocating independence’ within the context of the CoHA, and to abandon their armed struggle if reciprocal steps were taken by Jakarta to reduce the military deployment in Aceh to pre-CoHA levels. For Jakarta, however, the ultimatum did not

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229 After GAM had refused to negotiate until their release, the five were freed but not in time to fly to Tokyo.
seek to extract GAM’s compliance as much as it aimed to prove to the international community that all avenues for peaceful conflict resolution had finally been exhausted.

What happened next showed that Jakarta had pre-determined the outcome of the Tokyo meeting. On 18 May 2003, the day the peace process collapsed, Megawati Sukarnoputri imposed martial law in Aceh through Presidential Instruction No.18 of 2003. The following day, an elaborate ‘shock and awe’ military offensive was captured by television crews waiting at an airfield outside Banda Aceh, which broadcast live images around the world of hundreds of descending paratroopers, aerial rocket attacks and low flying jets. This spectacular performance could not have been coordinated or televised as it was without prior planning. It is also unlikely that the 30,000 TNI troops and 14,000 Polri/Brimob personnel who were involved in the ‘Integrated Operation’ (Operasi Terpadu) would have arrived in Aceh so quickly if the decision had not already been made by Jakarta to withdraw from the CoHA. In a departure from previous Aceh security operations, the central government did not attempt to justify the military emergency by positioning the operations within a broader political framework. With its sole long-term objective of annihilating 5,251 GAM rebels with 2,000 weapons, Operasi Terpadu addressed none of the primary or secondary causes of Aceh’s conflict, and the ‘integrated’ operation only outlined short-term humanitarian relief and economic recovery programs. Reflecting Jakarta’s political priorities, the central government allocated an initial budget of Rp.1.2 trillion (US$144 million) to fund the military operations, and Rp.400 billion (US$48 million) for humanitarian assistance.

In the first week of martial law alone, there were worrying signs of an emerging humanitarian crisis. Seventy-seven ‘GAM rebels’ were killed, twenty people were arrested, and about 23,000 civilians were internally displaced. Like the DOM period,

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233 Ibid.
234 ‘Dana Operasi Militer di Aceh Siap Dikucurkan’, liputan6.com, 21 May 2003. The average annual currency conversion rate for 2003 was Rp.0.00012 to one U.S. dollar.
independent verification of events and conditions was precluded by the military’s strict control over the flow of information from Aceh. Prior to the imposition of martial law, the TNI had drawn from the US strategy in Iraq to develop more sophisticated media control techniques, such as establishing its own ‘media centre’ in Banda Aceh and ‘embedding’ journalists in combat battalions to ensure that the conflict was reported from a ‘nationalist’ viewpoint.\textsuperscript{236} The TNI’s record of events, however, did not always make sense. At the start of martial law, for instance, the TNI claimed there were 5,251 GAM members, but a year later boasted that the military had deactivated 5,871 GAM rebels.\textsuperscript{237} Such figures cast doubt over the accuracy of military intelligence and how many of the casualties were actually GAM rebels or civilians.

Of course, like past Aceh operations, the decision to declare martial law was as much about national political developments as what was happening on the ground. The Aceh peace process formally collapsed at an historic interval in Indonesian history when millions of Indonesians were preparing to commemorate the fifth anniversary of Suharto’s downfall. What should have been a celebration of Indonesia’s transition from authoritarian to democratic rule, however, was more obviously marked by the lack of festivity as demonstrators in Jakarta and elsewhere demanded the resignation of Indonesia’s political leadership.\textsuperscript{238} Megawati Sukarnoputri’s government had fallen under growing criticism for failing to implement economic, political and security sector reforms and to meet the aspirations of the democratic reform movement. The crack-down in Aceh, which was generally supported by the wider population, created an opportunity to deflect public attention away from Megawati’s growing leadership crisis and exploit nationalist sentiment during the build-up to the 2004 presidential election. There were also international considerations in the government’s decision to declare martial law.

\textsuperscript{236} The TNI established the Aceh media centre in a bid to control coverage of the conflict. Quite differently, TNI spokesman Maj. Gen. Sjafrie Sjamsoeddin argued that its function was ‘to ensure that field reporters collect information transparently and avoid unnecessary information distortion, which will only create uncertainty among the public.’ ‘TNI sets up Aceh media center’, \textit{The Jakarta Post}, 29 April 2003.


instead of civil emergency. The US invasion of Iraq in March 2003 had provided governments around the world with the international legitimacy they sought to crack down on their separatist rebellions. With world attention focused on Iraq, Indonesia’s hard-line Aceh approach invoked very little criticism from the international community.

The declaration of martial law in Aceh also coincided with another historic moment in Indonesian history. Over the other side of the archipelago, the East Timorese people were preparing to celebrate their own more successful separatist struggle on 20 May 2002, the day the international community formally recognised East Timor’s independence from Indonesia. East Timor’s secession still sat uncomfortably with the majority of national political and military elites and a large cross-section of the wider population. For the majority of Indonesians, the ‘mistake’ of releasing East Timor must not be repeated in other provinces at any cost. As Indonesia’s experience in both East Timor and Aceh had shown, however, states cannot rule through coercion alone. And, the more depredations committed against the civilian population by Indonesian security forces, the stronger the desire for freedom from state repression became.

### 6.4 Conclusion

‘I don’t believe that GAM will ever become like our brothers because I have too often seen their behaviour’ said Major General (ret.) Abdul Rahman Gaffar, a former Kodam Bukit Barisan Commander, in late 2002.\(^{239}\) This statement reflected the dominant attitude within the Megawati administration in its approach to, and handling of the Aceh problem. Beyond the central government’s rhetorical commitment towards a negotiated settlement to the conflict, the prevailing belief in Jakarta was that GAM could not be democratically accommodated within Indonesia’s ‘big family.’ This was demonstrated by the almost unabated ‘Security Restoration Operations’ on the ground, and by the lack of central government initiatives to convince the Acehnese people of the positive benefits of remaining part of Indonesia.

The Megawati administration’s capacity to restore security in Aceh was limited as much by poor governance as by the behaviour and priorities of the armed forces. Megawati Sukarnoputri brought to her presidency a passive leadership style, and generally allowed the TNI and police to follow their own agenda in Aceh rather than attempt to subordinate the armed forces to civilian control. This lack of initiative and leadership was reflected in the narrow policy debates in Jakarta about territorial integrity and national cohesion, which did not seriously consider the needs and aspirations of the Acehnese people or attempt to redress their grievances. Although Megawati pledged to peacefully end the Aceh conflict by implementing the NAD law, she remained fundamentally opposed to decentralisation and expediently relied on military force to coerce GAM into compliance.

The limited peace process with GAM represented a brief departure from Jakarta’s otherwise hardline Aceh approach. Though it has been argued here that the CoHA primarily came into being as the result of the efforts and promises of funding by the international community, it would not have been possible without some level of political will in Jakarta. That is, the interest in reform and a peaceful solution to the Aceh conflict did not disappear entirely during Megawati’s tenure. The decision to unilaterally withdraw from the CoHA and impose martial law in Aceh was the response by a weak central government to a more powerful military. As the more successful Aceh peace process under the government of Susilo Bambang Yudhoyono later showed, however, despite the military’s ongoing informal political influence and institutionalised power base in the regions through its territorial command structure, political will was a critical factor in the search for peace in Aceh. This is what Megawati was lacking and what the TNI and other conservative nationalist forces were able to manipulate to their political advantage in Aceh under her presidency.

In practical terms, the Megawati administration’s reduced emphasis on a negotiated approach to conflict resolution meant that the objectives of the Security Restoration Operations were largely military in nature. Although the official aims of the counterinsurgency campaign were to restore law and order and pressure GAM into accepting Jakarta’s political offer of special autonomy, many ministers within the central
government were suspicious of the NAD law (see Chapter Seven). There was also no guarantee that Jakarta would have fulfilled its promise of granting special autonomy to the Acehnese people once the war was over. Without substantial political incentives, however, it was unrealistic to think that the government could either restore security or reduce Acehnese separatist sentiment or activity.

For Indonesia’s security forces, the main goal of the counterinsurgency campaign was to defend Indonesia’s territorial integrity by killing GAM rebels. The TNI was not seriously interested in ending the conflict or assisting Indonesia’s democratisation process by adopting a predominantly external defence role. Conversely, the relative weakness of civilian authorities and absence of any external threats to Indonesia’s territorial sovereignty saw Aceh become a focal point through which the TNI was able to claw back its former political influence. The lucrative war economy and absence of the rule of law in Aceh further entrenched the military’s interests in perpetuating the conflict. For the TNI, the reinstatement of Kodam Iskandar Muda was less about restoring internal security and protecting Aceh’s coastal borders from external threats than it was an attempt to consolidate control over the region by establishing a permanent military presence. Similarly, indefinite imposition of martial law seemed to be largely aimed at protecting the military’s regional interests than the elimination of GAM.

Under Megawati’s tenure, state goals and interests often departed from military goals. The strength and cohesion of the Indonesian state depended on its capacity to contain its internal conflicts. Using government resources for costly military operations in Aceh reduced the state’s capacity to promote national stability in other areas such as through improvements to health and education programs and facilities and expanding employment opportunities. Although the TNI promoted itself as the primary defender of Indonesia’s territorial integrity and national cohesion, it was more concerned with securing its own access to political power, and with maintaining control over limited state resources that the central government was incapable of providing.
GAM had always posed a greater political threat than a military threat to the Indonesian state. Under Megawati’s presidency, there were only ever 3,000 to 5,000 armed rebels with about 2,000 weapons. While GAM inflicted considerable damage on the state infrastructure, the rebels would have been unable to sustain their guerrilla war without strong community support. That GAM’s political influence far exceeded their limited military capability highlighted the need to emphasise political strategies over a security approach to reduce anti-Jakarta and anti-TNI sentiment. Like Abdurrahman Wahid, and to a lesser extent B.J. Habibie, however, Megawati Sukarnoputri was more interested in securing military and political support for her own presidency than with finding a lasting solution to the Aceh conflict.
CHAPTER SEVEN

THE NAD LAW: REASONS FOR ITS FAILURE
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...the government's offer of the Nanggroe Aceh Darussalam special autonomy law failed to take into account what the Acehnese people really need. Special autonomy is only a shift of authority from the Minister of Home Affairs to the governor, but not of the power itself. Jakarta has to listen more to the Acehnese people and consider more of their ideas.

Munir, Kontras Coordinator, 3 September 2001.

In the case of Aceh, the main pillar for conflict resolution in the area is the Law No. 18/ 2001 on Special Autonomy for the Province of Nanggroe Aceh Darussalam.

President Megawati Sukarnoputri, 1 August 2002.

Officially changing Aceh's name to Nanggroe Aceh Darussalam (lit.; ‘State of Aceh, Abode of Happiness’), the NAD law became the ‘main pillar’ of President Megawati Sukarnoputri’s political strategy for resolving the Aceh conflict. The legislation was passed by the DPR on 19 July 2001 during Abdurrahman Wahid’s final days in power, and was formally ratified by Megawati Sukarnoputri on 9 August as one of her first presidential acts. The rationale for granting Aceh special autonomy was to create a political alternative to secession that would persuade the Acehnese people to remain part of Indonesia. In practice, however, Megawati’s government made little effort to implement the NAD law, and was primarily concerned with security operations aimed at pressuring GAM into accepting special autonomy as a precursor to peace.


2 ‘Megawati urged to become more concrete on Aceh issues’, The Jakarta Post, 4 September 2001.

3 Speech by the President of the Republic of Indonesia. Delivered at the Annual Session of the People’s Consultative Assembly, Transcript, Jakarta, 1 August 2002.
This chapter examines the capacity of the Megawati administration to manage the Aceh conflict through the implementation of the NAD law. It begins by exploring the attitudes about decentralisation within the central government, and the complex challenges involved in enforcing special autonomy within Aceh’s volatile policy environment. The chapter then examines the implementation of the three main tenets of the NAD law: generous revenue sharing arrangements, the right to impose aspects of Islamic law and provision for direct local elections. Finally, the chapter takes a look at the ‘Galaksi’ (an acronym of the Gayo, Alas, Kluet and Singkil ethnic groups) movement, which acted on Jakarta’s offer of special autonomy to try and sever all ties with Aceh and create a separate ‘Leuser Antara’ province. The focus is on the period from 1 January 2002, when the NAD law formally came into effect, until 18 May 2003, when further decentralisation was postponed by the imposition of martial law in Aceh.

In the following pages, it is argued that the Megawati administration’s capacity to manage the Aceh conflict through the NAD law was largely restricted by five interrelated factors. First, there was a high degree of mistrust in Jakarta about the positive benefits of decentralisation in general, and special autonomy in particular. This dominant attitude within the central government contributed towards its greater reliance on counterinsurgency operations, which de-legitimised the conciliatory spirit of the NAD law even as aspects of special autonomy were implemented. There was also a common perception within Megawati’s government that the handover of authority to the provincial government entitled Jakarta to disavow further responsibility for managing the decentralisation process.

Second, there were serious structural obstacles towards implementation. Within Aceh’s conflict environment, the state infrastructure was being destroyed at a faster rate than it could be rebuilt. The lack of institutionalised regulatory mechanisms at all levels of government also impeded effective management and distribution of state resources amongst the local population. Third, Aceh’s provincial administration, which was plagued by allegations of financial mismanagement and corruption, tended to prioritise large-scale development projects at the expense of the welfare of the civilian population.
A fourth important obstacle was the lack of community support for the NAD law. GAM and SIRA rejected Jakarta’s unilateral offer of special autonomy as an unacceptable compromise, and there was a strong perception amongst the local population that Jakarta could not be trusted to keep its political promises.

Finally, it is argued that the NAD law itself was restrictive as a conflict management tool. Although the central government portrayed special autonomy as a ‘comprehensive’ solution to the conflict, the legislation did not address the underlying problems of human rights abuses and systemic state violence. Without security sector reforms to hold the military and police accountable for their abuses against the civilian population, it was difficult to see how autonomy could redress Acehnese grievances. While Aceh’s marginalised ethnic minorities accepted Jakarta’s generous economic concessions, they were not otherwise accommodated by the NAD law, as shown by the resurgence of the Galaksi movement whenever local security, economic and political conditions dramatically deteriorated. The NAD law did contain provisions that could have helped to restore Acehnese confidence in Indonesian rule, such as holding direct local elections and returning most of the revenue generated within Aceh’s borders. The counterinsurgency campaign on the ground, however, dramatically reduced the chances of special autonomy gaining public acceptance. Local disaffection towards Indonesian governing authorities and institutions was also not likely to fade for as long as Abdullah Puteh’s widely discredited administration remained in charge of implementing special autonomy.

7.1. Jakarta’s Decentralisation Dilemma

From the start of Megawati Sukarnoputri’s presidency, it was clear that decentralisation would be less of a policy priority under the new administration than it had been under the two previous governments. The majority of ministers in Megawati’s cabinet believed that the regions had received enough concessions, and viewed ‘too much’ autonomy as a recipe for national disintegration. Another common perception in Jakarta was that growing inequalities between rich and poor regions under a decentralised system could heighten regional ferment and political fragmentation. Related to this belief was the ‘domino theory’ that attempts by one disaffected province to separate from Indonesia.
would encourage other regions to follow suit. Despite these attitudes, Indonesia’s
decentralisation process had gone too far to be easily reversed by mid-2001, and the
central government could not have rolled back autonomy without provoking an angry
backlash from the regions.

Megawati Sukarnoputri’s personal reservations about decentralisation were well known.
In her former capacity as vice-president, Megawati had condemned Law No. 22 of 1999
for being ‘on a different path, or even against the basic principles adopted by the
constitution.’ Megawati also believed that radical decentralisation posed a threat to
national unity and had urged President Abdurrahman Wahid to review the 1999 regional
autonomy laws in order to strengthen the ‘NKRI’ framework. For Megawati, the Aceh
problem was a national issue; as such, any solution to the Aceh conflict should seek not
only to accommodate Acehnese aspirations, but also those of the entire Indonesian
nation.

Megawati Sukarnoputri and other secular nationalists were also uncomfortable with
recognition of Aceh’s special status by granting the province the right to implement
Islamic law. During the drafting of the NAD law, Megawati, her PDI-P and Golkar had
initially opposed the provision to impose Syari’ah in Aceh, arguing that it contravened
the pluralist and secular nationalist principles of the Pancasila state ideology and the 1945
constitution. Although Megawati and these major parties in the DPR later accepted the
NAD law in its entirety, their reservations about implementing Islamic law in Aceh also
reflected their broader political concern that if the Acehnese were allowed to implement
aspects of Syari’ah then other predominantly Muslim provinces would demand similar
‘special treatment’ and eventually turn Indonesia into an Islamic state.

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6 The PDI-P and Golkar factions in the MPR had also blocked a proposed constitutional amendment by
several Islamic parties during the MPR annual session of August 2000 to compel all Indonesian Muslims to
adhere to Islamic law. ‘PDIP Wants a Draft of Laws for Aceh to Conform with Pancasila’, Kompas, 5 May
2001; ‘PDIP-P against implementation of Islamic law in Aceh’, Suara Merdeka, 6 May 2001; Syahrir:
‘Mengapa Anggota Majelis Terhormat Tidak Keras Lagi’?, Radio Nederland Wereldomroep [transcript],
Despite her personal suspicions about decentralisation in general and the NAD law in particular, Megawati Sukarnoputri was forced to adopt a more nuanced approach in her presidential capacity in order to accommodate centrifugal and Islamic political forces. It was for this reason that President Megawati acknowledged in her first state address on 16 August 2001 that all regions had ‘the right to regional autonomy’ to ‘allow us to realise the national motto of Bhinneka Tunggal Ika [Unity in Diversity].’ Megawati also pledged her commitment towards respecting the ‘cultural identities and specific characteristics’ of the people in Aceh and Papua by allowing those provinces ‘to manage their respective regions within the framework of special autonomy.’ The new president also made it clear that special autonomy must take place ‘within the context of preserving the territorial integrity of the Unitary State of the Republic of Indonesia.’

Although Megawati Sukarnoputri realised that her administration could not reverse decentralisation without attracting harsh criticism from the regions, her concerns about autonomy had not abated. In fact, the president surrounded herself with ministers who shared her suspicions. Megawati’s ‘closest advisor’, State Secretary Bambang Kesowo was said to be especially opposed to decentralisation and reportedly encouraged the president to move towards the ‘recentralisation’ of state power:

Bambang Kesowo stated in notes to the president that regional autonomy is inconsistent with the principles of a unitary state. Although [name withheld] attempted to convince Megawati that this notion is incorrect, she remained basically opposed to the idea of decentralisation. This was evidenced by her rhetoric and also through her reactions to any report from Bambang Kesowo that negatively interpreted the implementation of regional autonomy. She always looked excited by the negative reports.

Other influential cabinet ministers harboured similar reservations about excessive decentralisation. Despite their differences over other political issues (such as whether

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7 *Pidato Kenegaraan Presiden RI Megawati Soekarnoputri di Depan Sidang Dewan Perwakilan Rakyat, 16 August 2001.*
9 Confidential interview, Jakarta, 6 October 2002.
Islam allowed women to become president), President Megawati Sukarnoputri and Vice-President Hamzah Haz shared a common belief that too much autonomy would erode national unity and cohesion. Hamzah Haz argued that excessive economic autonomy would weaken the national economy and create a ‘boomerang effect’ amongst foreign investors who risked being ‘lied to’ by local government officials.10

Jakarta’s reduced emphasis on decentralisation was underscored by the renaming of the ‘Home Affairs and Regional Autonomy Ministry’ back to its formal title of ‘Ministry for Home Affairs.’ Like Megawati, Home Affairs Minister Hari Sabarno saw the 1999 autonomy laws as inconsistent with Indonesia’s unitary state because ‘we are not a federal system.’11 Soon after his appointment, Hari Sabarno announced that one of his department’s priorities would be to review the 1999 autonomy laws to avoid creating a ‘de facto federalist state.’ In fact, decentralisation did not necessarily threaten to weaken Indonesia’s unitary system. As discussed in previous chapters, while unitary statehood implies a certain level of central control in that state power is constitutionally located at the national level, in practice there are decentralised unitary states, just as there are highly centralised federations. Hari Sabarno, however, believed that resource-rich regions like Aceh and Papua had a ‘hidden mission’ to use their increased power and resources to pursue independence.12 For this reason, the Home Affairs Minister stated that his department would work to reduce ‘regionalistic chauvinism’ and lessen ‘disparity between the regions so they would not leave the unitary Indonesian state.’13 Reflecting the strong perception within the central government that the NAD law could give the Acehnese people ‘a bridge to independence’,14 Hari Sabarno stated that his ministry would integrate the implementation of special autonomy in Aceh and Papua into a coordinated interdepartmental effort that included security operations to search ‘for the roots of the problems of disintegration demands’ in those provinces.15

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13 *Ibid*.
Although Megawati formally pronounced the NAD law as the key tenet of her government’s Aceh approach, her suspicions about special autonomy, and those of many of her ministers, helped to explain her administration’s primary emphasis on security operations against GAM. This distrust of the NAD law was conveyed by the president when she sent a public message to the Acehnese people during the Malaysian leg of her ASEAN tour on 28 August 2001:

You'll have all the freedom to implement Nanggroe Aceh Darussalam…I have already signed the special autonomy law so please make good use of it…But should it be distorted to support a separatist movement, the government will initiate stern law enforcement measures in the province.

Megawati’s speech also pointed to another common perception within the central government that as the Acehnese had been awarded a fair opportunity to manage themselves with unprecedented control over their natural resources, Jakarta could disavow responsibility for the decentralisation process. A variation of this view was articulated by the Coordinating Minister for Political Affairs and Security, Susilo Bambang Yudhoyono, who told the Acehnese people to ‘please solve the Aceh problem yourselves’ through the implementation of special autonomy. This dismissive attitude would later impede the smooth transfer of resources and responsibility to Aceh’s provincial authorities, and allow the central government to blame Abdullah Puteh’s government for any problems arising from the implementation of special autonomy.

Disturbingly absent from the thinking of Megawati and many of her ministers was the idea that decentralisation was supposed to reduce the state’s reliance on coercion to reduce political opposition. As a conflict management tool, the primary goal of decentralisation is to encourage moderate political behaviour amongst centrifugal forces. By contrast, excessive coercion or violence tends to heighten separatist sentiment and

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17 ‘Mega tells Aceh to focus on autonomy’, The Jakarta Post, 29 August 2001.
activity, as demonstrated in Aceh by the extreme actions and expectations of GAM and the referendum movement. Even if Jakarta had reduced or stopped its counterinsurgency campaign against GAM, it would probably have been extremely difficult to have convinced the rebels to lay down their arms or end their attacks on Indonesian state facilities and security forces personnel. But the Megawati administration did not give special autonomy a chance to encourage moderate political behaviour, and instead stepped up its counterinsurgency campaign in Aceh. In part, this decision reflected the view of conservative nationalists in Jakarta that Acehnese separatists could not be democratically accommodated within Indonesia’s national fold. Alternatively, it is possible that Jakarta was simply naïve about how easy it would be. By increasing the Security Restoration Operations, however, the central government only created a self-fulfilling prophecy that special autonomy would strengthen the not exactly ‘hidden agenda’ of the Acehnese people to separate from the Indonesian state.

7.2 Challenges to Implementing the NAD Law

The Security Restoration Operations on the ground represented one of the biggest- if not the biggest- obstacle towards implementing special autonomy. By 1 January 2002, when the NAD law came into effect, the counterinsurgency campaign had made some progress towards reducing GAM’s control over the province. Despite the large Indonesian security presence on the ground, however, law and order had not been restored. The daily experience of Indonesian authority for many Acehnese people was violence as more depredations were being committed against the civilian population than at any time since the New Order’s collapse. In January 2002 alone, some 200 people were killed.19

Under these conditions, the lack of community support for special autonomy was not surprising. As one Acehnese Member of Parliament, Waisul Qarani Ali, explained, ‘Most Acehnese are cynical of [the NAD law] due to the chain of violence over the last four

months.’\textsuperscript{20} The lack of grassroots support for the NAD law also stemmed from Jakarta’s past broken promises about special autonomy. Reflecting public opinion, an Acehnese ulama and academic, Yusny Saby, stated that ‘the root of the problem is a feeling of betrayal’ about the central government’s past broken promises.\textsuperscript{21} For the majority of Acehnese people, special autonomy did not promise to bring any improvements to their own lives or redress their serious grievances about past and ongoing human rights abuses.\textsuperscript{22}

GAM’s intractable independence struggle presented another serious obstacle towards implementing special autonomy. Despite their reduced military capability by early 2002, the rebels retained a high level of political influence amongst the local population. Backed by a strong community support base, the rebels could prevent special autonomy from being effectively implemented in areas under their control. On Jakarta’s insistence, GAM had accepted the NAD law ‘as a starting point’ in order to revive the peace process. The rebels made it clear, however, that ‘this does not mean we will ever agree with, or accept the NAD law.’\textsuperscript{23} For GAM, the only acceptable solution to the conflict was ‘independence from Indonesia through an international procedure.’\textsuperscript{24} After the NAD law was passed, GAM also demonstrated its total rejection of autonomy by increasing its attacks on Indonesian state facilities.\textsuperscript{25}

SIRA, too, rejected the NAD law. For the referendum movement, the campaign of violence on the ground had demonstrated Jakarta’s lack of commitment towards implementing special autonomy and resolving the conflict through democratic processes. As SIRA spokesman Fuady Sony explained:

\begin{itemize}
\item \textsuperscript{20} Tiarma Siboro, 'Acehnese remain defiant amid attempts to sway them', \textit{The Jakarta Post}, 23 August 2001.
\item \textsuperscript{22} Waisul Qarani Ali in ‘Mega tells Aceh to focus on autonomy’, \textit{The Jakarta Post}, 29 August 2001.
\item \textsuperscript{23} Dr. Zaini Abdullah in ‘Pemerintah: Hasil Perundingan Dengan GAM Belum Memuaskan’, \textit{Gatra}, 7 February 2002.
\item \textsuperscript{24} GAM spokesman Sofyan Dawood in ‘Menko Polkam: Batas Waktu GAM Awal Desember’, \textit{Kompas}, 20 August 2002.
\item \textsuperscript{25} ‘A Rejection of NAD law’, \textit{Kompas}, 27 August 2001.
\end{itemize}
The autonomy issue is an old one. Aceh has been declared a special autonomous region, but there’s nothing special about that. What is special about Aceh is that it has turned into a killing field.26 According to SIRA, the NAD law did not represent the aspirations of the Acehnese people, which could only be determined by popular ballot on Aceh’s political status. SIRA therefore urged President Megawati to resolve the conflict through ‘democratic mechanisms’ instead of ‘forcing GAM to accept special autonomy in the form of the NAD law, or any other form.’27

Within the context of the conflict, it would have been difficult, but not impossible, for the government to have developed special autonomy legislation through ‘democratic mechanisms.’ For instance, the central government could have developed more responsive legislation by inviting wider community input into the legislative process in the form of public discussion forums and by encouraging written submissions by civil society groups about their expectations of autonomy. Of course, it is also possible that GAM would have ordered the Acehnese people to boycott any discussion forums, or that SIRA would have dismissed such a process as a mere government ‘performance.’ Many of the drafters of the NAD law genuinely believed that they were developing legislation with conflict mitigating potential. Their failure to consult the Acehnese people about what they wanted and needed, however, reduced the government’s capacity to ‘sell’ the NAD law. It also created obstacles regarding implementation. The lack of public knowledge about the content of the legislation created risks that the civilian population would reject or ignore the NAD law. As one civil servant in Lhokseumawe complained:

What is Nanggroe Aceh Darussalam? I've never heard of it. I am saddened that the local government and legislators have never informed the public about it. They have done nothing.28

Although the government made some attempts to ‘socialise’ the NAD law, these initiatives were largely restricted to the implementation of Islamic law. In a large part,

this was due to the political assertiveness of the newly formed MPU (Consultative Council of Ulama), which worked to influence provincial government policy to promote its Islamic agenda. In August 2001, for example, the DPRD, acting on the advice of the MPU, established a Syari’ah Agency (Dinas Syariat Islam), which went on to distribute pamphlets on Islamic law, convene public forums and launch Syari’ah socialisation programs in primary schools throughout the province.29 By contrast, the Home Affairs Minister Hari Sabarno, who also visited Banda Aceh in August, never acted on his department’s promise to launch a series of ‘socialisation’ programs about the NAD law.30 The government, it seemed, was content to allow the MPU to assume responsibility for ‘socialising’ the NAD law, if only to try and reduce special autonomy to a reconstituted version of Law No. 44/1999.

The ‘socialisation’ of special autonomy, or lack thereof, was only part of the problem. It could also be reasonably argued that if the NAD law had been properly implemented then it would have delivered positive benefits that would have been felt by the Acehnese people without much need for a public awareness campaign. Another serious obstacle to implementation, then, was the incapacity of the provincial government to properly function as a result of the insurgency. Local government officials reported that 12,275 buildings had been destroyed since 1999.31 Many state officials at the sub-district and village levels had either abandoned their offices or reached arrangements with GAM members in rebel-controlled areas. Similar arrangements had been made in areas dominated by Indonesian security forces. In large parts of the province, where both GAM and the TNI/Polri operated, extortion was a particular problem. Local government officials and businesspeople were extorted (or charged ‘income tax’) by GAM and TNI/Polri personnel at a standard rate of eight to ten per cent, or thirty per cent for

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government projects.\textsuperscript{32} Within Aceh’s war economy, the civilian population was not likely to derive significant material benefits from special autonomy while the business interests of those who perpetuated the conflict remained entrenched. The conflict economy also reduced governmental accountability and transparency as local government officials could blame the fighting for the diversion of state resources and their failure to implement community development projects.

Although central government hoped that the NAD law would provide a ‘comprehensive’ political solution to the conflict, the legislation did not comprehensively address the entire spectrum of Acehnese grievances. In particular, it did not respond to Acehnese demands for justice for human rights violations.\textsuperscript{33} Nor did the NAD law contain any provisions such as the formation of local political parties to encourage GAM to transform its militant struggle into a political campaign. Amidst the intensive counterinsurgency operations, there were no incentives for the rebels to lay down their arms. The only cosmetic alteration to Aceh’s security arrangements under the NAD law was the establishment of a ‘regional police force’, which comprised police and Brimob officers already stationed in Aceh who were inadequately resourced and vastly outnumbered by the TNI.\textsuperscript{34} Although the regional police chief was to be appointed by, and coordinate security policy with, the governor instead of the national police chief under the new arrangement, the military remained largely removed from civilian control and often acted independently of the police in the joint TNI/ Polri security operations.

Finally, there was the issue of timing. The NAD law contained many ambiguous clauses and required more than seventy supporting \textit{qanun} (regional regulations) to enable its


\textsuperscript{34} The putative intent of the drafters was to ‘help the Acehnese overcome their own security problems by giving them their own police force.’ Interview with Dr. Ir. Sudarsono (Director of Education and Training Office, Home Affairs Department), Jakarta, 1 November 2002.
implementation. These *qanun* were to be developed by Aceh’s provincial parliament (DPRD) and would take years to complete, especially in relation to Islamic law. Abdullah Puteh’s administration, which had already been implicated in a series of corruption scandals, was also in charge of implementing the first critical phase of the NAD law, when public opinion would largely determine the positive benefits of special autonomy in the form of improved public services and facilities and increased employment and business opportunities. Without responsible and accountable civilian leadership during his critical phase, the NAD law was unlikely to gain popular acceptance.

The challenges involved in implementing the three key tenets of the NAD law are discussed in the following pages. First, the structural and political obstacles towards realigning centre-periphery fiscal balance through the return of a greater share of Aceh’s natural resource revenue are examined. Then, the government’s capacity to reduce the conflict through an Islamic approach is discussed. Finally, the chapter explores the prospects for peace through direct democratic local elections.

### 7.3 Revenue Sharing Arrangements

If handled correctly, Aceh stood to derive substantial economic benefits from the NAD law. These financial arrangements, outlined in Chapter IV of the legislation, granted Aceh a far greater share of wealth generated within its borders than had been allocated to the other provinces under Law No. 25/1999. In a major concession, Jakarta returned seventy per cent of Aceh's oil and natural gas mining revenue for eight years in after-tax proceeds, compared with the thirty per cent offered to the other (mostly poorer) provinces under Law No. 25/1999. In the ninth year, these profit-sharing arrangements were to be reduced to a 50:50 split. For general mining, fisheries and forestry revenue, Aceh received the same eighty per cent that that had been granted to the other regions.

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35 ‘Black economy threatens Aceh peace’, *The Jakarta Post*, 25 March 2003. See also NAD law, Article 1, Section 8.

36 *Undang Undang Republik Indonesia Nomor 18 Tahun 2001 Tentang Otonomi Khusus Bagi Provinsi Daerah Istimewa Aceh Sebagai Provinsi Nanggroe Aceh Darussalam*. 

Under a more stable political system with responsible governance and transparent and accountable state institutions, the devolution of economic responsibility could have produced immediate and widespread benefits for the civilian population. In Aceh, however, which lacked effective leadership and functional governing institutions, the realignment of centre-periphery fiscal relations created more problems than it solved. Instead of improving local living standards, fiscal decentralisation heightened pre-existing tensions between the provincial administration and the civilian population, and between provincial and central political elites.

The first difficulty concerned the transfer of revenue from Jakarta. Under the new system, the Finance Ministry remained responsible for collecting Aceh’s resource revenue before redistributing funds back to the province. Acehnese political leaders were unhappy with this arrangement and believed that Jakarta would withhold a portion of their increased budget. Soon after the NAD law was passed, the Acehnese-born former Human Rights Minister, Hasballah M. Saad, expressed pessimism that Aceh would accrue substantial material benefits under special autonomy because ‘the government can’t be trusted to return the profits from our resources.’ Such scepticism was not ill-founded as there had been tensions over funding between central and provincial authorities in the past. In September 2001, for instance, MPR Speaker Amien Rais had warned that ‘the people of Aceh might be furious because the province has only received some 30 per cent of the allocated state budget, although it has been in effect for more than six months.’ Plans by Megawati’s government to review the 1999 autonomy laws also raised concerns in all the regions that Jakarta would attempt to revoke some of the powers that had already been devolved.

A particular problem was the refusal by the Finance Ministry and the state-owned Pertamina oil company to disclose the amount of proceeds that they had previously obtained from oil and gas production in Aceh. This generated confusion over how much revenue Aceh was actually entitled to receive. The central government compounded this

38 Interview with Hasballah M Saad, Bekasi, 11 November 2001.
uncertainty by issuing conflicting statements about Aceh’s budget. On 7 May 2002, the Finance Minister, Boediono, stated that Aceh would receive Rp.2.1 trillion (US$210 million)\(^{40}\) for oil and gas production, while the Minister for Energy and Mineral Resources Minister, Purnomo Yusgiantoro claimed that Aceh’s total 2002 budget would be Rp.1.8 trillion (US$180 million).\(^{41}\) Frustrated by these discrepancies, Governor Abdullah Puteh and a party of Acehnese parliamentarians flew to Jakarta on 22 May 2002 to lodge a formal complaint with MPR Speaker Amien Rais and DPR Speaker Akbar Tanjung. In their submission, the delegation rejected a revised offer by the Finance Ministry to return Rp.1.8 trillion of Aceh’s oil and gas revenue, claiming that they would not settle for less than Rp.2.9 trillion (US$290 million).\(^{42}\) Akbar Tanjung sympathised with the delegation’s demands and conceded that the budgetary discrepancy had aggravated centre-periphery tensions. More candidly, Ahmad Farhan Hamid, an Acehnese legislator in the DPR, pointed out that ‘the government has violated the law, indicating an absence of commitment to the law, which it made.’\(^{43}\)

Even with the reduced central government funding, Aceh still stood to receive a massive budgetary increase under the NAD law. One of the biggest obstacles towards effective economic decentralisation was therefore arguably the provincial administration’s inability to properly manage its increased budget. Since the start of Indonesia’s reform process, there had been initiatives to introduce checks and balances to reduce the embedded culture of corruption within the state bureaucracy, but few had been effective. After the NAD law came into effect, the Syiah Kuala University Law Faculty had made some effort to prepare local government officials to manage their increased budgets by conducting a series of governance-strengthening workshops.\(^{44}\) In the absence of

\(^{40}\) Currency conversions for 2002 are evaluated at an annual average conversion rate of Rp.0.00011 to one US dollar.
\(^{41}\) ‘Dana Migas tak Jelas, Aceh Lapor ke MPR’, *Serambi Indonesia*, 23 May 2002.
\(^{44}\) The workshops were held in February and March 2002, and funded by the USAID Bureau for Democracy, Conflict and Humanitarian Assistance. They focused on drafting regional regulations and developing and critiquing budgets. The first government officials to receive training were from the district administrations of Banda Aceh, Sabang and Aceh Besar. USAID, *Field Report: Indonesia*, January 2002; USAID, *OTI Hot Topics: Indonesia*, March 2002.

http://www.usaid.gov/hum_response/oti/country/indones/
procedural mechanisms to promote accountability and transparency, however, good governance was difficult to enforce. Instead of emerging as one of Indonesia’s wealthiest provinces under special autonomy, Aceh was instead ranked ‘the most corrupt’ in two separate studies conducted by Bank Indonesia’s Centre for Research and Education of Central Banking (PSPK) and by the Economics Faculty of Padjajaran University (FE Unpad). In 2002 alone, there were 766 reported cases of corruption in Aceh, compared with 374 cases the previous year. The vast majority of these cases were not prosecuted, resulting in the loss of hundreds of billions of rupiah to the state.

Many of the financial scandals that rocked Aceh’s provincial administration directly involved Governor Abdullah Puteh, whose use of government funds for ‘vanity projects’ rather than for community rehabilitation and development projects attracted widespread criticism. One particularly controversial project that was even criticised by the DPRD was Abdullah Puteh’s purchase of a helicopter from the Ukraine to transport the governor throughout the province. The helicopter was purchased above market rates and with funds that been allocated to replace outdated electricity installations at the State Electrical Company (PLN), causing frequent power disruptions in Banda Aceh, Aceh Besar and Pidie. In another financial scandal, the governor purchased cars for himself, the vice-governor, the regional secretary and three DPRD members at a total cost of Rp.2.928 billion (US$292,800).

Although the NAD law stipulated that the provincial government must use its increased budget to improve the ‘welfare of the community’, this clause alone did not safeguard the effective or equitable distribution of state funds. Provincial authorities were responsible

46 These corruption cases were recorded by the Banda Aceh-based Solidarity Against Corruption Society (SAMAK). ‘Sebanyak 392 Kasus Korupsi di Aceh Belum Diproses Hukum’, Kompas, 2 January 2003; ‘392 Kasus Korupsi belum Diproses’, Serambi Indonesia, 4 January 2003.
48 For the governor and vice-governor, the cars cost Rp.837 million (US$83,700), for the regional secretary, Rp.378 million (US$37,800), and for the three MPs, Rp.1.83 billion (US$183,000). Murizal Hamzah, ‘Korupsi di Aceh, Penduduk Miskin Meningkat’, Sinar Harapan, 31 March 2003; ‘Gerakan Rakyat Anti Korupsi Minta KPKPN Usut Kekayaan Abdullah Puteh’, Swaranet, 14 May 2003.
for deciding what constituted ‘community welfare’, which they saw as macro-
development projects aimed at transforming Aceh into a regional business centre. Although the provincial administration announced plans to improve public health, education, electricity and running water supplies, its top spending priority was the long-
term development of Aceh’s transportation infrastructure and services. This policy was formalised in September 2002, when Governor Abdullah Puteh launched an ambitious ‘transportation revolution’ to alleviate the isolation of Aceh’s remote communities.\(^{49}\) In fact, the foundations for this ‘revolution’ had been laid almost immediately after the NAD law was passed. On 10 September 2001, Abdullah Puteh revived plans to build a controversial 1,586 kilometre highway, which, when completed, would dissect the famous Gunung Leuser National Park that is inhabited by some of the world’s most endangered wildlife.\(^{50}\) Deriving its name from an acronym of the overland route from the Indian Ocean to the Malacca Straits (\textit{Lautan Hindia Gayo Alas Selat Malaka}), the Ladia Galaska highway was estimated to cost Rp.1.5 trillion (US$165 million).\(^{51}\) Although Abdullah Puteh optimistically announced that the highway would be completed as early as 2004 after the central government released funding for the project, there were setbacks almost immediately after road construction work began in late 2002.\(^{52}\) In January 2003, road work was postponed after a herd of angry elephants mutilated construction workers. Then in February, more than one-million environmentalists worldwide signed a protest petition, prompting the European Union to offer to build a new airport in Southeast Aceh to compensate that district for future income losses along the planned trade route.\(^{53}\) Although road construction resumed shortly after the imposition of martial law, the highway’s close proximity to an earthquake-prone geological fault line meant that the government potentially stood to incur massive ongoing costs for road repairs.\(^{54}\)

Abdullah Puteh’s other ‘revolutionary’ transportation initiatives were similarly ill-fated. In September 2001, the governor announced plans to open an Aceh airline called ‘Seulawah Air.’ Provincial authorities justified the expenditure (Rp.30 billion/ US$3 million) by arguing that the airline would connect Aceh with the rest of the region, and emphasised the airline’s symbolic significance as the Acehnese people had purchased the first planes for the new Indonesian Republic. On 25 September 2002, the airline was launched by President Megawati Sukarnoputri amidst widespread criticism. The Students Coalition for a Peaceful Aceh (KAMADA) described Megawati’s one-hour visit to Banda Aceh’s Iskandar Muda airport as ‘a waste of state resources which could have been spent on welfare programs.’ Critics also attacked Abdullah Puteh’s administration for using the provincial budget to purchase planes instead of funding urgently needed health, education and social programs. Seulawah Air also failed to reach the provincial government’s expectations that it would become an important source of regional revenue as the airline went bankrupt seven months later amidst allegations of embezzlement.

The provincial government’s other plans to develop Aceh’s transportation infrastructure and services that never materialised due to inadequate government funding and low investor confidence in Aceh’s conflict environment. Reflecting the government’s priorities, the Puteh administration made ambitious plans to launch a regional ‘Sumateran Airline’ along with eight other Sumatran provinces. Provincial authorities also urged President Megawati to implement the remaining eight points of B.J. Habibie’s nine-point Aceh plan, as only the promised expansion of the Iskandar Muda airport had been

56 Currency conversions for 2001 are evaluated at an annual average rate of Rp.1,000 to one U.S. dollar.
58 Some 1,300 TNI troops were deployed to secure the presidential visit, during which time two home-made bombs also exploded near the Iskandar Muda airport. Ibnu Mat Noor and Nani Farida, ‘Mega pledges to improve conditions in Aceh’, The Jakarta Post, 23 September 2002. See also ‘Mega Disambut Bom. ‘Saya akan lakukan apapun untuk Aceh’’, Harian Suara Merdeka, 26 September 2002; ‘Makna Peresmian ‘Seulawah NAD Air’’, Suara Karya, 28 September 2002.
60 This initiative designed to promote regional economic cooperation was outlined in a Memorandum of Understanding signed on 12 October 2001. The MoU, which was initiated by Aceh’s provincial government, also included plans to establish a regional shipping line and telecommunications networks, and was signed by representatives from the governments of North, West and South Sumatra, Lampung, Jambi, Bangka-Belitung, Riau and Bengkulu. Apriadi Gunawan, ‘Sumatra governors agree to start airline company’, The Jakarta Post, 13 October 2001.
completed. In particular, Abdullah Puteh wanted to rebuild Aceh’s old Dutch railroad as part of his transportation revolution. Like past presidents, Megawati Sukarnoputri agreed to invest central government funding (Rp.13 billion, US$1.3 million) into the railway project. Megawati also found potential Chinese investors, whose interest in Aceh’s railroad stemmed from China’s other investments into Aceh’s crude palm oil (CPO) export industry, and the need to transport CPO to the province’s industrial harbours. As security conditions worsened, however, Chinese and other investors pulled out of the project and railway construction was again indefinitely postponed.

The return of eighty per cent of Aceh’s fisheries revenue under the NAD law prompted Abdullah Puteh’s administration to take its transportation revolution to the province’s isolated coastal communities. Most of Aceh’s remote fishing villages had been unable to develop their fisheries industries due to inadequate transportation and communications networks. In an attempt to alleviate these problems, Abdullah Puteh announced in August 2002 that his government would allocate Rp.85 billion (US$9.605 million) to develop communications systems in Aceh’s remote communities, and a further Rp.38 billion (US$4.294 million) to procure boats. Instead of purchasing fishing vessels, however, the governor bought a luxury speedboat (kapal cepat) to transport tourists from Banda Aceh to North Sumatra and Penang. Like Abdullah Puteh’s other transportation initiatives, the speed boat purchase attracted many critics who condemned the provincial

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62 The Chinese investors planned to work with the Indonesian Kopalmas Company to open an industrial harbour estate in Kuala Langsa Harbour, East Aceh, as well as to establish other manufacturing plants in Aceh that would use CPO as a raw material. The industrial harbour estate project aimed to improve local employment opportunities by hiring 15,000 residents from Langsa, East Aceh. Although the East Aceh bupati Azman Usmanudin, Langsa mayor, Azhari Aziz, and several local government officials agreed to buy shares in Kopalmas, the project was delayed when Belgian investors pulled out of the project. As a result, the Chinese investors also decided not to proceed with the railway reconstruction. ‘Kopalmas Tunggu Investasi Asing’, Serambi Indonesia, 12 April 2002; ‘Chinese Investors to Build Aceh Railroad in Countertrade for Crude Palm Oil’, Indonesian Business Perspective, Vol. IV, No.4, April 2002.
63 Chapter IV, Article 4 (3), NAD law.
64 Aceh Singkil, South Aceh, West Aceh Daya, Aceh Jaya, West Aceh, Simeulue, Sabang and Aceh Singkil, were all unable to develop their local grouper, lobster and shark oil industries due to a lack of basic infrastructure and regular transportation to Medan. In Sinabang, Simeulue district, the local fishing and prawn industries even struggled to hire fishermen due to a lack of roads to the remote area. Many of these isolated communities also lacked electricity and running water. ‘Diakibatkan Keterbatasan Sendi-Sendi Perhubungan’, Kompas, 19 August 2002.
65 Ibid.
administration for failing to invest in community programs that could have created employment opportunities and generally improved living standards.

The NAD law stipulated that the provincial government was supposed to use at least thirty per cent of its increased revenues for education. Based on the Finance Ministry’s conservative allocation of Rp.1.8 trillion (US$198 million) for 2002 alone, Aceh’s education budget was expected to increase by at least Rp.54 billion (US$5.94 million) in the first year of implementation. In addition to this massive budgetary increase, the central government and foreign donors pledged millions of dollars in humanitarian assistance to rebuild Aceh’s destroyed schools and to provide scholarships to Acehnese students. While these funds were more than adequate to meet Aceh’s educational needs, tens of thousands of Acehnese children remained deprived of an education, either because their schools had been burnt down, their teachers were threatened or attacked, or their parents were poor or displaced by the violence. Throughout 2002, school attendance rates in Aceh continued to fall well below the national average. According to one World Bank survey, Acehnese school attendance rates for 2002 were about fourteen per cent below the national average for primary school students, and eleven per cent lower for high school students. Other reports by the World Food Program found that in North and West Aceh, where school attendance rates were the lowest in Indonesia,
the main reason for non-attendance was a lack of access to educational facilities.\(^{71}\) This was largely due to the escalating violence. As the Director of Aceh’s Education Department, Syahbuddin AR, explained, ‘school is not safe anymore.’\(^{72}\) In West Aceh, for example, some 2,000 children from twenty-one primary schools had no access to education because their teachers, who mostly came from outside the area, were threatened, intimidated or assassinated by unknown gunmen.\(^{73}\) In September 2001, the Banda Aceh-based *Serambi Indonesia* newspaper reported that 135 teachers had become victims of violence, and thirty of that number had been killed.\(^{74}\) Schools also continued to be incinerated. By March 2003, at least 850 schools had been burnt down by unknown arsonists.\(^{75}\) In addition to the worsening conflict, however, the provincial administration allegedly misappropriated some, or all, of Aceh’s education budget. In September 2002, *Serambi Indonesia* reported that the provincial government had not yet spent any of Aceh’s annual education budget, which remained concealed’ in a Regional Development Bank.\(^{76}\) While there were occasionally positive reports of underprivileged students receiving scholarships and of schools being rebuilt, the overall state of education in Aceh remained inferior to the rest of Indonesia.

General living standards in Aceh also deteriorated after the NAD law came into effect. In December 2002, local government officials estimated that sixty per cent of Aceh’s 4.2

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71 According to the World Food Program (WFP), sixty-two per cent of household respondents in West Aceh and thirty-nine per cent in North Aceh claimed that their children did not attend school, and cited a lack of access to education in their areas as their primary reason for non-attendance. No internally displaced children in those districts had regular access to education, which correlated closely with high unemployment and poverty levels. In North, East, West and Central Aceh, for example, the unemployment levels of IDPs was eighty-five per cent or higher, with limited opportunities to become involved in social organisations or activities. In other surveyed Aceh regencies the WFP reported that most IDP children had the same opportunities to attend school as other Acehnese, with ninety-four per cent of IDP children being enrolled in school in Banda Aceh, ninety-one per cent in Central Aceh and eighty-five per cent in East Aceh. See World Food Program, ‘Aceh Utara, Aceh Tengah, Aceh Timur and Kupang Rural hardest hit by poverty and unemployment’, *www.idpproject.org*, June 2002; ‘WFP survey shows few opportunities for displaced from Aceh to become socially involved’, *www.idpproject.org*, June 2002; ‘Almost half of the Aceh IDP Household heads surveyed are unemployed’, *www.idpproject.org*, June 2002; ‘Aceh Barat (62%) and Aceh Utara (39%) have the highest rates of non-attendance mainly because of lack of access (June 2002)’, *www.idpproject.org*, June 2002; ‘WFP survey shows no IDP children surveyed in North and West Aceh have access to education’, *www.idpproject.org*, June 2002.


million people (that is, 2.52 million) lived below the poverty line.\textsuperscript{77} If accurate, this figure represented a disturbing increase from 2001, when an estimated 1.1 million Acehnese officially lived in poverty.\textsuperscript{78} By late 2002, about 10,000 homes had also been destroyed by the unabated fighting.\textsuperscript{79} Although salaries in Aceh were not below the national average, provincial authorities estimated that forty per cent of the population was unemployed by February 2003, representing a ten per cent rise since June 2001.\textsuperscript{80} Only about half the province had access to safe drinking water and electricity.\textsuperscript{81} In oil and gas-rich North Aceh, where the wealth gap between multinational company employees and the rest of the population was especially pronounced, the majority of satellite villages around the industrial capital of Lhokseumawe continued to lack both running water and electricity.\textsuperscript{82} Health levels also remained significantly worse amongst the poor in Aceh than in other Indonesian provinces due to inadequate access to health centres and medical treatment.\textsuperscript{83} Although Aceh did not suffer from a shortage of health professionals, many health workers refused to accept postings in conflict rural areas. Even though it did not seem to be in the interests of either GAM or the TNI/Polri to destroy health services and facilities, there were many attacks on sub-provincial level Puskesmas (Primary Health Centres) and village auxiliary health centres. By December 2002, one-quarter of Puskesmas had damaged infrastructures and only thirty-four per cent of Aceh’s auxiliary health centres continued to operate. Of the latter group, just seventeen per cent were equipped with adequate medical supplies.\textsuperscript{84}

While the escalating violence on the ground severely restricted the government’s capacity to effectively redistribute state resources under the NAD law, Abdullah Puteh’s administration did not pursue a reformist agenda or treat community development and rehabilitation programs as a policy priority. Through its wasteful expenditure and

\textsuperscript{77} ‘Govt faces uphill battle to rebuild battered Aceh’, \textit{The Jakarta Post}, 13 December 2002.
\textsuperscript{81} The World Bank, \textit{Promoting Peaceful Development in Aceh}, pp. 4-5.
\textsuperscript{82} ‘Infrastruktur Dirusak, Rakyat Aceh Makin Menderita’, \textit{Kompas}, 12 July 2002.
\textsuperscript{83} The World Bank, \textit{Promoting Peaceful Development in Aceh}, pp. 4-5.
\textsuperscript{84} \textit{Ibid.}
generally poor management of Aceh’s increased budget, the provincial government exacerbated the already dire circumstances experienced by the civilian population. As a result, the dominant public perception that special autonomy would only serve elite interests and not community needs and interests was reinforced rather than reduced.

7.4 Islamic law

The Islamic law component of the NAD law was aimed at establishing an institutional and procedural basis for Law No. 44 of 1999. The preamble of the legislation stipulated that Law No. 44/1999 must ‘be harmonised with’ Law No. 18/2001. Reflecting the belief amongst some political leaders in Jakarta that the contemporary conflict had stemmed from Jakarta’s failure to honour the terms of the Darul Islam settlement, the preamble also made reference to the ‘high resilience and fighting spirit’ of the Acehnese people derived from their ‘strong Islamic culture.’

Although the DPRD and provincial government had started to implement Law No. 44/1999 under Abdurrahman Wahid’s tenure, the capacity of provincial authorities to enforce religious regulations had been limited by the absence of a legal body to decide on Syari’ah cases. To redress this problem, Chapter XII of the NAD law created an Islamic court system (Mahkamah Syari’ah) that was to be ‘free from the influence of any party’ and only apply to ‘followers of Islam’ within the territory of Aceh.85 Under the new system, non-Muslims were to remain subject to national law. The Mahkamah Syari’ah formed part of the national legal system with recourse to appeals at the Supreme Court in Jakarta.86 The Mahkamah Syari’ah was also envisaged to comprise two tiers, whereby ‘first level’ sub-provincial Islamic courts could appeal to the provincial Mahkamah Syari’ah in Banda Aceh.87 Judges of the Mahkamah Syari’ah were to be appointed by the Indonesian president on recommendation by the Justice Minister, the governor of Aceh and the Supreme Court chair.88 Further regulations on the court’s jurisdiction were to be

85 The NAD law, Chapter XII, Article 25(1),(3).
86 Chapter XII, Article 25(2).
87 Chapter XII, Article 26(1).
88 Chapter XII, Article 26(3).
mandated by *qanun* passed by Aceh’s DPRD in accordance with existing national legislation.

While provincial authorities and Acehnese *ulama* welcomed the opportunity to establish an Islamic court system, several questions remained about whether Islamic law could be successfully enforced in Aceh. First, there was a high level of confusion over what form the Islamic legal system should take, even though the institution of the *Mahkamah Syari’ah* was not new to Aceh. *Mahkamah Syari’ah* had operated in Aceh during the late 1940s and 1950s with ‘jurisdiction over a wider subject matter than Islamic courts anywhere else in the archipelago’, although the courts had no legal basis until 1957.\(^89\) Despite this precedent, there was considerable debate amongst religious and political leaders and academics over complex legal issues such as what school(s) of Islamic law (*madzhab*) to apply in Aceh, the relationship between *adat* (customary law) and *Syari’ah*, and punishments for different offences. For these reasons alone, some legislators predicted that the implementation of Islamic law in Aceh would take ‘more than one hundred years’\(^90\) to complete. Provincial authorities and religious leaders were also concerned about the extent to which Jakarta would allow the *Mahkamah Syari’ah* to develop separately from the civil judicature, and whether its decisions would be upheld by the Supreme Court under appeal.\(^91\)

Faced with these difficult issues, the provincial government decided to prepare for the establishment of the *Mahkamah Syari’ah* by passing a slate of new *qanun*. In 2002, the DPRD passed two new *qanun* on forming a *Syari’ah* court and implementing aspects of Islamic law on faith (*aqidah*), religious devotion (*ibadah*) and the magnificence/greatness


\(^90\) Curiously, this exact phrase was used by both Dr. Ir. Sudarsono (Director General of Regional Autonomy) and Prof. Dr. Abdul Gani Abdullah (Director General of Legislation) in separate interviews conducted in Jakarta on 21 and 22 November 2001.

of Islam (Syi’ar Islam).\textsuperscript{92} In 2003, when the Mahkamah Syari’ah was established by Presidential Instruction No. 11/ 2003, more qanun were introduced to apply specific penalties for the sale of alcohol (khamar), gambling (maisir) and intimate contact between men and women (khalwat) who were not related by birth or marriage.\textsuperscript{93} Another important procedural qanun, introduced in 2003, outlined the functional relationship between the MPU, provincial executive, legislature and other Aceh institutions.\textsuperscript{94}

The main impetus for draft qanun on Syari’ah came from the MPU. Although the NAD law did not grant any new powers to the ulama, the MPU acted upon their increased political leverage under Law No. 44/ 1999 to exert influence over the legislative process. The goal of the MPU was to restore Islam, and the ulama themselves, as a powerful socio-political force in Aceh. Despite his secular nationalist Golkar credentials, Abdullah Puteh ingratiated himself with the MPU in an attempt to strengthen his administration’s moral and political legitimacy. Praising the ulama ‘as people who believe in Allah and light up the earth’, the governor encouraged the MPU’s political ambitions by inviting them to ‘step forward and give advice to all sides’ to resolve the conflict through an Islamic approach.\textsuperscript{95}

As a conflict management strategy, however, the implementation of Islamic law was largely unsuccessful. While the government achieved its limited goal of securing the cooperation of the ulama, it did not realise its broader objective of reducing anti-Jakarta sentiment. That the political ascendancy of the MPU did not translate into a reduction in community support for GAM was partly due to the MPU’s close relationship with Abdullah Puteh’s widely discredited government. In Aceh, the biggest criticism was not of Islamic law itself, but of the provincial government’s handling of Syari’ah, which

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\textsuperscript{92} Qanun No. 10/ 2002 tentang Peradilan Syariat Islam; Qanun No.11/ 2002 Tentang Pelaksanaan Syariat Islam Bidang Aqidah, Ibadah dan Syi’ar Islam.

\textsuperscript{93} Qanun No. 12/ 2003 tentang Minuman Khamar dan Sejenisnya; Qanun No. 13/ 2003 tentang Maisir (Perjudian); Qanun No. 14/ 2003 tentang khalwat

\textsuperscript{94} Qanun No. 9/2003 tentang Hubungan Tata Kerja Majelis Permusyawaratan Ulama dengan Eksekutif, Legislatif dan Instansi Lainnya pada Ketentuan Umum.

\textsuperscript{95} ‘Ulama Diharapkan Tampil Selesaikan Masalah Aceh’, Serambi Indonesia, 4 December 2001.
critics claimed had reduced Islamic law to a political elite commodity. According to one Acehnese legislator, Muchlis Muchtar, ‘rampant’ moral and political corruption within Abdullah Puteh’s administration meant that ‘people have half-heartedly welcomed the decision [to impose Syari’ah] despite the fact they had eagerly awaited it.’

On 15 March 2002, for instance, Aceh’s Islamic New Year (1 Muharam 1423 Hijriah) celebrations were tainted by allegations that the governor had paid Rp.7,500 (US$0.75) to some 20,000 people to march as ‘Syari’ah supporters’ in the New Year parade. This sort of behaviour was seen to undermine the objectives of Syari’ah and prompted the Head of the Syari’ah Agency (Dinas Syari’at Islam), Prof. Alyasa Abubakar, to call on the DPRD to introduce a ‘qanun anti-korupsi.’ As Alyasa Abubakar pointed out, ‘if the state has Anti-Corruption Regulations, what’s the problem if Aceh has anti-corruption Qanun?’

The most vociferous critics of the provincial administration’s interpretation of Islamic law were GAM and Acehnese women’s groups and organisations. GAM accused Jakarta of using Islamic law to create a new horizontal conflict based on ‘SARA’ [Suku, Agama, Ras, Antargolongan/ Ethnic, Religion, Race and Inter-group]. As GAM spokesman Sofyan Dawood pointed out, ‘The Aceh conflict cannot be resolved with Syariat Islam that is offered by outside forces, because Syariat Islam is already the flesh and blood of the Acehnese nation.’

Acehnese women’s organisations also expressed frustration over the provincial administration’s emphasis on wearing the jilbab at the expense of their protection. These fears were not groundless, especially as a billboard was erected in Banda Aceh in March 2002 ‘with the picture of a young woman without a jilbab cowering in fear with an image of a [pair of] scissors near her, next to a smiling woman in a jilbab.’

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99 Ibid.
101 Suraiya Kamaruzzaman in 'Syari'ah in Aceh silencing women's voices', The Jakarta Post; 8 April 2002.
Meanwhile, the provincial government moved to enforce Islamic law by placing Aceh’s regional police force in charge of implementation until such time as a separate Syari’ah police force could be established. On 15 February 2002, the police ordered the owners and employees of beauty salons, barber shops and hotels to refrain from wearing ‘sexually arousing clothing, which does not reflect Islamic law’, and to provide separate services for men and women to prevent anyone from committing ‘an act that could lead to a sinful deed.’ Under orders from the governor, the police also began to enforce the Islamic dress code (*Wajib Tutup Aurat*), which required women to conceal all body parts except for faces, hands and the soles of their feet, and men to cover their midriff and wear shorts covering their knees. In another initiative to implement Islamic law, the DPRD passed a decree in November 2002 to employ a ‘lashing executioner’ (*algojo hukuman cambuk*) from the start of *Ramadhan* that year. Although the NAD law stipulated that non-Muslims were not subject to Islamic law, the new *qanun* included provisions to punish anyone who propagated un-Islamic beliefs or disturbed or prevented others from worshipping (punishable by up to twelve strokes of the cane or two years imprisonment). Muslims who failed to attend prayers for three consecutive Fridays without an acceptable reason also faced punishment by three strokes of the cane or six months imprisonment, while street vendors and restaurateurs who sold food or beverages during *Ramadhan* were liable to six lashes, one year in jail or a fine of Rp.3 million (US$330). Other punishable offences included up to four months imprisonment or two strokes of the cane for anyone caught consuming food or beverages in public eating places during *Ramadhan*.

Some of these punishments were difficult to enforce and reflected the inexperience of the legislators. Many of the MPU ulama who drafted the *qanun* on Syari’ah came from Islamic boarding schools and did not have legal backgrounds. The traditionalist thinking

of these ulama, for instance, was reflected in the punishment for Muslims who failed to attend the mosque for three consecutive Fridays, which failed to take into account travel for work or visits to family members in other areas. While it would have been relatively easy to monitor mosque attendance in villages with only one mosque and where most villagers lived below the poverty line, it was more difficult in towns and cities. There was also ambiguity over what constituted ‘propagating un-Islamic beliefs’ and how this would apply to non-Muslims who were supposed to remain subject to civil law.

Interestingly, the caning qanun attracted little criticism from either the Acehnese people or from Jakarta. Although MPR Speaker Amien Rais had previously strained Indonesian-Malaysian relations in August 2002 by accusing Malaysia’s Prime Minister Dr. Mahathir Mohamad of imposing the ‘inhumane’ and ‘insulting’ punishment of caning illegal Indonesian workers, he remained conspicuously silent on Aceh’s caning qanun. In Aceh, there were also few critics of the caning qanun, largely because of the entrenched acceptance of conservative religious norms and values amongst Acehnese society. A notable exception was Dr. H. A. Hamid Sorong, an Islamic law lecturer at the IAIN, who called on Abdullah Puteh’s government to refrain from tarnishing the image of Syari’ah by using it to perpetuate the cycle of violence in Aceh.

In fact, the implementation of aspects of Islamic law had no impact on the reduction of violence. When the Mahkamah Syari’ah was eventually inaugurated by Presidential Instruction No. 11/2003 on 4 March 2003, the court was only authorised to decide on such offences as the consumption of alcohol and the failure to attend Friday prayers. Although provincial authorities envisaged that the court’s jurisdiction would later expand to resolve more serious crimes such as theft, adultery and murder, the depredations committed against the civilian population by Indonesian security forces personnel

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continued to fall under the jurisdiction of military tribunals or the national court system. In practice, there was no legal recourse to justice for the majority of Acehnese people as the rule or law did not exist and the majority of judges in the civil judicature had fled the province under threat by GAM (see Chapter Six).

There were also questions about the capacity of the police to enforce Islamic law. At first, Aceh’s regional police force was responsible for enforcing Islamic law. 109 Then in 2003, a Syari‘ah police force called Wilayatul Hisbah (lit; Control Team) was established by gubernatorial decree to monitor and implement Islamic law. At first, the moral police force only comprised about 200 personnel who operated in and around Banda Aceh. 110 Although the green-and-white uniformed Wilayatul Hisbah later became more prominent, their ability to implement Islamic law was impeded by the same problems of inadequate funding and poor professionalism that reduced the efficacy and credibility of Indonesia’s other security forces. 111 In June 2005, for instance, the NGO AcehKita reported that Wilayatul Hisbah officers, who were supposed to receive a salary of Rp.500,000 (US$50) per month, had not been paid for several months. 112 After the December 2004 tsunami and earthquake in Aceh, when the Wilayatul Hisbah became more assertive, they also earned a reputation for ‘arrogance’ and ‘thuggery’ in their dealings with the civilian population. 113

Like the national legal system, justice under Islamic law was discriminately dispensed and largely restricted to those who could financially afford it. People who were able to pay fines for such offences as adultery, gambling and consuming alcohol were not subjected to the public humiliation and physical pain of being caned. While fines and

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110 The functions and duties of the Wilayatul Hisbah are outlined in Qanun No.11/ 2002, Article 14, Qanun No.12/ 2003, Article 17, Qanun No.13/ 2003, Article 15, and Qanun No.14/ 2003, Article 14.
111 The Wilayatul Hisbah were mainly recruited from Islamic boarding schools and the State Islamic Institute (IAIN). The jurisdiction of the religious police force fell under the Dinas Syari‘at government agency. They were trained by regional police units. ‘Disiapkan 2.500 Polsus Syariah’, Kompas, 14 March 2002; ‘Aceh to form religious police to enforce ‘Syariah”, The Jakarta Post, 8 March 2002; ‘Aceh to recruit religious police for Syariah’, Inproproda Research, 27 June 2002.
other punishments were meted out for moral misconduct and other violations of Syari’ah, the DPRD did not move to introduce qanun on corruption. According to Prof. Alyasa Abubakar, the Dinas Syariat Islam Director, this was not a priority for the DPRD because ‘there is already national legislation on corruption.’ The selective application of justice in Aceh, however, created resentment amongst the civilian population and reinforced the general perception that Islamic law had been reduced to a political elite commodity. Reflecting this resentment, one Banda Aceh resident asked: ‘Why is the caning sentence only targeting the gamblers, drinkers and those who have committed adultery? It should apply also to the graft convicts.’

7.5 Direct Local Elections

For the central government and GAM, the most politically contentious component of the NAD law was a provision granting the Acehnese people the right to directly elect their own government representatives. Chapter VIII of the NAD law stipulated that Aceh's governor, vice-governor, mayors and bupati (regents) must be ‘directly elected for 5 (five) years through an honest, fair, democratic, free, and confidential election.’ To manage and supervise gubernatorial elections, the legislation created two new institutions: an Independent Electoral Commission and a Supervisory Electoral Commission. This concession went well beyond Law No. 22/1999, which only granted the other regions the right to indirectly elect governors, bupati and mayors in local legislatures. In accordance with national legislation, Chapter IX of the NAD law stipulated that Acehnese people were eligible to vote if they were Indonesian citizens (domiciled in the territory of Aceh) of 17 years or older, who have been, or are already married, and have not had their voting rights revoked by the court.

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116 The NAD law, Chapter VIII, Article 12(1).
117 Chapter VII, Article 13(2) of the NAD law stipulates that members of the Independent Electoral Commission must comprise members of the National General Elections Commission and members of Acehnese society. Under Article 13 (3), the Supervisory Electoral Commission must comprise DPRD members, members of the National General Elections Commission and members of Acehnese society.
118 The NAD law, Chapter IX, Article 17. Under Indonesian law, all adult citizens are eligible to vote except for active members of the armed forces, prisoners who are serving a sentence of five years or more, people who suffer from certified mental disorders, and people whose voting rights have been revoked by a
The provision for democratic direct local elections reflected a genuine desire by the drafters of the NAD law to restore Acehnese faith in Indonesian governing processes. As one of the Acehnese drafters, Farhan Hamid, explained, the aim of direct local elections was to demonstrate Jakarta's confidence in the capacity of Acehnese society to ‘self-govern in accordance with national life’ and ‘in accordance with what the Acehnese people see as important.’\footnote{Interview with Dr. Ahmad Farhan Hamid (Acehnese DPR legislator), Jakarta, 29 October 2002.} Other reform-minded legislators and bureaucrats in Jakarta believed that it had been a mistake to hold indirect local elections for bupati and mayors under Law No. 22/1999. After the 1999 autonomy laws had come into effect, there were widespread rumours that certain bupati began to see themselves as more important than their appointed forebears, earning reputations as ‘little kings’ or ‘mini-Suhartos’. The first sub-provincial elections across the country had also been marred by allegations of vote-buying and had produced political leaders who were more concerned with ‘money politics’ and with competing local elite interests than the specific needs and aspirations of their constituents.\footnote{Ito Takeshi. ‘The Dynamics of Local Governance Reform in Decentralizing Indonesia: Participatory Planning and Village Empowerment in Bandung, West Java’, \textit{Asian and African Area Studies}, 5(2), 2006, p.146.} For this reason, political reformers in Jakarta envisaged that ‘with direct local elections, there will be more pressure on bupati to be accountable.’\footnote{Interview with Andi A. Mallarangeng, Jakarta, 17 October 2002.} The provision hold direct elections under the NAD law therefore seemed, at least in part, an attempt to encourage greater Acehnese participation in the political process and to elect more responsible local government leaders.

A conspicuous omission from the NAD law was the right to form local political parties. When the NAD law was passed, only parties with a nationwide presence were allowed to register in general elections. This omission, however, effectively excluded GAM from the potentially becoming involved in Indonesian political processes. Within Megawati’s government, there was a strong perception that if GAM were allowed to form a local political party then the rebels would openly campaign for independence. There was some court verdict. This last category included remnants of the Indonesian Communist Party (PKI), whose voting rights were revoked in 1966 and only restored by Law No.12/2003 (Article 66(G)) on General Elections. ‘Putusan Mahkamah Konstitusi: Eks PKI Boleh Jadi Caleg’, \textit{Kompas}, 25 February 2004; ‘Rekonsiliasi dan Bayangan ‘Dendam’’, \textit{Suara Merdeka}, 1 March 2004.

\footnote{Interview with Andi A. Mallarangeng, Jakarta, 17 October 2002.}
truth in this belief as GAM had already refused to participate in elections within the very state from which they sought to secede. During the Aceh peace talks under Megawati, the elections issue was a major sticking point for both sides. For Jakarta, any elections in Aceh must be positioned within the ‘NKRI’ framework and aim to strengthen the Indonesian state. For GAM, the purpose of local elections was to realise the aspirations of the Acehnese people to vote on the government of an independent ‘State of Acheh.’

The rebels’ ban from, and refusal to, transform into a political party threatened to undermine the central government’s capacity to restore Acehnese confidence in Indonesian authority. Excluding GAM from direct local elections created a risk that the rebels would attempt to sabotage them, as they already shown they were capable of during their successful boycott of the 1999 general elections in Aceh. At any given time, GAM’s political influence far exceeded that of the Indonesian government in rural Aceh, where three-quarters of the local population lived, and where Hasan di Tiro was still revered as a symbol of resistance against Indonesian repression. For this reason, the majority of Acehnese political elites acknowledged that a lasting settlement to the conflict could not be achieved without GAM’s support. As Hasballah M. Saad explained, ‘the government gave the Acehnese the chance to elect their own leader, but outlawed the election of our [GAM] brothers outside the country.’

Apart from GAM’s total rejection of the NAD law, there were positive signs that many Acehnese civilians supported direct democratic local elections. In August 2002, the Jakarta-based Centre for Electoral Reform (CETRO), Kompas newspaper and the Foundation for Human Rights Care in Aceh conducted a joint opinion poll in fourteen of Aceh’s then twenty districts, which found that 91.3 per cent of 1,114 respondents wanted to directly elect their own government representatives. Encouraged by this outcome, CETRO organised a mock election campaign in Tamiang district in October 2002, in association with volunteers from the Tamiang-based NGO Ma'arif Education Foundation.

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CETRO selected Tamiang to host the simulated election because the recently established district only had an acting *bupati* but no legislative assembly members. Tamiang residents enthusiastically welcomed the educational exercise, which included a public forum on electoral procedures and a simulated political campaign at five local high schools, where six candidates explained their visions, missions and work programs for Tamiang to about 700 students. Senior high school students were chosen because they would become first-time eligible voters in Indonesia’s 2004 general election. While GAM did not participate in the mock elections, the rebels reportedly asked many ‘indirect’ questions because ‘even if they one day form their own independent state they will still have to hold elections.’ As CETRO’s Executive Director, Smita Notosusanto, explained at that time, direct democratic local elections could be an effective conflict management tool because ‘if GAM are given incentives like allowing them to contest elections, then maybe there will be incentives for GAM to lay down their arms.’ As it turned out, this is exactly what happened after the signing of a successful 2005 peace agreement in Helsinki with GAM under the government of Susilo Bambang Yudhoyono. In July 2006, after almost one year of peace, the DPR legislated to allow the Acehnese to form local political parties and to hold direct democratic local elections. While GAM decided not to contest those elections, several GAM members nominated to run as independent candidates. Back in 2002, however, the Megawati administration treated the rebels as terrorists to be annihilated rather than as ‘an equal entity.’ Megawati Sukarnoputri had little interest in actively pursuing a non-military approach, and lacked the necessary political will to create democratic space to build trust and work towards a sustainable negotiated settlement.

Despite its limitations, the provision to hold direct democratic local elections under the NAD law could have gone some way towards alleviating Aceh’s political leadership

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124 Interview with Smita Notosusanto (Executive Director of CETRO), Jakarta, 30 October 2002.
125 Two political parties were established for the mock election—*Partai Durian* (Durian Party) and *Partai Manggis* (Mangosteen Party). One male and female candidate were nominated for each party by their peers, as well as male and female independent candidates.
126 Interview with Smita Notosusanto, Jakarta, 30 October 2002.
127 Ibid.
crisis. This provision was far from optimal, but it did represent a considerable improvement on Law No. 22 of 1999, which only granted indirect local elections to the other regions. In Aceh, direct democratic local elections under the NAD law could have reduced the chasm between provincial government leaders and the civilian population by encouraging government representatives to become more accountable to their constituents. While GAM’s attitude towards Indonesian elections would still have presented a serious obstacle, the Tamiang mock elections tapped into a genuine desire by Acehnese civilians to actively participate in their region’s political future. That Tamiang was also well known as a violent district, in which Indonesian security forces personnel were rumoured to dispose of corpses, also raised questions about whether it was too idealistic to think that direct democratic local elections might have been possible even within the context of Aceh’s conflict environment.

After the ‘Cessation of Hostilities [Framework] Agreement’ (CoHA) came into effect in December 2002, however, the Megawati administration made it clear that it had no intention of holding direct local elections under the NAD law. The elections issue arose after both sides disputed a provision in the CoHA to elect ‘a democratic government in Aceh, Indonesia.’ At first glance, it seemed that Jakarta had agreed to allow the Acehnese people to democratically elect their own government representatives. It soon became apparent, however, that both sides had very different ideas about what the elections entailed. Days after the CoHA was signed, Susilo Bambang Yudhoyono clarified the central government’s position by announcing that ‘There will be no so-called local election [in Aceh]…It would go against our local constitution.’ As Susilo explained, the Acehnese people would only be allowed to vote in the forthcoming 2004 general election. Significantly, Jakarta’s position contravened both the spirit of the CoHA and the NAD law. GAM, too, misinterpreted both documents by arguing that ‘There will be two elections in Aceh in 2004, one for Indonesia and one for Aceh. The latter will

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shape a new Acehnese government.\textsuperscript{131} GAM spokesman Sofyan Dawood also clarified that the rebels would not form any political party ‘because political parties do not have the right to carry weapons’ and GAM’s national duty was to ‘make sacrifices’ for the Acehnese people.\textsuperscript{132}

Although Indonesia's chief negotiator to Geneva, Wiryono Sastrohandoyo, agreed with the central government that the Acehnese should only be allowed to participate in the 2004 general elections, he nevertheless urged the government to ‘find a way to enable GAM to participate in the political process’ since ‘what we want is to ask them to return as citizens who are able to participate in politics in Indonesia.’\textsuperscript{133} Wiryono's comments were made as the DPR deliberated a bill on national elections. When the new election law was passed, however, it contained no provisions to form local political parties that could have democratically accommodated Acehnese separatists within the Indonesian nation-state.

As the CoHA began to unravel, the Henri Duna nt Centre project manager in Aceh, David Gorman, attempted to clarify the elections issue. In a public statement, Gorman pointed out that both sides had misunderstood the election provision in the CoHA, because an all-inclusive Aceh dialogue must be held before direct local elections in Aceh, which were ‘different from a national election’ and would ‘not discuss the problems of independence or a referendum.’\textsuperscript{134} The HDC project manager also suggested that Indonesia’s General Election Commission (KPU) had not properly understood that both sides had agreed to hold two separate elections in Aceh, which could either be held concurrently or on different dates. Despite this clarification, both sides refused to depart from their irreconcilable positions on the election issue. Some Acehnese legislators and government officials also continued to express confusion about whether the CoHA elections were


different from those under the NAD law. Others simply resigned themselves to the fact that there would be no direct democratic local elections in Aceh after the central government withdrew from the CoHA and imposed martial law in the province.

7.6 Birth of a New Galaksi?
One under-reported dimension of the contemporary conflict, and of Indonesia’s decentralisation process in Aceh, has been the sometimes strained relationship between Aceh’s minority groups and the ethnic Acehnese majority. In most scholarly works and popular discourse on Aceh, the Acehnese people have usually been constructed as a singular ethnic and cultural entity. During the conflict, GAM promoted this representation of Acehnese unity to justify their goal of returning to an independent state of ‘Acheh, Sumatra.’ Jakarta also portrayed the Acehnese people as a singular ethnic grouping within the Indonesian nation-state. What was often overlooked, or ignored, in the contest over these competing nationalisms were the interests and aspirations of Aceh’s ethnic minorities. As noted in Chapter One, almost twenty per cent of Aceh’s population is not ethnic Acehnese, claiming membership of at least seven indigenous ethnic minorities, as well as non-ethnic minorities. It is worth briefly discussing here, then, the attitudes by some of Aceh’s ethnic minorities toward Jakarta’s offer of special autonomy, which are illuminating in terms of the central government’s generally sympathetic attitude towards their grievances and concerns.

The most vocal Acehnese ethnic minority movement in the post-New Order conflict was the so-called ‘Galaksi’ (an acronym of the Gayo, Alas, Kluet and Singkil ethnic groups). Formed in late 2000, representatives from four of Aceh’s ethnic minority groups formed the Galaksi movement with a view to cutting all ties with Aceh and creating a separate ‘Leuser Antara’ province. Citing closer ethnic and cultural ties with the Batak people of North Sumatra than with the Acehnese people, the Galaksi movement comprised a small group of bupati, ulama, students and NGO leaders from the districts of Central and

Southeast Aceh and Aceh Singkil. According to Galaksi advocates, Indonesia’s decentralisation process had failed to accommodate Aceh’s ethnic minorities, who wanted ‘rights like the people in Gorontalo, Banka-Belitung and other new provinces.’

The formation of the Galaksi movement was also related to the escalating conflict in Aceh’s hinterland area. As discussed in Chapter Six, Central Aceh in particular had become the scene of strong racial violence by mid-2001. Pre-existing tensions between the three main ethnic groups of Central Aceh (Acehnese, Gayo and Javanese) resurfaced as GAM attempted to gain greater influence amongst the poorer Acehnese and Gayo people by attacking Javanese transmigrants and burning their homes. In retaliation, the TNI and its civilian militia proxies attacked GAM. While Galaksi advocates also formed a civilian militia, the movement’s primary political focus included a complex array of ethnic, political and socioeconomic grievances.

The Galaksi movement provoked a hostile response from both GAM and Aceh’s provincial government. For GAM, Galaksi advocates were ‘slaves of colonisers’ and ‘national traitors’ who had no knowledge of Acehnese history, and who betrayed the Acehnese people by promoting the national disintegration of their homeland. For the provincial government, Galaksi proponents were troublemakers with an ‘illogical’ set of demands. As Aceh’s then acting governor, Ramli Ridwan, argued, Galaksi advocates would ‘still feel isolated’ and their circumstances would ‘continue as usual’ even if they achieved their goal of forming a separate province. Provincial government authorities


also resented attempts by Galaksi advocates to discredit them through accusations of corruption and neglect. For example, the Southeast Aceh *bupati*, Syahbuddin BP, claimed that people in his district wanted to break away from Aceh because for the past five years Southeast Aceh’s budget had been twenty per cent lower than what had been allocated by the provincial government.141

Although Jakarta initially ignored Galaksi advocates, ministers in Megawati Sukarnoputri’s government began to pay attention to their demands after the NAD law was passed. Conservative nationalists in Jakarta who were suspicious of the NAD law sympathised with the Galaksi movement’s complaint that the nomenclature in the NAD law made Aceh’s ethnic minorities feel ‘confused because our language is different from that in Banda Aceh. We don't know the meaning of *nanggroë*, *qanon*, and some other different terms in the government legislation.’142 When Galaksi advocates flew to Jakarta on 26 July 2001, they were warmly received by Indonesia’s most senior political leaders, including President Megawati Sukarnoputri, Vice-President Hamzah Haz, Coordinating Minister for Political Affairs and Security Suslio Bambang Yudhoyono and Home Affairs Hari Sabarno. According to the Central Aceh *bupati*, Baihaqi A. K., Hari Sabarno had been especially enthusiastic about the idea of partitioning Aceh and only ‘awaited a formal response from Mrs Mega and Mr. Hamzah.’143

Though Megawati Sukarnoputri and Hamzah Haz shared the Galaksi movement’s reservations about the NAD law, they were reluctant to adopt a divide-and-conquer strategy that could have further exacerbated Acehnese sentiment and separatist activity. Hamzah Haz was concerned that creating a new *pemekaran* (administrative division) would have further drained the state’s limited resources by ‘adding and extending the bureaucracy.’144 Megawati may also have been concerned because her husband, Taufiq Kiemans, reportedly had business interests in Aceh and was friends with Aceh Governor

Abdullah Puteh, who opposed the partition. Like most Acehnese political elites, Abdullah Puteh did not want to see any changes to Aceh’s territorial borders that could have jeopardised the implementation of the financially lucrative NAD law. As Aceh’s provincial government spokesman, Husni Bahri, explained, the idea of dividing Aceh was ‘just a dream’ because the government had no intention of revising the NAD law. Husni further pointed out that those minority groups who sought to break away from Aceh for ‘ethnic’ and ‘cultural’ reasons were actually indigenous Acehnese people.

Another common perception in Jakarta was that Aceh’s marginalised ethnic minorities would be satisfied by implementation of the NAD law. There was some truth in this as the Galaksi movement temporarily lost momentum after the NAD law came into effect in January 2002. It was around this time that Galaksi advocates began to question whether they would accrue the same financial benefits in a separate province, especially as Central and Southeast Aceh and Aceh Singkil had no oil and natural gas reserves and relied on revenue generated by the industries in North Aceh. As the Southeast Aceh bupati, Armen Desky, explained, he had grown ‘hesitant’ about pushing for a Leuser Antara province because under the NAD law ‘the balancing of finances has already become sufficient, so we are bargaining to find the best solution.’ Similar doubts were expressed by Aceh Singkil bupati Makmur Syahputra, who admitted that his district could incur considerable financial losses if it separated from Aceh, especially during the first eight years of special autonomy when Aceh stood to receive seventy per cent of oil and natural gas revenue generated within its borders.

Despite these strong economic incentives for remaining part of Aceh, the Galaksi movement periodically resurfaced over the next few years whenever Aceh’s security and

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146 ‘Idea to form a ‘Hinterland Aceh Province’ only a dream, official says’, Antara, 3 January 2002.
147 Ibid.
150 The Aceh Singkil bupati was also concerned that Jakarta would refuse to grant a Leuser Antara province the same generous block grants (DAU) that were allocated to Aceh. ‘Lupakan Dulu Provinsi Baru ‘Leuser Antara’’, Kompas, 1 May 2002.
socioeconomic conditions dramatically deteriorated. For instance, the renamed ‘Aceh Leuser Antara’ (ALA) movement emerged soon after the imposition of martial law in Aceh. Following the December 2004 tsunami, there were also calls by community leaders in sixteen districts to create two new provinces of ‘ALA’ and ‘ABAS’ (South-West Aceh). Under Megawati’s tenure, the regional autonomy movement also resurfaced in July 2002 amidst fears that Jakarta planned impose a state of emergency in Aceh. By that time, the Galaksi movement had expanded to include delegates from the new Aceh districts of Tamiang and Gayo Lues, who wanted to escape the violence engulfing rural Aceh. According to one Galaksi advocate, Munawir Rajali, a furniture salesman, Aceh’s ethnic minorities were afraid that they would be forced to adhere to Islamic law under the NAD law, which he claimed ‘people in the five regencies are not serious about.’ Although central government leaders did not directly dismiss the movement’s demands, by mid-2002 they admitted that the formation of a Leuser Antara province was ‘still a long way off’ due to strong opposition from Aceh’s provincial administration. To placate the regional autonomy movement, however, Susilo Bambang Yudhoyono flew to Takengon in August 2002 to reward Galaksi advocates for their ‘loyalty’ to Indonesia by promising to prioritise community development projects in their districts.

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156 Other political and military leaders who met with the Galaksi advocates included TNI Commander in Chief Endriarto Sutarto, Governor Abdullah Puteh, Major General M. Djali Yusuf (Chief of the Iskandar Muda Kodam), Rear Admiral Leo Dumais (Operational Affairs Assistant to the Navy Chief), Rear Marshal Wartoyo (Operational Affairs Assistant to the Air Force Chief) and Major General Harry Kosasih (Operational Assistant to the TNI Chief). Nani Farida and Fabiola Desy Unidjaja, ‘Susilo in Aceh amid suspicion of government plan’, The Jakarta Post, 13 August 2002.
While the Megawati administration did not seriously consider partitioning Aceh, there was some support for the concept amongst national political elites. This support marginally increased after 27 January 2003, when Papua was divided into three provinces as part of the central government’s strategy to contain that separatist conflict by bringing the government closer to the people. Although Papua’s experience with pemekaran was overwhelmingly negative and reversed whatever gains had been made by Law No. 21/2001 on ‘Special Autonomy for Papua Province’, some political leaders in Jakarta who opposed excessive decentralisation saw partitioning Aceh as a way of rolling back special autonomy. Others believed that pemekaran would reduce Acehnese separatist sentiment and activity. Like in Papua, however, dividing Aceh threatened to create new horizontal conflicts between pro- and anti-partition groups, and heighten pre-existing tensions between ethnic minority groups and the ethnic Acehnese majority.

Though the Galaksi movement is not central to any discussion of the NAD law, it is noteworthy in terms of Jakarta’s sympathetic response. It is unlikely that the demands by district-level Galaksi advocates to cut all ties with Aceh and create a separate Leuser Antara province would have received the attention that they did from Megawati and some of her ministers if the central government had been more enthusiastic about implementing the NAD law. Of course, it could be argued that Jakarta would have welcomed pro-integrationists wherever they could be found in Aceh. However, as Aceh’s provincial government leaders regarded Galaksi advocates with suspicion and hostility, Jakarta’s decision to reward them by agreeing to increase community development projects in their districts suggested that Megawati and sections of her administration shared their opposition to the NAD law. It was no secret in Jakarta that Megawati Sukarnoputri was fundamentally opposed to decentralisation. It was also clear from her heavy reliance on military force that her administration was not genuinely committed towards pursuing a special autonomy solution to the Aceh conflict.

157 Papua was split into three provinces by Presidential Instruction (Inpres) No.1/2003. In early 2006, the DPR briefly debated two separate bills on the creation of separate provinces for Aceh Leuser Antara and South-West Aceh. ‘Unjuk Rasa Minta Provinsi Baru’, Kompas, 24 May 2006.

7.7 Conclusion

When Jakarta imposed a state of military emergency in Aceh, the implementation of the NAD law came to a standstill. Although provincial government authorities would later renew their efforts to enforce special autonomy when martial law was downgraded to a state of civil emergency, the TNI was the highest authority in Aceh by May 2003. The ‘Integrated Operations’ had no exit strategy and the only ‘persuasive’ policies in place were short-term humanitarian relief and economic recovery programs.

Martial law was imposed in Aceh less than seventeen months after the NAD law came into effect. During that brief period of implementation, there had been almost continuous counterinsurgency operations and unabated violence on the ground. Beyond her conciliatory language, Megawati Sukarnoputri was not seriously committed towards searching for a ‘comprehensive’ political solution to the conflict and did not believe that special autonomy would reduce Acehnese separatist sentiment and activity. This dominant feeling of distrust about decentralisation in general, and the NAD law in particular within Megawati’s cabinet contributed heavily towards the government’s reliance on a security approach to the conflict. Through its emphasis on counterinsurgency operations and lack of attention to the management of special autonomy, however, the central government defeated the purpose of decentralisation as a conflict management tool: to reduce state violence and encourage moderate political behaviour amongst centrifugal forces.

In Aceh, the implementation of the NAD law was impeded by both security and governance problems. The depredations committed against the civilian population by Indonesian security forces personnel further alienated the Acehnese people and diminished their confidence in Jakarta’s political promises. In the absence of the rule of law, the creation of a war economy saw the interests of the Indonesian security forces in perpetuating the conflict become increasingly entrenched. GAM’s insurgency campaign and attacks on the state infrastructure also severely reduced the Indonesian state’s capacity to effectively govern in Aceh. This in turn enabled local government officials to
take advantage of the lawless policy environment to divert the flow of state resources and accrue personal material benefits.

Without any regulatory mechanisms to ensure accountability and transparency, Acehnese governing authorities became plagued by allegations of poor performance and corruption. Despite Jakarta’s generous revenue allocation under the NAD law, local poverty and unemployment levels continued to rise and access to health services and educational facilities deteriorated. Instead of prioritising community development and rehabilitation projects, Governor Abdullah Puteh pursued personal business interests, which became more extravagant as Aceh’s budget increased.

The provincial administration’s lack of popular legitimacy impeded its capacity to effectively implement Islamic law. The majority of Acehnese people did not oppose Syari’ah as such, but rather the provincial government’s interpretation and application of it. For many Acehnese, Abdullah Puteh’s administration had reduced Islamic law to a political elite commodity by imposing fines, caning and prison sentences for certain moral offences, while neglecting to introduce regional regulations to punish corruption. The partial implementation of Syari’ah also failed to ameliorate the dispensation of justice as the Mahkamah Syari'ah was not equipped to deal with human rights violations cases and those responsible for the violence were rarely prosecuted.

If conducted properly, the provision for democratic direct local elections under the NAD law could have initiated positive political changes in Aceh by encouraging greater political participation and more representative and accountable governance. Democratic direct local elections were the only viable avenue through which to start laying the foundations for legitimate political leadership. Of course, the potential to hold successful direct local elections under the NAD law was limited by the omission from the legislation of local political parties. While the NAD law would later be replaced by more comprehensive self-governance legislation that allowed the Acehnese people to form their own political parties, Megawati’s government refused to accommodate separatists or concede any political space to GAM and other Acehnese separatist forces.
Finally, despite the central government’s hope that its unilateral offer of special autonomy would lead to a ‘comprehensive’ solution to the conflict, there was a strong lack of grassroots support for the NAD law. The omission of human rights issues from the legislation and continuing atrocities against the civilian population automatically precluded public acceptance of special autonomy. It was illogical to think that the Acehnese people could have been convinced of the benefits of remaining part of Indonesia when their basic human rights were repeatedly violated. Although Galaksi advocates saw themselves as Indonesian, they also felt marginalised under the NAD law and did not want to belong to a province in which the rule of law had ceased to exist. Even if the government had developed responsive and inclusive special autonomy legislation, it could not have accommodated all the needs and aspirations of the Acehnese people. Under the NAD law, however, the main beneficiaries of special autonomy were a small minority of widely discredited political elites and those with interests in perpetuating the conflict.
CHAPTER EIGHT

CONCLUSION
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This study has explored Jakarta’s capacity to respond to separatist challenges from Aceh in the five years following the New Order’s collapse. It has examined the Indonesian state’s initiatives to deal with the national identity dispute in Aceh within the context of its transition from authoritarian to democratic rule. The central government’s security and autonomy policy choices about Aceh during this period, and the high level of disconnect between them, reflected the core dilemma faced by Jakarta of how much freedom to grant the Acehnese people without releasing control over the territory of Aceh.

The findings of this study have since been overtaken by dramatic developments that may lead some past Aceh policies to be viewed differently in hindsight. For instance, the peace talks with GAM under the governments of Abdurrahman Wahid and Megawati Sukarnoputri may be viewed more favourably in historical perspective as a learning process that helped to produce the more successful peace agreement signed in Helsinki by GAM and the government of Susilo Bambang Yudhoyono in August 2005.1 Similarly, offers of special autonomy to Aceh under the first three post-Suharto governments may be regarded in hindsight as part of a broader legislative process that contributed towards the ‘Law on Governing Aceh’ (LoGA), which was passed in July 2006 and accepted by the majority of Acehnese people.2 It is also possible that the findings of this study will be seen as only tangentially related to developments in post-tsunami, post-conflict Aceh.

These findings, then, are the product of the specific political and economic environment from which they were obtained. That is, the political processes and interests that shaped

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2 GAM and SIRA opposed sixteen major provisions and a number of minor clauses in the LoGA which violated the terms of the ‘Memorandum of Understanding’ Helsinki peace agreement. Though there has been considerable political opposition to the LoGA, at the time of writing this does not appear to be strong enough to preclude its implementation.
security and autonomy choices about Aceh under the first three post-New Order governments were directly and indirectly influenced by Indonesia’s transition to democracy and the 1997-98 financial crisis. In this, the methodological approaches of structure and agency have been treated as inter-related or symbiotic rather than separate and irreconcilable. Though this study has focussed more on the political will and decision-making processes of Indonesia’s civilian and military leadership, it has not removed or isolated the interests of those who shaped Aceh policy decisions from their material environment and institutional networks. The structural and functional constraints imposed by the New Order’s authoritarian legacy and the national economic collapse weakened all areas of Indonesian state capacity, leaving Jakarta unprepared and ill-equipped to deal with its national identity disputes in Aceh, Papua and East Timor. In addition to these adverse material preconditions, there was a lack of political will amongst Indonesia’s political leadership to pursue a negotiated settlement to the Aceh conflict for much of the five years after the initiation of democratisation.

As discussed in Chapter One, transitions to democracy are less likely to be successful in countries with pre-existing national identity problems/territorial disputes. As Rustow explains, ‘The hardest struggles in democracy are those against the birth defects of the political community.’3 Despite this, Indonesia arguably had a window of opportunity through which to democratically deal with its ‘birth defect’ in Aceh after regime change, when separatist activity was low compared with later years. This opportunity to implement democratic reforms only existed in Aceh for a limited period as the more time that elapsed after Suharto’s resignation, GAM gained political influence and the TNI gradually reasserted itself as the defender of national unity under successive weak civilian governments, with the result that depredations against the local population increased and the state’s capacity to effectively govern further declined. Following Linz and Stepan, it has been argued that the Indonesian state’s gradual de-emphasis on the individual and collective rights of the Acehnese people precluded a democratic solution to the conflict in the five years after regime change and made Jakarta’s dual-track Aceh

approach look schizophrenic. As Linz and Stepan point out, it is only through the
defence of ‘state-mandated and enforced individual rights’ that states can
democratically accommodate their geographically dispersed ethnic minorities.\(^4\) Without
this, democratic accommodation cannot take place, and, short of secession or national
disintegration, the state’s territorial borders are maintained at the expense of civic
nationalism.\(^5\)

This is what happened in post-New Order Aceh. In Chapters Two, Four and Six, it was
argued that Jakarta was unable to resolve its past or ongoing human rights dilemma in
Aceh in the five years after the initiation of democratisation, as demonstrated most starkly
by the linear annual increase in civilian fatalities. Though official figures are prone to
distortion, the rise in conflict-related deaths in Aceh from forty-six in 1998\(^6\) to more than
1,300 in 2002\(^7\) attested to a lack of progress in redressing this problem. Despite initiatives
by B. J. Habibie, and, to a lesser extent, Abdurrahman Wahid, to investigate atrocities in
Aceh and elsewhere, both presidents ultimately deferred to pressure from the military to
limit punitive action. For each of the first three post-Suharto governments, it was easier to
tolerate the TNI’s transgressions in Aceh, and to face continuing anger from the Acehnese
people, than it was to risk inviting military repercussions. As discussed in Chapters Two
and Four, holding human rights trials too soon after the New Order’s collapse certainly
threatened to destabilise Indonesia’s fragile democratisation process if the TNI refused to
cooperate with, or actively opposed such proceedings. That the military’s transgressions in
Aceh were so great, however, impeded state capacity at both the provincial and national
levels. Indonesia’s judiciary, too, implicitly legitimised the TNI’s use of violence through
its tendency to grant a high degree of impunity to military perpetrators, while depriving

\(^4\) Juan J. Linz and Alfred Stepan, *The Problems of Democratic Transition and Consolidation. Southern
Europe, South America and Post-Communist Europe* (Baltimore, Maryland: The Johns Hopkins
University Press, 1996), p.34.

\(^5\) Arief Budiman, for example, contrasts Benedict Anderson’s metaphor of the nation-state as a happy
‘marriage’ of two concepts, with the ‘divorce’ of the Acehnese and Irianese nations from the Indonesian
state. Arief Budiman, ‘Rethinking Ethnicity and Nationalism: Anti-Chinese and Anti-Australian
Sentiment in Indonesia’ in Damien Kingsbury and Arief Budiman, eds., *Indonesia. The Uncertain


\(^7\) ‘1,228 Warga Aceh Tewas Selama 2002 Akibat Konflik’, *Media Indonesia*, 29 November
2002.
many civilian victims of legal recourse to justice.

The post-New Order state’s capacity to implement effective security policies in Aceh was contingent on its ability to reform the security sector. A reoccurring argument in Chapters Two, Four and Six was that to a great extent this did not happen in the five years after regime change. Beyond the TNI’s rhetorical commitment to withdraw from political life and the institutional and functional separation of the armed forces in 1999, the military retained considerable influence over Aceh policy decisions. The result of this was a gradual return to myopic policy debates about territorial sovereignty and national cohesion, which increasingly took precedence over the search for a political settlement to the conflict.

In the absence of any clear external threats to Indonesia, the TNI was also able to reassert its power and presence on the ground. It has been argued that there were few changes to Aceh security operations in the post-New Order period, and that what changes did occur were sometimes negative. Chapters Two and Four, for instance, explained that when Jakarta ordered the withdrawal of non-organic troops from Aceh, there were reports of a shift from open security operations to more covert and clandestine military action. Another ‘change’, as discussed in Chapter Six, was the reinstatement of Kodam Iskandar Muda in early 2002, which actually changed little given that large numbers of troops were already stationed in Aceh and some other provinces also had regional military commands. While the TNI made some headway towards reducing GAM’s military capability after the re-establishment of Kodam Iskandar Muda, its depredations against the civilian population continued unabated, as shown by Aceh’s 2002 death toll, which was higher for that year than any time since the worst of the DOM period.

The other ‘change’ in Aceh security operations in the first three years after Suharto’s resignation was that these were formally under police auspices. However, as discussed in
Chapters Two and Four, the TNI continued to act largely autonomously from the police during this period, as demonstrated by the lack of coordination, cooperation and occasional clashes between the two forces in the field. As the primary protectors of public order, the police lacked adequate human and material resources and training in anti-guerilla warfare to deal with GAM. These factors, combined with ongoing excesses by regular police and Brimob officers against the civilian population, prevented the transformation of the police into a credible law enforcement agency. The inability of the police to restore law and order created a security vacuum in Aceh that was gradually filled by GAM, mysterious ‘provocateurs’ and opportunistic criminal gangs. However, rather than attempt to strengthen the police force and expedite other democratic reforms such as building the capacity of Aceh’s governing institutions and working to establish an independent judiciary, civilian authorities in Jakarta tended to submit to the TNI’s calls for a stronger military presence in Aceh.

A central argument running throughout this thesis has been that Indonesia’s civilian leadership lacked the political will to reform the security sector. In Chapter Two, it was argued that while limited security sector reforms were introduced during B. J. Habibie’s tenure, he granted growing concessions to the military over the Aceh issue during the 1999 general and presidential election campaigns when his own political survival hung in the balance. Habibie also refrained from interfering in the military’s internal reform process rather than risk its potential backlash. Similarly, as discussed in Chapter Four, Abdurrahman Wahid ordered the unchanged TNI back into Aceh just two months into his own unstable presidency, and later turned his attention entirely away from both Aceh and the security sector reform process as calls for his impeachment mounted. In Chapter Six, it was argued that Megawati Sukarnoputri made no effort to reform the security sector, in part because she simplistically saw the TNI as the legitimate defenders of national unity, and in part because she courted the military to ward off potential challenges to her leadership.
It could be contended that Indonesia’s civilian authorities had no choice but to grant concessions to the TNI over the Aceh issue given their own weak governing presence in the province and the military’s ongoing political influence. As the successful Helsinki peace process under Susilo Bambang Yudhoyono later showed, however, it was only by subordinating the military to civilian control that an agreement was possible. In Chapters Two, Four and Six, it was argued that Indonesia’s security forces were given little incentive to reform. In the absence of human rights trials, there was a lack of motivation to improve the discipline and professionalism of troops in the field. As the military remained largely self-funding and profited from Aceh’s conflict economy, it also saw no reason to submit to democratic control or to support political initiatives to reduce the conflict. While Indonesia’s civilian authorities remained divided and indecisive over the Aceh problem, however, the military had opportunities to claw back some of its former political influence.

One consequence of this lack of civilian control in Aceh was that security forces personnel sometimes pursued their own policies that ran counter to state goals and interests. The involvement of sections of the military and police in illegal businesses diverted the flow of material resources, placing them beyond the state’s institutional reach. This in turn reduced the state’s capacity to effectively distribute the range of material resources to its citizens in the form of improvements to public services, facilities and job and business opportunities. Of course, Indonesian security forces personnel were not the only state actors to benefit from Aceh’s war economy. As discussed in Chapters Three, Five and Seven, predatory interests were revived in the contest over Aceh’s resources at all levels of government. Non-state actors, including GAM rebels, civilian militias and army deserters also profited from Aceh’s ‘black’ economy, although obviously on a considerably smaller scale given their proportionately smaller numbers and lack of direct access to state power and resources. Another difference between the illegal business activities of GAM and those of Indonesian state actors was that the latter contributed towards the erosion of state capacity and legitimacy from within.
In Chapters Four and Six, it was argued that the greatest casualty of the failed democratic reform process in Aceh was civil society, which gradually retreated from Acehnese political life as the conflict became more polarised. As discussed in Chapter One, in democratising and democratic regimes the capacity of democratic leaders to resolve their internal disputes depends to a great extent on their positive engagement with opposing forces to negotiate mutually acceptable political outcomes. In this, state capacity, legitimacy and societal capacity have been viewed within this study as normatively interconnected. In the five years after regime change, however, the inability of Indonesia’s security forces to exercise restraint towards the civilian population discouraged Acehnese civil society groups and organisations from positively participating in the democratisation process. Moreover, civilian authorities made little effort to consult Acehnese civil society groups and local community leaders about their needs, aspirations or expectations of the national reform process, or seek to include them in building a more democratic Indonesia. In the absence of democratic processes and institutions, the claims by different Acehnese groups and individuals to legitimately represent the interests of the Acehnese people also could not be independently verified. For example, while there was no doubt that GAM enjoyed strong grassroots support (the guerrillas could not have survived as they did without it), the extent of this support was unclear, as was the issue of whether the rebels would have enjoyed such support if access to democratic processes had been more widely available. Just as the Indonesian state could not attain popular legitimacy without the institutionalisation of crucial aspects of democratic procedure, the claims by GAM and other groups to legitimately represent the Acehnese people could also not be democratically tested.

This did not mean that no effort was made to democratically accommodate the Acehnese people within the Indonesian nation-state. Chapters Three, Five and Seven explored how the promulgation of democracy as the panacea for disunity included two offers of ‘special autonomy’ to Aceh. While Law No.44 of 1999 was an inadequate response to a complex situation, the development of the NAD law represented a search for democratic accommodation by those who favoured political compromises who believed it was unrealistic that Aceh could secede from Indonesia, or that the benefits
of remaining part of Indonesia outweighed the high costs of secession. In this, an important role was played by Acehnese government leaders and officials, businessmen, academics and ulama. While the demands by some provincial government leaders for a federated solution were considered radical by national standards, they were seen as ‘too moderate’ or even treacherous by GAM. There can be no doubt, however, that the drafters of the NAD law genuinely hoped to achieve a special autonomy settlement. In Chapters Five and Seven, it was argued that this was demonstrated by the efforts of the Acehnese drafters to find a place for the rebels under a special autonomy arrangement, and by the economic and political concessions granted to Aceh by Jakarta in the final legislation. As Indonesia had no intention of letting Aceh go, these advocates of special autonomy arguably presented the most realistic option for democratic accommodation within the Indonesian nation-state.

The compromises that were made during the drafting of the NAD law, however, were seen by many Acehnese people as too great. The biggest compromise was the ongoing counterinsurgency campaign on the ground and atrocities against the civilian population. Few Acehnese civil society groups and organisations were consulted about the content of the law, and little effort was made to ‘socialise’ special autonomy amongst the civilian population. Of course, as noted in Chapter Seven, it could also be reasonably argued that if the NAD law had been properly implemented then the Acehnese people would have felt the material benefits of special autonomy, thus reducing the need for a ‘socialisation’ campaign. Another serious omission from the NAD law, then, were provisions such as the formation of local political parties to encourage GAM to transform its militant struggle into a political campaign. Amidst the intensive counterinsurgency operations, there were no incentives for the rebels to lay down their arms or to end their own attacks on the Indonesian state infrastructure and security forces personnel. Any autonomy package that failed to at least partially accommodate GAM could not produce peace. Without guarantees by the state to defend and uphold the basic human rights of its citizens, it was also inevitable that secession would continue to be seen as desirable by those whose rights were threatened or violated.
In Chapter One, it was argued that the success of decentralisation as a conflict management tool depends on the presence of democratic processes and institutions. That is, when state resources are devolved through accountable, transparent and representative state institutions, and by democratically elected political leaders, then the range of state resources are more likely to reach the widest pool of constituents. This point was demonstrated in reverse in Chapter Seven when the NAD law came into effect, as democratic institutions and political processes had not yet been established in Aceh. The capacity of Acehnese governing authorities to properly function had been severely compromised by GAM’s insurgency campaign and attacks on the state infrastructure; the rebels demonstrated their rejection of the NAD law by stepping up these attacks soon after the NAD law was passed. Beyond this, provincial government leaders also created problems through their general mismanagement of Aceh’s increased budget and use of state funds for personal enrichment. As the majority of Acehnese derived no material benefits from special autonomy, pre-existing political cleavages (and the wealth gap) between the civilian population and government representatives widened, creating a crisis in Aceh’s political leadership. Under these conditions, the provincial administration was widely perceived as lacking the moral legitimacy necessary to implement the Islamic law component of the NAD law, despite the fact that Aceh’s almost entirely Muslim population did not generally oppose Syari’ah as such.

In Chapter Seven, it was argued that positive steps could have been taken to redress Aceh’s leadership crisis if the central government had agreed hold democratic direct local elections in accordance with the NAD law. This component of the legislation was far from optimal, precluding as it did the formation of local political parties that could have encouraged GAM’s transformation into a political movement. However, direct local elections at the provincial and sub-provincial levels in Aceh represented a substantial improvement on Law No. 22 of 1999, which only granted the other regions indirect local elections. In part, Jakarta’s refusal to implement this critical aspect of democratic procedure in Aceh stemmed from concerns about whether local elections were possible
within the context of the conflict. More broadly, however, it reflected the view held by Megawati Sukarnoputri and several of her ministers that excessive decentralisation in Aceh would strengthen GAM’s cause and lead to political fragmentation and national disunity.

It is true that decentralisation may reduce a state’s capacity to resolve its national identity disputes if ethnic minorities decide to use their increased access to state power and resources to pursue independent statehood instead of constructively engaging in the nation-state building process. As discussed in Chapter One, when the ‘imagined political community’ of the ‘nation’ comes into conflict with the state, then the nation may seek to physically remove itself from the state’s territorial boundaries by establishing a new nation-state, with the result that the state could rely more heavily on force or coercion to impose national unity, or become fragmented or cease to exist. Further, it was argued in Chapters One and Five that if centripetal and centrifugal forces cannot reach agreement on ‘who gets what’ through the decentralisation process, then centre-periphery tensions are likely to intensify. In such cases, central authorities may move to re-centralise state power and responsibility, rely more heavily on the state’s coercive or military capabilities to gain societal compliance, or lose their governing presence in the periphery. In Aceh, where Jakarta’s past broken promises about special autonomy had generated deep hostility towards the Indonesian state, the capacity of Acehnese and central government leaders to agree on an acceptable autonomy formula was especially difficult. Jakarta’s reluctance to implement the NAD law as the basic tenet of its ‘persuasive’ Aceh approach, however, only reinforced the general perception amongst Acehnese society that Indonesian authorities and institutions were untrustworthy.

Megawati’s reservations about implementing the NAD law pointed to Jakarta’s broader dilemma of how much democratic freedom to grant the Acehnese people without giving up the territory of Aceh. A central theme of this thesis has been that this dilemma was

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reflected in the uncoordinated manner in which Aceh security and autonomy policies were implemented in the five years after Indonesia began its transition to democracy. For the greater part of this period, Jakarta invested far more faith and funding into its coercive capabilities to compel Acehnese compliance than into democratic reform programs to persuade the Acehnese people of the value of remaining part of Indonesia. During the brief intervals when the number of non-organic battalions in Aceh was reduced, there was no coherent political policy in place to fill the state power vacuum. Conversely, in periods when limited efforts were made to implement special autonomy, the counterinsurgency campaign on the ground was so intense that Jakarta’s putative claim to a ‘comprehensive’ solution to the conflict seemed insincere and even absurd.

Though politically unpalatable, it could be reasonably argued that the Indonesian state may have been incapable of retaining its territorial sovereignty over Aceh without some reliance on force once the opportunity to develop ameliorative policies had been lost. Indeed, as explored in Chapter Four, it seemed as if such an opportunity had been lost in November 1999 at the ‘rally of millions’ in Banda Aceh, when the great majority of Acehnese people appeared to want nothing from Jakarta except an East Timor-style exit option from Indonesia. At that time, it looked as if Indonesia could not have maintained territorial control over Aceh without returning to repression. As the past had shown, however, there was no such thing as a military ‘solution’ to the conflict.

The limited peace process that was initiated by Abdurrahman Wahid and briefly revived under Megawati Sukarnoputri presented an opportunity to break this destructive cycle of violence by encouraging both sides to focus on humanitarian concerns. In Chapters Four and Six, it was noted that this humanitarian approach did not represent a solution to the conflict and largely concentrated on the short-term issues of a ceasefire and the delivery of humanitarian aid. While it lasted, however, the peace process created hope on both sides that if Jakarta and GAM could reach agreement on small issues, then one day they might be capable of putting aside their differences and negotiating a settlement on the big
national identity question. However, as the successful peace process with GAM under Susilo Bambang Yudhoyono later showed, in order for that to happen, a far greater level of political will was required by civilian authorities in Jakarta. The post-tsunami peace process also demonstrated that despite the military’s ongoing counterinsurgency campaign in Aceh and informal access to political influence throughout the Helsinki peace talks, with enough political will and determination, peace was not only possible but achievable.

In hindsight, it could be argued that GAM may not have grown to the extent that it did if aspects of democratic procedure had been institutionalised in a more timely and efficient manner after regime change. If Jakarta had offered broad autonomy to the Acehnese people, or granted them the right to hold direct local elections closer to the start of Indonesia’s democratic ‘breakthrough’, then perhaps the years of bloodshed that followed may have been avoided, or at least considerably reduced. Of course, it is also possible that many Acehnese may have pursued independence anyway. Though it is impossible to construct a different future by imagining another past, the Indonesian state did have a duty and obligation to attempt to defend the individual and collective rights of its citizens. That it failed to do so in Aceh after the initiation of democratisation can be attributed in a large part to the lack of political will in Jakarta to institutionalise democratic reforms. The first three post-New Order governments were either not deeply committed to national reforms, or underestimated how difficult the democratisation process would be, especially in the country’s internal conflict areas. The sharp reduction in Indonesian state authority that accompanied regime change and the national economic collapse also produced a system and political leaders who functioned on the assumption of limited state capacity. That is, even though some difficult political issues, such as the national identity problem in Aceh, could be put on the table for discussion, they were ultimately seen as too hard to deal with. While civilian authorities remained divided and indecisive over the national identity question in Aceh, however, the TNI offered a traditional, if disingenuous ‘answer’ to conflict resolution. It was this answer, more than anything, that saw Acehnese calls for democratic redress for past injustices become eclipsed by new demands for freedom from Indonesian state oppression. What was required for a peaceful settlement, and what was
unavailable in the first five years after Suharto’s resignation, was a rights-based approach that prioritised, as a starting point towards internalising democracy, the defence and protection of the Acehnese people against the threat and physical act of violence.
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