

## ACEH: WHY THE MILITARY OPTION STILL WON'T WORK

### I. OVERVIEW

In June 2001, ICG wrote of the situation in Aceh: “The military solution is certain to fail as long as the security forces are incapable of exercising the degree of control and discipline over their troops necessary to prevent behaviour that alienates ordinary Acehnese”.<sup>1</sup>

As the 12 May 2003 deadline set by the Indonesian government for the Free Aceh Movement (Gerakan Aceh Merdeka or GAM) to accept Indonesian sovereignty or face all-out war draws closer, nothing has changed. Military reform has stalled over the last two years, and there is no reason to believe that the planned offensive will be conducted any more carefully than those in the past. It will only be bigger. The Indonesian military (Tentara Nasional Indonesia, TNI) is not using the phrase “shock and awe”, but the stream of reports on the number of troops, tanks, and weapons being prepared for Aceh is designed to have the same effect.

At the same time, the insurgency in Aceh poses a genuine security threat, and the Indonesian government's options are limited. This briefing explores some of those options and suggests that if an offensive cannot be prevented, opportunities for resumption of negotiations should at least be continuously explored and all possible effort made to ensure that military operations are kept as limited, as transparent, and as short as possible. The move toward war in Aceh also underscores the urgent need for military reform to get back on track, and for domestic and international pressure to be exerted toward that end.

### II. THE COLLAPSE OF NEGOTIATIONS

Negotiations in Aceh between the Indonesian government and GAM came to an abrupt halt on 24 April 2003. The cause of the breakdown seemed appallingly petty: GAM refused to accept the date set by the government for a critical meeting and demanded that it be delayed by two days.

But the peace process set in motion by the historic Cessation of Hostilities Agreement (CoHA) on 9 December 2002 had been steadily unravelling for weeks.<sup>2</sup> A demilitarisation process scheduled to start on 9 February 2003 had gone nowhere, obstructed by mutual distrust and unresolved differences over precisely what was involved. A series of attacks in March and April on the offices of the Joint Security Committees (JSC) set up to monitor both sides' compliance with the agreement meant that international monitors were pulled back to the provincial capital. Violence, which had dropped dramatically since December, began to escalate.

In early April, the Indonesian government called for a meeting in Jakarta of the Joint Council, the highest body established by the December agreement. The Council consists of top Indonesian and GAM officials, as well as the director of the Centre for Humanitarian Dialogue (the Henri Dunant Centre, HDC) in Geneva, the nongovernmental organisation that has facilitated the talks from their inception in May 2000.

GAM refused to go to Jakarta, on the grounds that the security of its delegation could not be guaranteed. The Indonesian government offered several other venues, including Tokyo. GAM insisted on Geneva; the Indonesian government finally agreed, and talks were set for 25 April. At

<sup>1</sup> ICG Asia Report N°17, *Aceh: Why Military Force Won't Bring Lasting Peace*, 12 June 2001.

<sup>2</sup> See ICG Asia Report N°47, *Aceh: A Fragile Peace*, 27 February 2003.

the last minute, GAM requested another two days, and the Indonesian government pulled out in exasperation.

As this briefing went to press, diplomats and donors, led by Japan and the U.S., were trying desperately to salvage the agreement and at least get the Joint Council meeting rescheduled. In the meantime, on 6 May, President Megawati announced what many Acehnese had been dreading: an "integrated operation" in which restoration of security would be combined with humanitarian, law enforcement, and governance elements. No details were forthcoming of what the latter three might entail, but the first was clear. Combat-ready troop reinforcements were already arriving in Aceh.

Both GAM and the TNI are to blame for the collapse. Both were quick to disseminate their own interpretations of the agreement that were at odds with the truth: on GAM's part, that it was the first step toward independence, on the part of the TNI, that GAM had agreed to accept autonomy under Indonesian sovereignty without qualification.

GAM exploited the reduction in violence following the December agreement to strengthen its forces. The TNI was almost certainly behind the attacks on the JSCs, ostensibly carried out by civilians angry over their failure to stop GAM abuses. Neither side has shown any real interest in making the agreement work.

All things considered, the Indonesian government, if not its independent minded military, has shown remarkable patience. Soesilo Bambang Yudhoyono, its Coordinating Minister for Politics and Security, deserves particular credit for trying to keep the negotiations alive. However, it would take a miracle at this stage to resuscitate the December agreement.

The question is how to ensure that the decision to "restore security" using military force does not set Aceh off on another downward spiral that will produce misery for the civilian population, further obstacles to decent governance, and a new generation of angry rebels.

### III. THE BASIC FACTS OF THE CONFLICT

Four postulates need to be accepted by all parties as the foundation for policies that can move the

situation ahead.

- ❑ *The Indonesian government is not going to work out an amicable coexistence with GAM as long as it remains a guerrilla movement.* No government willingly tolerates an armed rebel group inside its borders. There is no point in calling for a peaceful solution to the conflict unless there is a realistic chance that GAM can be persuaded to abandon armed struggle, albeit gradually.
- ❑ *GAM is not going to give up its aim of independence.* The question throughout the negotiations was whether it would be willing to put that aim on hold, cease hostilities, and agree to an indefinite period of autonomy under Indonesian sovereignty in exchange for a meaningful role in the political system. GAM would only have an incentive for participating as a political party within the Indonesian system, however, if it could hold out the hope of independence in some indefinite future.
- ❑ *Many Acehnese support independence out of strong and genuine belief, not because they are under pressure from GAM.* The Indonesian government cannot make that sentiment go away by simply by declaring it illegal or sending more troops to fight the rebels. Unless and until it can win Acehnese loyalty, including by addressing seriously the issues of retributive and distributive justice, pro-independence feeling will remain high – and military operations may only reinforce it.
- ❑ *Autonomy is no incentive to drop support for independence unless it delivers visible benefits.* A growing number of voices in Jakarta seem to be writing the Acehnese off as ingrates who have rejected the Indonesian government's generous autonomy offer. (Special autonomy was officially granted to the province in August 2001 through Law No.18.) They need to realise that for autonomy to work, it has to be developed in consultation with the people concerned and administered by a responsive and accountable government.

### IV. INDONESIA'S FOUR OPTIONS

Given the above, Indonesia has four policy options, none of which are mutually exclusive. It can try to:

negotiate demilitarisation with GAM; buy it off; marginalise it; or weaken or defeat it militarily.

The majority of Acehnese would prefer a non-military solution, that is, one of the first three options. Most non-Acehnese living in other parts of Indonesia seem to favour overwhelmingly a military crackdown, if newspaper polls, politicians' statements, and radio talk shows are any indication.<sup>3</sup> That gulf in itself should send a warning to Jakarta that a military offensive, unless carefully calibrated and closely monitored, could push the Acehnese even further away.

In making its choice, the Megawati administration has to include many factors in a cost-benefit calculus: security considerations, domestic politics, financial expense, international image and national pride, military capacity, short-term and long-term gains and losses, and a variety of personal interests. With these factors in mind, how do the four options compare?

#### A. NEGOTIATIONS WITH GAM

This is effectively the strategy that has been pursued by the Indonesia government and the Henri Dunant Centre since May 2000 (between April 2001 and November 2002 in conjunction with military operations) and especially since December 2002. From the perspective of much of Jakarta's political elite, the period following the 9 December agreement has been disastrous. It appears to have produced no meaningful progress toward disarmament, only a better organised and better equipped GAM and a frustrated and angry army. The ceasefire did bring a significant drop in violence, but if the price of that reduction is a stronger rebel group, it is always going to be too high for Jakarta to pay.

The question is whether there are any conditions under which renewed negotiations with GAM would produce one or more of the following:

- ❑ popular pressure on both sides from a war-weary populace to move toward a mutually acceptable settlement;
- ❑ economic incentives, such as those offered by the December 2002 donors conference in Tokyo for post-conflict reconstruction, that would draw fighters away from GAM, offer alternative livelihoods to war, and reduce the economic interests that some on both sides have in continuing the conflict; or
- ❑ enough trust, pressure, or perceived need to bring about a simultaneous, phased reduction in forces on both sides.

The prospects are not encouraging. There is simply no political incentive or imperative at the moment for GAM to disarm without a clear quid pro quo from the TNI and a stake in the future of Aceh. If the Indonesian army were to pull out tomorrow, GAM's likely reaction would not be to lay down its arms in gratitude, but to step up activities designed to bring about an independent state.

Moreover, most GAM negotiators appear to believe that Indonesia's collapse is simply a matter of time. It would thus be foolhardy, in their view, to make short-term concessions that could be misunderstood by supporters in Aceh as backtracking or jeopardise their long-term aims. (One foreign observer tried to convince a senior GAM leader in exile that if Indonesia's collapse was really inevitable, he had nothing to lose by compromise, but the argument had no impact.)<sup>4</sup>

The impact of the last three years of negotiations also has to be taken into consideration. Within Indonesia, excluding Aceh, a common perception is that Indonesia made a major mistake by allowing HDC to play a role in the first place. Speaker of the Parliament Amien Rais, an aspiring presidential candidate, has tried to belittle HDC as an insignificant NGO whose involvement has just served to humiliate Indonesia. "Send them home, what are they here for anyway?" he said.<sup>5</sup> A top adviser to Soesilo Bambang Yudhoyono, who more than anyone else in the government has tried to find alternatives to all-out war, was quoted on 27 April 2003 as saying, "We need to discuss HDC's role. It's clear the government doesn't want to be pushed

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<sup>3</sup> A poll conducted in November 2002 by *Kompas*, Indonesia's largest daily newspaper, showed 79.6 per cent of respondents outside Aceh and 54.6 per cent inside in favour of military operations, but the poll was conducted in five of Aceh's cities (1,200 respondents in Banda Aceh, Lhokseumawe, Pidie, Langsa, and Takengon). "Aceh: Api Yang Tak Pernah Padam", *Kompas*, 4 May 2003. If rural areas in Aceh had been included in the poll, the percentage in favour of operations would probably have been much lower.

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<sup>4</sup> Personal communication, January 2001.

<sup>5</sup> "Amien: Usir Henry Dunant Center", *Indopos*, 9 April 2003.

around by their diplomacy which has not been entirely advantageous to us".<sup>6</sup>

Some army officers in particular have accused the JSCs of being more tolerant of GAM's violations of the accords than of the TNI's.<sup>7</sup> This is a charge very reminiscent of the accusations against the United Nations Mission in East Timor, UNAMET, when it came under attack from pro-integration forces. It is also a very odd charge, given that the JSCs included TNI personnel.

Callers into talk shows have made equally questionable arguments against the Centre such as that HDC represents the internationalisation of a conflict that previously was considered Indonesia's alone to manage. Its involvement, some say, has suggested that Aceh is a contested area, whereas Indonesia needs to show that Aceh is an integral part of its territory. Others complain that HDC has no power to enforce sanctions against violators of the agreement and that it should have been able to prevent GAM from spoiling the 25 April meeting of the Joint Council.<sup>8</sup> These comments come largely from Jakarta listeners, and talk-show participants are not a fair or scientific sample of the Indonesian public. But the number of people these discussions reach make them an effective way of influencing public opinion.

All this means, unfortunately, that HDC's effectiveness as a facilitator has been hurt, and it is not clear whether the hawks in the Megawati cabinet will allow it to resume a role. It is also not clear what other third party could or would move in to replace it as facilitator. Indeed, as of this writing it seems unlikely that the Indonesian government would countenance any replacement.

That said, the 9 December agreement remains the closest the Indonesian government and GAM have ever come to producing a framework for peace, and it remains the best basis for moving forward the

discussion of the political endgame. But it may have to be held in reserve, pending changes in leadership in one or both of the two sides that might increase flexibility or breathe new life into a process now mired in mutual distrust, changes in the situation on the ground in Aceh, or a behind-the-scenes effort by interested parties to continue the dialogue in a way less susceptible to grandstanding.

## **B. BUYING OFF GAM**

The 22 April 2003 edition of the Jakarta newsweekly *Tempo* revealed that since May 2002, Yusuf Kalla, the Coordinating Minister for People's Welfare who brokered the peace accords in Maluku and Poso, had been working to negotiate a different kind of peace with GAM based on the idea of economic compensation from the government for the people of Aceh – compensation in which GAM would share. No details were revealed but the idea of a second negotiating track collapsed in March 2003 when it became clear that Sofyan Ibrahim Tiba, a GAM leader from Banda Aceh who had gone to Malaysia for discussions with Kalla, had no authority from the rebel leadership in Sweden to negotiate.<sup>9</sup>

GAM and the government have very different versions of what took place. In a press conference on 25 April 2003, Soesilo Bambang Yudhoyono told journalists that Tiba had asked him for U.S.\$50 million to settle the conflict, and when he refused, Tiba asked Kalla for the same amount. Tiba denies ever asking the government for money. He says the government approached him in October 2002 through go-betweens, one a well-known Acehnese named Amran Zamzami who, Tiba said, offered direct compensation to GAM at a meeting in Singapore. Allegedly they agreed on U.S.\$50 million, but Tiba wanted more evidence of government willingness to hand the money over. Zamzami then got Yudhoyono to meet with Tiba to convince him that the government would pay. Tiba reportedly heard no more until 6 March when Zamzami tried to arrange a meeting for him with Kalla but it fell apart for the reasons mentioned above.<sup>10</sup>

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<sup>6</sup> Sudi Silalahi, secretary to the Coordinating Minister, quoted in an Antara (Indonesian news agency) dispatch. "Pemerintah Kaji Ulang Kerjasama dengan HDC", *Waspada*, 27 April 2003.

<sup>7</sup> See, for example, "Memantau Para Pemantau" [Monitoring the Monitors], *Kompas*, 4 May 2003.

<sup>8</sup> Radio Elshinta, a Jakarta station with a huge audience, has hosted several all-night discussions on Aceh since the 24 April 2003 collapse of negotiations, one specifically on whether HDC should continue to facilitate the negotiations in Aceh.

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<sup>9</sup> "Diplomasi Semalam di Kuala Lumpur", *Tempo*, 27 April 2003.

<sup>10</sup> The complete account of the U.S.\$50 million offer appears in "Pertemuan Rahasia SBY-Sofyan Tiba," *Kontras*, 30 April-6 May 2003, p.10.

It is difficult to see how a compensation package by itself could settle the conflict, even one as tainted by economic interests as this one.<sup>11</sup> Some GAM leaders may be available for purchase, but most, including the exile leadership, are not.

### C. MARGINALISING GAM

The only way to reduce support for independence is for the government to offer something better. Thus far, it has not. Whatever economic benefits that special autonomy for Aceh was supposed to offer seem to be disappearing into the pockets of unscrupulous officials and contractors. The whereabouts of funds set aside for education, for example, was a huge question in mid-April.<sup>12</sup>

As this briefing went to press, there were reports that Jakarta was trying to remove Abdullah Puteh, the governor of Aceh, who is widely believed to be unusually corrupt. But Puteh appeared ready to resist on procedural grounds, and he remained a force to be reckoned with. One example is telling. On 6 May 2003, the same day that President Megawati announced “integrated operations” including military force, 60 prominent Achenese were in Jakarta, trying to meet with her to argue against a military option. The president said that she was too busy. Puteh, who is said to have thought that the delegation was also going to urge her to remove him, reportedly got to Megawati’s powerful husband first and urged that the meeting with the president not take place.<sup>13</sup>

Puteh’s removal would be a start toward better governance, but it would be far from enough.

Any meaningful attempt to regain credibility for the government must involve improved delivery of basic services; restoration of security (and many villagers seem to be more afraid of Indonesian forces than GAM); provision of employment opportunities; controls on corruption; accountability of local officials; and, crucially, justice. The government offered few details on 6 May for the non-military parts of its intended operations, suggesting that there has been far less planning and preparation on the civilian side than on the military side.

Money channelled through the local government seems to disappear into thin air. One parliamentarian told ICG that he had tried to find out what had happened to Rp.16 billion (U.S.\$1.8 million) given to district-level governments to disseminate information about the CoHA pact, and no one could tell him.<sup>14</sup>

The law enforcement component of the “integrated operations” will merit particular attention. Who will uphold the law in Aceh? What law is going to be upheld? And how will the police maintain their independence of the military?

Civil courts do not function in areas that have a significant GAM presence. Only the district court in Banda Aceh can hear political cases, so anyone in outlying districts suspected of being a GAM member either has to be brought to Banda Aceh, or be summarily judged by his captors. Transportation difficulties, combined with the army’s contempt for the police, often leads to the latter. “We used to complain about detention centres before, but at least there were detention centres”, an Acehnese lawyer told ICG.<sup>15</sup>

Unless the government acts wisely and quickly, one of the most serious law enforcement casualties as military operations intensify will be the process of “civilianisation” of the police. Current plans are now for thousands of additional members of the mobile police brigade (Brimob), a paramilitary unit, to be sent to Aceh to join in combat operations against GAM. The police in Indonesia have a hard enough time trying to improve their role in law enforcement; they should not be involved in fighting an armed rebellion.

The humanitarian component of the integrated operation, as outlined by Coordinating Minister Kalla on 8 May, also has little prospect of making any significant inroads in GAM’s support. Kalla has calculated that military operations could displace as many as 100,000 people and is trying to set aside funds for temporary shelter and basic food supplies for the five districts of Aceh likely to be most affected: West Aceh, East Aceh, North Aceh, Pidie and Bireun.<sup>16</sup> But as Indonesia coped with close to one million displaced in the years 1999-2002, one of the most common complaints was that funds set

<sup>11</sup> See James Van Zorge, “War is Business as Usual in Aceh”, *The Wall Street Journal*, 30 April 2003.

<sup>12</sup> “Lomba Menjarah Dana ‘Warisan’ Pendidikan”, *Kontras* (Banda Aceh), 9-15 April 2003, pp. 12-13.

<sup>13</sup> ICG interviews, Jakarta, 6 May 2003.

<sup>14</sup> ICG interview, Jakarta, 6 May 2003.

<sup>15</sup> ICG interview, Jakarta, 6 May 2003.

<sup>16</sup> “Dana Operasi Kemanusiaan di Aceh Tak Terbatas”, *Koran Tempo*, 9 May 2003.

aside for help were embezzled by local officials.<sup>17</sup> How the government intends to prevent that recurring in Aceh is not clear.

Good governance is not going to matter to the GAM leadership or dampen its political aspirations. But if ordinary Acehnese who now support independence could be convinced that there was hope of a reasonable improvement in their lives under Indonesian sovereignty, they might be interested. Military operations are not going to make that case.

#### D. MILITARY OPERATIONS

ICG has repeatedly warned that a military approach alone will not solve this conflict.<sup>18</sup> The clamour to crush GAM militarily, however, is growing everywhere in Indonesia except Aceh. Increased military activity is already apparent, with the TNI and GAM engaging daily in the kind of armed clashes that were commonplace before 9 December 2002.<sup>19</sup> But it remains unclear exactly when formal military operations will officially get underway, what exactly they will entail, or where the financing will come from.

One source suggested that the cost of operations would be anywhere from Rp.1 to 7 trillion [U.S.\$114 to 800 million]. The government reportedly did not have all the resources ready and would not be able to mount a massive operation at once. Other sources suggested that some 30 per cent of the costs of the operation were to come from the provincial government. The government needs to clarify exactly what the sources of funding for the operations are and ensure that all expenditures are carefully audited to detect any skimming. In any event, it will almost certainly be the case that military and police forces in the field will engage in the same kind of legal and illegal activities as in the past to fund both operations

and personal needs – and that usually means trouble for the civilian population.<sup>20</sup>

#### Military Preparations

According to Major General Djali Yusuf, commander of the regional military command (KODAM) based in Banda Aceh, the TNI's troop strength as of late April 2003 was 26,000. This included 2,000 men who arrived in Aceh during the week of 14 April, among them a company of army special forces (Kopassus), although TNI headquarters in Jakarta said the fresh forces were merely rotations, not an increase.<sup>21</sup>

During the first week of May, 400 soldiers with Combat Battalion 8 from Makassar, South Sulawesi, and a similar number with Combat Battalion 3 from Bandung, West Java, arrived, together with ten trucks and an ambulance. The army also contributed a platoon from the Strategic Reserve Command's Rapid Response Strike Forces and said it was preparing to send 6,000 men from the same unit. Additional intelligence operatives to infiltrate GAM were also dispatched. The air force was reported to be on alert, as were thousands of marines, with 1,300 ready to leave for Aceh from Surabaya and 1,900 from Jakarta.<sup>22</sup>

Naval patrols along Aceh's coasts were also stepped up. Ideally, Djali said, the army needed a ten to one ratio over the guerrillas. With GAM's forces estimated at 5,000, the TNI thus should total 50,000, but it recognises it will have to get by with far fewer (hence, perhaps, its perception that it needs Brimob). The general also said GAM could be broken in six months.<sup>23</sup> If that were true, however, the conflict would not now be 27 years old. Other military sources have suggested more pessimistically than Djali, that it would take eighteen months to two years to deal a significant blow to GAM.

#### Legal Status of Operations

It remained unclear what the status of military operations would be. The Indonesian government has

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<sup>17</sup> See, for example, "Polda Sumut Periksa Kepala Dinas Sosial", *Kompas*, 20 February 2003; "Dana Pemulangan Pengungsi Aceh Dihentikan Sementara", *detik.com*, 19 December 2002; and "Uang Jepang Bikin Resah", *Gatra*, 6 July 2002.

<sup>18</sup> See ICG Asia Reports Nos. 17, 18 and 47, *Aceh: Why Military Forces Won't Bring Lasting Peace*, 12 June 2001; *Aceh: Can Autonomy Stem the Conflict?*, 27 June 2001; and *Aceh: A Fragile Peace*, 27 February 2003.

<sup>19</sup> Some 35 people were killed in the week following the evacuation of monitors to Banda Aceh. See "Indonesia, Aceh separatist rebels near agreement on crucial meeting", *Agence France-Presse*, 17 April 2003.

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<sup>20</sup> ICG Report, *Aceh: Why Military Force Won't Bring Lasting Peace*, op.cit., p.13.

<sup>21</sup> "Aceh di Ambang Perang", *Tempo*, 20 April 2003, p.28.

<sup>22</sup> See "Siap Menggedor Kantong Anak Nakal" and "Yang Bersenjata Kami Anggap GAM", *Gatra*, 10 May 2003, pp. 66-70.

<sup>23</sup> "Last-ditch talks to avoid Aceh war", *Laksamana.net*, 20 April 2003.

three choices. It can declare a military emergency, a civil emergency, or simply authorise military operations through a presidential instruction, as happened in April 2001.

ICG understands that one possible plan being discussed for Aceh is implementation of a state of emergency – though it is not clear whether this would be a military or a civil emergency – in four districts: Pidie, Bireun, North Aceh, and East Aceh.

The major difference between a military and a civil emergency is that in the latter, civilians maintain *de jure* control.<sup>24</sup> A civil emergency could be declared by the central government at the provincial or district level. Either the governor or the appropriate district heads would then be in charge, with their equivalents in the police taking on security responsibilities.

In a military emergency, civilian authorities, including the police, would be subordinated to the designated military command, and the military would effectively take control of all civilian institutions.<sup>25</sup> In both forms of emergency, various types of communication and publications could be banned, searches, seizures, surveillance, and preventive detention undertaken, and curfews imposed. In a military emergency, however, the military could take control of all telecommunications and close restaurants, entertainment places, meeting halls, factories, stores, and other buildings. It could stop goods going into or out of designated areas and also control, limit, or stop land, sea, and air transport. It could even stop fishing, a critical economic activity in Aceh.<sup>26</sup>

The third variant, additional operations under a presidential instruction, would suggest that the government did not intend to let the TNI take on any additional powers as it conducted operations. This would be desirable, but the civilian government must then have the will and capacity to ensure that civilian institutions, particularly those relating to law enforcement, have the security and resources to

function. The division of labour between the police and the military particularly with respect to arrest and detention would need to be clearly delineated.

## E. AVOIDING PAST MISTAKES

It is also unclear what steps the government intends to take to avoid the mistakes it has made before in Aceh and other conflict areas. It would be useful to have clarification on a number of points.

*How does the government intend to minimise civilian casualties?* The problem with the Aceh conflict, as any insurgency, is that the guerrillas blend in with the population, and GAM is not above using civilians as shields. Civilian casualties are, therefore, hard to avoid. Although the government has said it will take every precaution, it should explain exactly what those precautions might be. It should also:

- ❑ avoid sending a Brimob that over the last two years has developed an unenviable reputation for abusive behaviour and whose members tend to be younger, with far less training and experience than the soldiers sent to Aceh;
- ❑ avoid at all costs the use of non-uniformed civilian auxiliaries or militias, who in the past have operated under military instruction but without any accountability; fully uniformed and identifiable soldiers should do any fighting;
- ❑ ensure that the rules of engagement are published and well-understood by the general public as well as the armed forces, that there is a mechanism for reporting violations, and that alleged violations of those rules are promptly investigated; and
- ❑ provide intensive training in humanitarian law – ideally to both sides, although in practice, it is difficult to see how ordinary GAM members could be safely included in any program.

*How will the government ensure the transparency of operations?* The standard practice for military operations in the past has been to shut down conflict areas tightly, making it difficult for journalists and independent observers to go in or for local people to get information out. The idea of “embedding” journalists with troop units on whose operations they can report, as the U.S.-led coalition did during its recent war in Iraq, has not taken root in Indonesia.

<sup>24</sup> In Maluku, for example, where a civilian emergency has been in force since 2000, the head of the emergency structure is the governor. The head of security operations should be the provincial police commander. But in a move that appeared to be in violation of the 2002 National Defence Law (Law N°3), a military commander was put in charge of security, with the civilian police reporting to him.

<sup>25</sup> Peraturan Pemerintah Pengganti Undang-Undang Nomor 23 Tahun 1959, Article 24.

<sup>26</sup> Ibid, Article 25.

Financial transparency has also been noticeably absent from military operations, leading to suspicions of skimming and a belief that one motivation for fighting, and indeed for failure to end the conflict, is profit.

These suspicions could be avoided, and protection of the civilian population might be enhanced, if the Indonesian armed forces pledged to be open in terms of both access to areas of operation and financial accounting.

The conduct of military operations, particularly in an area as sensitive as Aceh, should be subject to regular and frequent review by both the provincial parliament in Banda Aceh and the national parliament in Jakarta. This means making an effort to hear not only progress reports from the government side but also reports from civilians living in affected areas.

Finally, the government has an obligation to ensure the protection of human rights monitors and humanitarian workers. To be sure, NGOs in Aceh are not always impartial, but it is also true that even impartial reporting is not always viewed as such by those who come in for criticism. Military operations must not become a pretext, as they too often have in the past, for the intimidation, arrest, or, occasionally, killing of individuals trying to document rights violations or provide humanitarian assistance to affected populations. The TNI's belief that many separatists and their sympathisers operate under the cover of human rights organisations only increases the danger that human rights defenders may face after military operations are underway.<sup>27</sup>

One additional point needs to be made. GAM apparently continues to get the majority of its weapons from corrupt sources within the TNI. The Indonesian government can complain about GAM's purchase of arms through southern Thailand and elsewhere but unless it gets its act together to stem this leakage from military sources, its complaints will sound hollow.

## V. CONCLUSION

The Aceh conflict, like all conflicts, takes place on several levels. At one level, it is a conflict between two diametrically opposed political visions and the forces that back them. This is the war that first the negotiations process and now military operations were intended to address.

At another level, it is a competition over control of resources, including logging, marijuana, coffee, palm oil, and income from cuts taken out of contracting projects. Where control of resources is the key issue, co-optation becomes more thinkable as a strategy. But it is at this level that who is GAM and who is government sometimes becomes difficult to distinguish. (An Acehnese visitor told ICG of meeting a GAM member in Lhokseumawe in April 2003. The guerrilla had an Acehnese soldier with him, with whom he was clearly on good terms. "Whenever you see something like this", the visitor said, "you don't know whether the soldier is a TNI plant, sent to infiltrate GAM, or whether he's a GAM sympathiser within the army".)<sup>28</sup>

At a third level, the conflict is an expression of grievances of a long-suffering population that range from lack of justice, to lack of job opportunities, to unbridled corruption of civilian and military officials. This level, born of frustration, is one that a well thought-through and administered autonomy package might address. Even if the CoHA agreement is temporarily shelved, the provision that calls for a dialogue among Acehnese civil society elements to review the autonomy legislation is one that should still be implemented.

The political factor is also never very far away. In its 2001 report, ICG wrote: "Continued engagement in Aceh allows the TNI to portray itself as the only force capable of preventing the disintegration of Indonesia and thereby helps it to preserve its political influence. It also supports the army's push to regain responsibility for internal security from the police that in turn justifies the army's retention of the territorial system that is the fountain of non-government funding".<sup>29</sup> As debate over a bill on the authority of the armed forces comes before the

<sup>27</sup> See Indonesian Department of Defence, "Indonesia: Mempertahankan Tanah Air Memasuki Abad 21" (the so-called TNI White Book), Jakarta, March 2003, p. 31.

<sup>28</sup> ICG interview, Jakarta 6 May 2003.

<sup>29</sup> ICG Report, *Aceh: Why Military Force Won't Bring Lasting Peace*, op.cit., p. iii.



Indonesian parliament, engagement in Aceh becomes more important than ever.

The threat posed by GAM needs to be addressed; there is no hiding that fact. But the multifaceted nature of the conflict, and Aceh's past history, suggests that military action should be kept to an

absolute minimum, and every effort made to make civilian institutions function far better than they do now.

**Jakarta/Brussels, 9 May 2003**

## APPENDIX A

### MAP OF INDONESIA



## APPENDIX B

### ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is an independent, non-profit, multinational organisation, with over 90 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, [www.crisisweb.org](http://www.crisisweb.org). ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are in Brussels, with advocacy offices in Washington DC, New York and Paris and a media liaison office in London. The organisation currently operates eleven field offices (in Amman, Belgrade, Bogota, Islamabad, Jakarta,

Nairobi, Osh, Pristina, Sarajevo, Sierra Leone and Skopje) with analysts working in over 30 crisis-affected countries and territories across four continents.

In *Africa*, those countries include Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone-Liberia-Guinea, Somalia, Sudan and Zimbabwe; in *Asia*, Indonesia, Myanmar, Kyrgyzstan, Tajikistan, Uzbekistan, Pakistan, Afghanistan and Kashmir; in *Europe*, Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia; in the *Middle East*, the whole region from North Africa to Iran; and in *Latin America*, Colombia.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Austria, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Luxembourg, The Netherlands, Norway, Sweden, Switzerland, the Republic of China (Taiwan), Turkey, the United Kingdom and the United States.

Foundation and private sector donors include The Atlantic Philanthropies, Carnegie Corporation of New York, Ford Foundation, Bill & Melinda Gates Foundation, William & Flora Hewlett Foundation, The Henry Luce Foundation, Inc., John D. & Catherine T. MacArthur Foundation, The John Merck Fund, Charles Stewart Mott Foundation, Open Society Institute, Ploughshares Fund, The Ruben & Elisabeth Rausing Trust, the Sasakawa Peace Foundation, the Sarlo Foundation of the Jewish Community Endowment Fund and the United States Institute of Peace.

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**All ICG reports are available on our website: [www.crisisweb.org](http://www.crisisweb.org)**