



Country Briefing Note:

Parliament and the Aceh Peace Process

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Introduction

The military conflict in Aceh was one of the bloodiest and longest local conflicts in Indonesia, consisting of two phases. The first phase of the conflict began in early 1950 and lasted until 1962 under the banner of the Darul Islam movement and with the leadership of Tengku Muhammad Daud Beureuh. The second phase began in 1976 and lasted until 2006 with its flagship of GAM (*Gerakan Aceh Merdeka* = Free Aceh Movement) under the leadership of DR Hasan Tiro. The first phase was an expression of disappointment by the Acehnese people on the alleged bad treatment by the Government of Indonesia (GOI) under President Soekarno. However, the second phase, at least at the beginning, was mostly characterised by discontent of the Aceh people caused by economic reasons and political repression under President Soeharto. The objective of this paper is to explore the linkages between security sector reform (SSR) and the peace process in Aceh. Furthermore, the role of parliament in the context of SSR and peace processes will be covered.

Peace Processes in Aceh

There were two serious peace processes in Aceh before the 2005 Helsinki Agreement; however, both did not work out very well. The first attempt was an agreement to initiate a Humanitarian Pause in 2000, supported by the Henry Dunant Center (HDC) in Geneva. This process led to a semi cease-fire agreement between both parties, but it did not last long because of two conflicting demands. The GOI insisted that GAM should drop its request for independence, while GAM continued demanding independence for Aceh. Therefore, this peace process failed. The second attempt for a peace agreement was finally achieved on 9 December 2002 when the Cessation of Hostilities Agreement (COHA) was signed by GOI and GAM. While there were some positive developments, such as the willingness of the GOI to review the existing autonomy law, GAM was still not yet ready to drop its demand for independence in a written agreement. Furthermore, it was very clear that the organizer of COHA, HDC, though a prominent International NGO, lacked the capabilities to over-rule the GOI.

In December 2004, a huge tsunami hit Aceh and other countries in South Asia and in South East Asia. Out of about 250.000 victims, about 160.000 were Achenese. Much of the area in Aceh was devastated by the tsunami. This tragedy created a new environment and conditions for a peace agreement in Aceh. Both GAM and GOI saw the need to resolve their differences in order to help the Acehnese people. The tragedy aggravated the existing humanitarian crisis in Aceh, and the international community, led by former President Martin Ahtisaari of Finland, stepped in to support the peace process.

Helsinki Process

At the beginning of the Helsinki peace process, there were both external changes and internal changes within GOI. The role of Non-Governmental Organizations (NGOs), such as HDC, was replaced by President Martin Ahtisaari with strong support from the governments of the Netherlands, Finland, Switzerland, Japan, the European Union (EU) and many others. In Indonesia, the new democratically elected government of President Soesilo Bambang Yudhoyono clearly articulated that military operations would not be able to end the Aceh conflict. In short, conditions

were ripe for both sides to negotiate for a peace agreement.

There were five phases of negotiations which were held in Helsinki. The EU and the Dutch and Finnish governments provided strong support to the process and facilitated the meetings. President Ahtisaari acted as a mediator in his capacity as chairman of his NGO, the Crisis Management Initiative (CMI). Yet, he had the prestige and title of the former President of Finland. The negotiation assumed the principle of “nothing was accepted before everything was accepted”. This principle was very important in reducing the internal pressure on the GOI from the ultra-nationalist opposition within the military and the opposition parties, especially PDIP (*Partai Demokrasi Indonesia Perjuangan* = Indonesian Democratic Party Struggle) under former president Megawati.

As predicted, when representatives of GAM and GOI finally signed the Memorandum of Understanding (MOU) of the Helsinki Peace Agreement, there was strong opposition from the nationalist camp. In the DPR RI (*Dewan Perwakilan Rakyat* = Parliament of Indonesia) and especially in Commission I on Defence and Foreign Affairs, there were discussions of possibly launching “an interpellation” against the government. The members of the parliament were in particular angry with the MoU as it would give GAM substantial concessions. These concessions ranged from the political system, customary laws, religion and the economy to other benefits. They were almost accused of betrayal by the side of the government of President Soesilo Bambang Yudhoyono.

Some contentious articles in the MOU were related to local political parties, the implementation of Shariah law in Aceh, the name of local parliament instead of the typical name of DPRD I (*Dewan Perwakilan Rakyat Daerah tingkat I* = Local Peoples Representative Council Province) used in other provinces, and the fact that the local parliament in Aceh was to be renamed DPR (The Parliament) of Aceh. There was also an article requiring the agreement of the Governor of Aceh for the appointment of the Aceh police chief. More importantly, Aceh must receive a bigger proportion of any mineral and mining activities in the province. However, the pro - government political parties in the parliament were able to convince the opposition that the Helsinki agreement was a good start to advance the peace process in Aceh.

Why was the majority of parliament optimistic about the Helsinki agreement? It was noted that the Helsinki MOU was a comprehensive peace agreement which addresses many or most of the key issues of the root causes of the conflict. The MOU, for the first time, utilised Disarmament, Demobilisation and Reintegration (DDR) as part of the peace process framework. Furthermore, the Helsinki agreement addressed a wide range of issues, including legal factors, human rights issues, economic incentives, and reconciliation. There was also a mechanism for dispute settlement and a call for the establishment of an Aceh Monitoring Mission (AMM).

Disarmament and demobilisation provided the basis for ending deep seated hostilities between TNI (*Tentara Nasional Indonesia* = Armed forces of Indonesia) and GAM. The MOU also stipulated that former GAM combatants may join TNI or Police forces without facing discrimination. For GAM, there was a kind of relief because the MOU also required TNI and the Police to withdraw its non – statutory forces from Aceh. These important steps were necessary to counter the demand of GOI

that GAM should surrender its weapons and should demobilise its armed wing.

The Helsinki agreement was a great step to stop violence and military conflicts in Aceh because it provided the opportunity for every party to claim “victory” for their respective constituencies. The GOI was content because GAM accepted the idea of local autonomy and renounced the demand for independence; on the other hand, GAM was satisfied because it was not disbanded and may transform into a political party. As a result, both can claim victories and none became losers in the negotiations.

Role of Parliament: Debating and Voting on Conversing the Peace Agreement into Law

The Aceh Peace Agreement was initially welcomed with less optimism from many stakeholders, especially before the DPR passed the law number 11 / 2006 on The Aceh Government. However, there was genuine support within the government and the parliament that the best solution should be found for the Acehnese people. All stakeholders agreed that the Law on The Government of Aceh (LOGA) must be by, from, and for the people of Aceh. This meant that, for preparing and writing the draft law, it must meet the criteria of giving the best possible solution for the Acehnese people. The draft law was prepared by a special team in Aceh with the participation of civil society, the Parliament of Aceh, representatives of the government of the Province of Aceh, and academics from four local universities. This was the most comprehensive draft for a local government ever submitted to DPR RI.

At the time, there were 560 Members of Parliament (MPs) in the Indonesian national parliament, of which only 12 members represented Aceh. At the beginning of the debates on the draft law of Aceh, there were some complaints from members representing other regions that the GOI was conceding too much to Aceh. The debates focussed on how much autonomy GOI should be giving to Aceh. Moreover, there was an issue on how to synchronize “shariah” and national laws. Another issue was raised on the integration of “wilayatul hisbah” (religious law police) into the national police system. Should a non-Muslim in Aceh be required to obey shariah law? How do you protect minority rights in Aceh? Resentment was obvious because Aceh received many perceived “rewards”. Nevertheless, the support for the peace process was stronger than its opposition.

Opposition and criticism against the Helsinki agreement and the draft law on Aceh was expressed not only from the opposition PDIP, but also from the Speaker of DPR, Agung Laksono, who was also a senior leader in the Golkar Party, a member of the coalition government. Megawati criticised LOGA of giving independence to GAM. Although the Speaker of the DPR reminded the public, and especially members of the DPR, that “extra” concessions are not to be given to GAM, other political leaders warn that giving the opportunity for GAM to establish local political parties will follow the lessons of local separatism, such as what occurred in Catalan, Spain, or in Quebec, Canada. Local political parties were seen as an instrument of the political separatism movement.

On the role of woman in Aceh, there was a concern that the implementation of Shariah law will become problematic for women. NGO activists identified several issues related to women. Many of these issues were related to “shariah”, such as the interpretation of “berkhalwat” or sitting together between a man and a woman with no relation. Violation of this article in Aceh Shariah

law will lead to jail. In fact, implementation of shariah in Aceh later proved to be problematic. Until now, after 8 years when LOGA was passed, many controversies live on.

Key problems in Aceh, which contributed to greater support for GAM, were the lack of economic development and unfairness in distributing natural resources from Aceh. Until early 2000, before the Tsunami and the current peace agreement, there was a lack of opportunities for doing business in Aceh. Despite its abundant gas reserves and other natural resources, the Acehnese people had not seen any sign of prosperity in the province. If someone had visited Banda Aceh, the capital of the province at the time, they would not have been able to find a decent hotel with a 4 star rating. It would be lucky if they were able to find a room at a 3 star hotel. There was also the occasional black-out of electricity because of a lack of power supplies.

Other key issues of the Aceh peace agreement as legalized in LOGA were the issues of human rights and of reconciliation. There was an article stipulating the establishment of a Human Rights Court in Aceh. Yet, the question was: what would be the jurisdiction of the court? What and whom would be investigated and tried by this court? Would it only deal with past abuses or also with current abuses? Since the alleged abuses and violations of human rights were committed by GAM and TNI, the issues of human rights never materialised. In fact, former GAM combatants were occupied competing against each other for local offices using local parties.

Until recently, both the military and politicians in Jakarta saw the Aceh conflict as a product of dissatisfaction from a few disgruntled local leaders. So, instead of addressing the real issues (human rights abuses, economic disparities, discriminations, political abuses and the betrayal of Acehnese people), the central government sent more troops to Aceh. As a result, there was more violence and conflict in Aceh. Therefore, when the Helsinki agreement was signed in 2005, there was a genuine hope for a new beginning, since it addresses the real issues in Aceh. The atmosphere of optimism was translated into "The Law on Aceh" with many challenges. The opposition party in Parliament, PDIP of Megawati, was the main party who initially openly expressed their objections. However, their opposition was defeated through strong public support in Aceh and in many parts of Indonesia. Some Christian elements within PDIP voiced their disagreement with "shariah law" in Aceh. However, since Aceh is well known and famous in Indonesia as "a verandah for Mecca", there was a strong argument that Islam is part of integral daily life in Aceh.

Conclusion

Translating an MOU such as the Helsinki Peace Agreement into a legal framework of the Law on Government of Aceh was not an easy task. It was not like a ratification process, because it was not an agreement between two countries. The Helsinki MOU was also very sensitive due to past failures of many agreements. The draft of LOGA was prepared by local academics and politicians in Aceh, but there were suspicions that it would be watered down by the DPR RI. This did not happen, as there was strong support for the peace agreement in Aceh, internally and externally. During the deliberations of LOGA, for about six months, members of special committees on LOGA visited and met with many stakeholders in Aceh. Based on these visits, they concluded that many Acehnese want to see peace and support peace agreement.

Parallel to the legislative process, the process of DDR of the former combatants was running smoothly. Disarmament is usually the most difficult process, but, because the Helsinki agreement stated clearly how many weapons and other armaments must be surrendered by GAM, the disarming of GAM was fairly easy. The more difficult issue was the demobilisation and reintegration process. GAM said that they had 3000 combatants, which meant that GOI had to find jobs or give money or land to these former combatants. Luckily, Aceh was in the beginning phase of post Tsunami reconstruction, so, with the help of BRR (*Badan Rekonstruksi dan Rehabilitasi* = Reconstruction and Rehabilitation Body) of Aceh, and also with financial assistance from international donors, this process could be achieved without many controversies.

It was almost certain that the peace agreement in Aceh would have not worked if its DDR phase had failed. The enactment of LOGA was instrumental but only possible when DDR was implemented. Any peace agreement in the future must closely examine the success of the implementation of DDR in Aceh. In many conflicts, the process of disarming the combatants is the most difficult to implement because the insurgents have no trust that they will be safe to do so. However, in Aceh, it was very clear which of the weapons should be surrendered. There were not multiple interpretations of this article.

On the process of disarming the GAM, the GOI also ordered the pull-out of non – statutory military and police units from Aceh. Therefore, it created the mutual trust conditions between GAM and GOI. Disarmament should not be overlooked, and should be put as the top priority in post conflict solution. Demobilisation and reintegration must also be part of the total solution because failure to do so will become problematic.

A political solution should be on the top of the agenda of any conflict, not a military solution.