

Peace and Conflict Transformation in Southeast Asia

Edited by Kamarulzaman Askandar



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UiO : Norwegian Centre for Human Rights
University of Oslo

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By

ASEAN University Network – Human Rights Education (AUN-HRE)

Strengthening Human Rights and Peace Research and Education
in ASEAN/Southeast Asia (SHAPE-SEA)

Southeast Asian Conflict Studies Network (SEACSN)

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Foreword

The publication of this sourcebook signifies a very welcome addition to the literature of peace and conflict studies at a time when the field urgently needs to be re-energised with the creativity, coherence and unity of theory and practice presented here.

When we published the fourth edition of our book *Contemporary Conflict Resolution* in 2016, we pointed out how swiftly and indeed how dramatically the global conflict environment can change. Five years on, as we write the foreword to this sourcebook, it is clear that the challenges for peace and conflict research have intensified and the need for fresh perspectives and constant adaption to complexity and change is more important than ever. In the conclusion, we wrote that the main task for the peace and conflict field was “to push forward decisively with the central mission of ensuring that conflict resolution is seen to be a truly cosmopolitan venture derived from and owned by all civilisations and all parts of the world.”

We also expressed the hope that as we move into the third decade of the twenty first century, new ways of knowing, developed though multidisciplinary and cross cultural sharing of knowledge, would produce the creativity and renewal necessary to enrich both theory and practice in conflict resolution and peacebuilding.

It is immensely satisfying to see the contributors to this sourcebook rising to the challenge. *Peace and Conflict Transformation in Southeast Asia* presents the work and experiences of researchers, educators and practitioners from a region which has experienced some of the most destructive and intensive conflicts, yet which has surmounted and transformed many of them and along the way provided a distinctive and authentic understanding of how to grow cultures of peace. Across eight chapters, the contributors to the sourcebook, all from the region or writing from embedded knowledge and experience in Southeast Asia, have provided an inspiring narrative, rich in case studies and robust in theory. It also projects an awareness of shared humanity that underpins the global enterprise of peace and conflict transformation. A remarkable achievement and a notable milestone in the progression of peace and conflict studies.

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Co-Authors with Hugh Miall of *Contemporary Conflict Resolution*, Fourth Edition, London: Polity Press, 2016

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It is also worth mentioning that the impact of COP3 and subsequent COP seminars drew positive attention from the top officials of the concerned parties. In June 2014, COP4 in Hiroshima was thus attended by President Benigno Aquino Jr and MILF chairman, Ebrahim Murad. Although Japan's assistance to the Mindanao peace process went beyond its traditional mandate for peacebuilding and contributed, to some extent, to conflict transformation, this experience will be tested in future cases of her peacebuilding assistance.

5.5.3 Case study 3: The Aceh peace process¹⁶

The Aceh conflict shows that the use of force and a national security approach cannot end a conflict brought about by a liberation movement. This conflict, which started in 1976, was eventually resolved through negotiations involving international third parties in two consequent peace processes. The Henry Dunant Center (HDC) – later the Center for Humanitarian Dialogue (HD), became involved between 2000 and 2003 without much success. The second peace process involved the Crisis Management Initiative (CMI) from 2004 to 2005. This was relatively short, informally starting in December 2004 before being suspended following the tsunami that hit Aceh and other areas in the Indian Ocean, and formally from January to August 2005. Negotiations went through five phases (rounds) (Morfit, 2012) resulting in a peace agreement (Memorandum of Understanding) that has lasted almost two decades. The CMI involved other influential parties in Europe, both state and non-governmental organizations. Some even worked behind the scenes, such as UN Secretary-General Kofi Annan, Javier Solana, and Benita Ferrero-Waldner from the European Union, and the Olof Palme Center (Ahtisaari, 2008).

In early 2004, Jusuf Kalla, as the Minister for People's Welfare, launched a secret process for peace talks. He was assisted by his friend, Farid Husein, and Juha Christiansen (a businessman from Finland who had made investments in Indonesia and who was also a close friend of Farid Husein) who contacted GAM leaders in Sweden for peace talks and engaged Ahtisaari in the Aceh Peace Process (Lingga, 2007). Juha approached Martti Ahtisaari with the help of the chief editor of the newsweekly, Suomen Kuvalehti, in Finland. Meanwhile, in late 2004, the new administration of President Susilo Bambang Yudhoyono and Vice-President Jusuf Kalla came to power, and Kalla renewed his secret efforts in earnest. Juha arranged everything to start peace the talks, and Farid Husein established contact between Ahtisaari and Jusuf Kalla. Ahtisaari then met secretly with GAM leaders and a meeting was planned (Santoso, 2005). The initiative was kept away from government bureaucracy to avoid opposition from national politicians, but Kalla kept President Yudhoyono informed throughout (Lingga, 2007).

Ahtisaari was viewed as a suitable mediator by both parties because he was a former president of Finland and had been involved in several peace efforts around the world (Northern Ireland, South Africa, and Kosovo). In other words, he had prestige, power, an international personality, and was able to mediate fairly and impartially (Acar, 2019). Ahtisaari invited representatives from GAM and the Government of Indonesia (Gol) to meet on 24 December 2004, two days before the tsunami struck. However, the representatives of the two sides were only able to meet for the first time on 27 January 2005, at Koenigstedt Manor in Riipila, Vantaa, about twenty-four kilometres northwest of Helsinki. After five rounds of talks they signed the Memorandum of Understanding (MoU) as a peace agreement on 15 August 2005. The agreement consisted of issues including Aceh's governance, human rights, amnesty and reintegration, security arrangements, the establishment of the Aceh Monitoring Mission (AMM), and dispute settlement (Kingsbury, 2006; Cunliffe, 2009). In summary, the agreement covered three main points: (1) the administration of

¹⁶ This section was contributed by Suadi Zainal, Universitas Malikussaleh, Lhokseumawe, Aceh, Indonesia.

Aceh governance; (2) human rights; and (3) amnesty (forgiveness) and reintegration (Basyar, 2008).

During the peace talks, both parties sent their highest rank representatives. Indonesia was led by Hamid Awaluddin (Minister of Law and Human Rights) as head of the delegation, and included Sofyan Djalil (Minister of Communication and Information), Farid Husain (Deputy Coordinating Minister for Politics and Security), Maj Gen (Retired) Usman Basyah, I Gusti Agung Wesaka Puja (Director of Human Rights, Humanity, and Social Culture), Widodo Adi Sucipto (the Coordinating Politics and Security Minister Admiral), and Major General Syarifuddin Tippe (the Commander of Korem 012 for Aceh since the late 1990s). Meanwhile, GAM was led by Malik Mahmud (the Prime Minister of the Government of the State of Aceh and the Aceh-Sumatra National Liberation Front or ASNLF) as head of the delegation, and included Zaini Abdullah (the Foreign Minister), Bakhtiar Abdullah (spokesman), and Mohammad Nur Djuli and Nurdin Abdul Rahman (political officers), and Shadia Marhaban and Irwandi Yusuf (leaders from Aceh). GAM was also supported by several international consultants.

Some of the reasons behind the success of the CMI process include the fact that the peace process took place in a different context. Second, the content of the peace talks was comprehensive, reflected a compromise, was creative, and had high political support from both parties. Finally, the third party's role was imperative in helping the conflicting parties agree on the compromises.

Concerning the third party, the strategies and roles played by the CMI differed from those carried out by the HDC, which failed to reach a peace agreement. CMI served as a facilitator and mediator. As a facilitator, CMI facilitated the arrangements for the meetings between GAM and the GoI, including preparing the place for negotiation, providing for transportation costs, administration, accommodation, and security costs during the negotiation process in Helsinki, Finland. CMI obtained this facility in cooperation with partners, namely the government of Finland and the European Commission (Kurniawan, 2016; Kingsbury, 2005). As Kingsbury (2010) put it, "*The Finnish government funded the first 'unofficial' round of talks, with subsequent rounds becoming more official and funded by the European Union.*" The question is, why Helsinki, Finland? There are at least three compelling reasons: to have European Union support in the monitoring of any agreement; to isolate both parties from the press maximally; and to be in a place considered closer to the GAM leadership in Sweden (Nabila and Sulisty, 2020).

Before the start of the negotiation, Ahtisaari tried to get to know the parties and their experiences, especially GAM. He invited GAM members in Sweden to Helsinki in early January 2005. While at the negotiating table, Ahtisaari asked the parties to lower their demands, resulting in GAM lowering its demands from independence and in the GoI moving beyond the previous autonomy arrangement. From the start of the negotiation, Ahtisaari put pressure on GAM, explaining they would not get international support for independence and that he would persuade European countries and the rest of the world not to recognise Aceh's independence. Meanwhile, without pressure from Ahtisaari, the GoI realised that failure to reach an agreement would disrupt the supply of international assistance for the post-tsunami reconstruction of Aceh (Schiff, 2013).

Next, Ahtisaari changed the wording of special autonomy to self-government thus inspiring GAM to offer the concept to the GoI in the second round of negotiations. Ahtisaari then advised the GoI to agree with the proposals in the next round of negotiations. As a result, in subsequent negotiations, GAM was able to offer its demands under a self-governing model. Another crucial point was GAM's proposal for local party elections in Aceh (Kingsbury, 2015). Towards the final round, CMI and Ahtisaari made a draft Memorandum of Understanding to propose to both parties

to be discussed, corrected, and signed (Kingsbury, 2006; Graf, 2020). The final round also saw the involvement of representatives from the EU and a proposal that the GoI establish a monitoring institution to implement the agreement and authorize appropriate ways to integrate former GAM combatants into society (Zainal, 2015; Pratiwi, 2019). Finally, it was agreed that the Aceh Monitoring Mission (AMM) be formed to oversee implementation of the agreement.

The description above illustrates the strength and achievements of the CMI compared to the previous process involving the HDC. Among the weaknesses of the HDC included the fact that its negotiations focused mostly on humanitarian concerns. The two parties only agreed to stop hostilities temporarily. The HDC was also not well known and did not have sufficient strength to deal with such a conflict situation. The HDC was also weak in overseeing implementation of the agreements. The Joint Security Commission involving HDC, the Indonesian military, and GAM was designed to increase mutual trust and relied solely on the warring parties' goodwill (Tengah, 2007). Perez (2009) stated that the HDC peace process's primary objectives were lowering military tensions, facilitating disarmament, and developing measures of trust. It did not deal with the key theme on the status of Aceh within the country. Another critical variable was the weakness of the HDC in conducting the negotiations because of its lack of experience in handling an international conflict. Finally, HDC did not involve other international organizations, thus placing itself under tremendous pressure (Perez, 2009).

At the same time, the Helsinki MoU in itself was not operational. It required a law as an operational framework. The MoU stated that, "*The new law on Government Administration in Aceh will be enacted and will come into effect as soon as possible and no later than 31 March 2006*" (Asran Jalal, 2009). However, in reality, the Aceh Government Law was only officially signed by President Susilo Bambang Yudhoyono on 1 August 2006, and was called Law No 11 of 2006 concerning Aceh Governance (LoGA) (Asran Jalan, 2009). The formation process took a winding road and involved many parties including the general public, civil society, university academics, GAM, political parties (legislative), and the executive, both at the provincial and national levels. As a result, conflicts of interest could not be avoided. Finally, GAM had to give in on democracy and the many party option. The LoGA also did not explain Aceh's status as a self-governing province, as discussed in the peace agreement (Tengah, 2007).

At the national level, complaints from GAM and civil society about the law was answered with "*This law can be revised later when it is implemented*" (Tengah, 2007; Asran Jalan, 2009). As it turned out, the LoGA was not revised even though GAM, with the Aceh parliament under its control, repeatedly attempted to do so. In fact, the central government even reduced Aceh's authority as specified under the LoGA by implementing the Regional Autonomy Law, which applies nationally. The main reason for Aceh's failure to carry out post-agreement political negotiations was that Aceh is positioned as a sub-ordinate in an asymmetrical relationship, and the negotiation occurred without the imperative of international third parties. This differed from GAM's position in the peace negotiations where it was more symmetrically positioned due to the involvement of the CMI, which could intervene with both parties (Zainal, 2016). Finally, although the AMM had been mandated to monitor the process of changing legislation, it had proved unable to solve the problem leaving a number of unresolved issues remaining. The AMM was more focused on monitoring the decommissioning, demobilization, and reintegration (DDR) process of former GAM combatants and ruling on disputed amnesty cases (Pirozzi and Helly, 2012). As such, it revealed that the AMM played a significant but narrow role, and that there was a need for inclusive and broad "human security" approaches to peacebuilding (Barron and Burke, 2008).