8 October 2014

Dear Mr Suadi Zainal,

Greetings of Peace!

The Southeast Asian Human Rights Studies Network (SEAHRN) is a consortium of academic institutions which provide human rights education through study programs, research and outreach activities within the Southeast Asian region. SEAHRN was born out of a common dream to enhance and deepen the knowledge and understanding of students and educators as well as other individuals and institutions from Southeast Asia in human rights.

SEAHRN in partnership with the Human Rights Research Group of the Faculty of Law, Universiti Malaya is coordinating the Third International Conference on Human Rights and Peace and Conflict in Southeast Asia. It shall serve as the predominant venue for new research on the promotion and protection of human rights and peace in the Southeast Asian region. A broad range of stakeholders, from Scholars and students to civil society and government organizations are involved in the presentation and discussion of new developments in human rights. There will be over 100 papers presented, specialist panels on subjects such as Religion and Human Rights and Democratic Deficits in Southeast Asia.

We are pleased to invite you to present your paper entitled “Memorandum of Understanding (MOU) as A Way to End Protracted Conflict Aceh – Indonesia or To Transform Conflict to be Peaceful?” at the Third International Conference on Human Rights and Peace & Conflict in Southeast Asia on October 15-16, 2014 in Kuala Lumpur, Malaysia. It will be held at the Swiss Garden Hotel in Kuala Lumpur.

This letter also serves as an invitation for your participation at this conference. For visa purposes, I am confirming the following details:

Name: Suadi Zainal
Passport No: A1106506
Nationality: Indonesian

Thank you and congratulations.

Sincerely yours,

Dr. Michael Hayes
Academic Committee and Steering Committee Member
The Third International Conference on Human Rights in Southeast Asia
Southeast Asian Human Rights Studies Network (SEAHRN)
Memorandum of Understanding (MoU) as A Way to End protracted Conflict Aceh – Indonesia or to Transform Conflict to be Peaceful?

Suadi Zainal

A lecturer at Departement of Sociology – Faculty of Social and Political Sciences, Universitas Malikussaleh, Lhokseumawe-Aceh.

A researcher at Research and Education for Peace (REPUSM), Social Sciences, Universiti Sains Malaysia, Penang-Malaysia,

Email: suadisostro@yahoo.com

Introduction: Aceh - Indonesia

- Aceh had Important role in struggling for Indonesia’s Independence in 1945 and 1949
- A Province of Indonesia, at the end of Sumatera
- Aceh has abundant natural resources, but one of poorest provinces.
- Poverty : in March 2014 raised 18, 05% (881,000)
- Had revolted against Indonesia twice.
- MoU is a peace agreement in 2005 for the second conflict, begun in 1976.
Conflict Dynamic, Aceh - Indonesia: Autonomy to Independence

- Drivers:
  1. Islamic identity (the Acehnese want the Gov. of Indonesia to adopt values)
  2. Natural Resources' Exploitation
  3. Structural Poverty (rich resources but poorest province)

Approach to Settle Conflict in Aceh

1. Military Approach
2. Military and Persuasive Approach (economic and power)
3. Military and negotiation (1959)--- Peace Agreement and Autonomy (Privilege in education, religion and culture)
4. Military and Imposed Autonomy (1999)--- additional privilege in Ulama's Role in making public policy
Peace Agreement

- Conflict of Darul Islam:
  1. Ikkrar Lamteh/ Agreement (Misi Hardi, 1959)
  2. Ikkrar Blang Padang/ Agreement (1962)
- Conflict of GAM:
  2. Crisis Management Initiative (CMI) :
     MoU Helsinki 2005

A way to MoU Helsinki

1. A continuity of past negotiations
2. Strong will of both parties (elites transformation)
3. Natural Diseaster (Tsunami)
4. Credibility of Mediator
5. A framework of Agreement: “No Autonomy and no Independence” and “Nothing is agreed till every thing agreed”
6. Informal Negotiations
Breaking MoU Helsinki into Law of Governing Aceh (LoGA)

According to the MoU (1.1):

1. A new Law on the Governing of Aceh (LoGA) will be promulgated and will enter into force not later than 31 March 2006.

2. LoGA based on the principles; Aceh exercises authority within all sectors, except in six fields; and the policies/decisions of the Government of Indonesia which regard to Aceh will be taken in consultation with and with consent of Aceh.

The Principles Translated into LoGA

"Aceh has the authority to regulate and implement government functions in all public sectors, except the authority of the central government....national character, foreign affairs, defense, security, justice, monetary affairs, national fiscal affairs and certain functions in the field of religion."

"......In consultation with and with considerations of Aceh"
IMPACTS

- LoGA needs other regulation from Government of Indonesia to be implemented (at least 2 years after LoGA).
- Decentralization (Autonomy) does not change relationship between Aceh and Indonesia
- Special Autonomy reconfirms asymmetrical relationship Aceh-Indonesia
- Aceh’s Privilege is only receipance of much more fund from Government of Indonesia

Next on.....

- Interpretation of MoU Helsinki into LoGA caused Aceh’s authority limited to run self-governance.
- Decentralization----Special Autonomy was reduced
- Balanced relationship as a core of positive peace is over now
### Why it happened?

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### RELATION

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Conclusion

- MoU Helsinki as peace agreement was effective for ending war in Aceh, but failed to transform relationship between Aceh and Indonesia to be peaceful
- Because the LoGA already undermined main goal of peacebuilding --- Relationship transformation to have balanced power

Recommendation

- Third mediator should involved in negotiation of constitution reforms
- DRR of Rebel is better to do after breaking Agreement into a new law as constitution reforms.
THANK YOU

FOR ATTENTION AND PATIENCE