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## Mission Not So Impossible The Aceh Monitoring Mission and Lessons learned for the EU

■ This paper looks at the Aceh Monitoring Mission (AMM) and the role it played with respect to the decommissioning of *Gerakan Aceh Merdeka* (GAM) weapons and the redeployment of the Indonesian security forces, as well as monitoring the reintegration of former combatants, human rights and the Aceh legislation.

■ It argues that the AMM was successful for five key reasons: First, the commitment to the peace process of GAM and Indonesia; second, the leadership and impartiality of the AMM; third, the support of individual EU member states during the set-up phase; fourth, the quick amnesty and the Commission on Security Arrangements (COSA); and finally, its lack of focus on implementing the human rights elements, which made it possible for the AMM to complete its mission in the sensitive context of Indonesian domestic politics.

■ The guiding questions are whether the AMM Model and Experiences made are transferable to other conflict scenarios, if there are lessons learned and recommendations for the EU and international Actors which might improve future Monitoring Missions.

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On 15 August 2005 three decades of armed insurgency in Aceh were brought to an end. The Free Aceh Movement or *Gerakan Aceh Merdeka* (GAM), which was struggling for an independent Acehnese state, and the Indonesian government concluded an agreement which would grant Aceh wide-ranging autonomous powers within the Indonesian Republic. The Memorandum of Understanding (MOU) was facilitated by the Finnish Crisis Management Initiative with backing from the European Union. The EU also played a key role in overseeing the implementation of the agreement. It led a civilian security mission, the Aceh Monitoring Mission (AMM) from 15 September 2005 until 15 December 2006 in conjunction with some ASEAN member countries.

This paper takes an in-depth look at the AMM and the role it played with respect to the decommissioning of GAM weapons, the redeployment of the Indonesian security forces, monitoring the reintegration of former combatants, and the monitoring of human rights as well as the legislation for the governance of Aceh. It will show that an early amnesty process was crucial to building GAM's confidence in the peace process. Similarly, the decommissioning to schedule of GAM weapons was essential to building Indonesia's confidence. It will further show that amnesty, decommissioning and redeployment were relatively unproblematic for the AMM while reintegration and human rights monitoring were more challenging. Indeed, human rights monitoring fell short when measured against the MOU.

This paper will argue that the AMM was successful for five key reasons: First, the commitment to the peace process of GAM and the Indonesian government; second, the leadership and impartiality of its head of mission, Pieter Feith, and the mission as a whole; third, the support of individual EU member states during the set-up phase; fourth, the quick amnesty and the Commission on Security Arrangements (COSA); and finally, though somewhat controversially, because of its lack of focus on implementing the human rights elements at the beginning of the process, which made it possible for the AMM to ultimately complete its mission in the highly sensitive context of Indonesian domestic politics.

## 1 The Aceh Conflict and the Transition to Peace

In October 1976 an armed insurgency erupted in the Indonesian province of Aceh on the island of Sumatra. This insurgency was fought by GAM, which sought to liberate Aceh from what it saw as Indonesian 'neo-colonial' control. GAM drew upon popular Acehnese discontent for its support. At the heart of this discontent and the conflict were antagonistic centre-periphery relations, which gave rise to political, social and economic grievances. The first set of grievances related to repeatedly broken promises of autonomy by the central government first under President Sukarno from 1951 to 1959 and again under President Suharto from 1967 to 1998. These were compounded by economic grievances after the discovery of natural gas in 1971. Under Suharto the revenue of Aceh's natural resources flowed to Jakarta with little if any wealth returning to the province. At the same time the population was subjected to the by-products of the discovery of gas, namely dispossession, dislocation, industrialisation, pollution, foreign corporations, urban-rural migration, the influx of non-Acehnese workers, and enclave development in North Aceh. Prices rose and urban poverty increased, placing considerable strains on Aceh's social fabric.

The final set of popular grievances related to the Indonesian counter-insurgency operations from 1976 onwards, in particular the period from 1989 to 1998 when Aceh was known as *daerah operasi militer* or military operations area. During this period Indonesian security forces in their pursuit of GAM perpetrated large scale and systematic human rights abuses against the Acehnese population.

The armed insurgency came to an end in August 2005 with the signing of a Memorandum of Understanding by GAM and the Indonesian government. The MOU outlined the multiple layers of the conflict, which had to be addressed for a successful transition to peace including identity questions, security, political autonomy, economic development, and human rights. The monitoring mission of the EU was only tasked to respond to the security layer, albeit with a limited mandate on human rights. The other layers were to be addressed by the Indonesian government, international agencies, non-governmental organisations, and regional organisations.

### 1.1 The Helsinki Peace Process

The Helsinki peace process started in January 2005 and was concluded successfully on 15 August 2005

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with the signing of the MOU aimed at bringing an end to three decades of insurgency in Aceh. While the negotiations emerged shortly after the December 2004 Asian tsunami devastated Aceh's coastal areas, the peace process was not the direct result of the natural disaster that preceded it. Instead, it was the outcome of five inter-linked factors. First, Indonesia's imposition of martial law in 2003 with full international backing dealt a severe blow to GAM's key strategy of internationalisation. GAM realised it simply did not have the international support it thought it had. Second, GAM's civilian shadow government was virtually destroyed and its military capacity significantly reduced by the Indonesian counter-insurgency operations. Third, GAM, in light of the first two factors, started to reconsider its negotiating position. This included a willingness to consider interim options short of independence. Fourth, the election of President Susilo Bambang Yudhoyono and Vice-President Jusuf Kalla provided an Indonesian government that was both personally committed to reaching an agreement and able to deliver a hitherto factionalised political elite.<sup>1</sup> And fifth, there had already been secret contacts between the Indonesian government and GAM dating back to summer 2003 and more serious back-channel talks since October 2004.<sup>2</sup>

The negotiations were facilitated by former Finnish president Martti Ahtisaari and the Crisis Management Initiative (CMI), a Finnish NGO. Ahtisaari had been contacted by Finnish citizen Juha Christensen who had spent two decades working in Indonesia where he had developed a good working relationship with then businessman Jusuf Kalla. When Kalla was elected vice president, Christensen saw an opportunity to help resolve the Aceh conflict. Ahtisaari shared Christensen's assessment and approached the European Council. The involvement of the EU at this point was minimal. While the EU had been involved during a previous series of negotiations in 2003, it had not been proactive since. Javier Solana seized upon the opportunity and asked Ahtisaari to 'come up with something' that the EU would then 'take further' and fund. The EU decided to underwrite this project because it believed that the circumstances were finally

right. As one senior official of the European Commission explained: The domestic factors were the most important. External factors cannot impose peace.

Without GAM or Indonesian government consent Ahtisaari would have failed. GAM was about to be crushed. Another 2–3 months and they would have been totally defeated. But they would have come back and the Indonesian government knew that. So that's why they wanted to talk. Once the domestic factors were in place we could deliver the external factors. First, Ahtisaari. Second, the trust and the weight of the EU. And third, the combination of the two.

## 1.2 The MOU and role of the AMM

The MOU comprises five sections:<sup>3</sup>

First, the governing of Aceh: This section addresses political participation, the economy, and the rule of law. It stipulates that a new law will be promulgated to enter into force no later than 31 March 2006. Everything except foreign affairs, external defence, national security and fiscal matters will be devolved to Aceh. Aceh will be consulted with respect to international agreements and has the right to use regional symbols including a flag, a crest and a hymn. With respect to the economy, the MOU grants Aceh the right to raise funds with external loans and to set interest rates beyond those set by the Central Bank. Aceh can raise taxes and seek foreign direct investment. It also has jurisdiction over living natural resources in its territorial sea as well as being entitled to retain 70 per cent of the revenue from all current and future hydrocarbon deposits and other natural resources.

Second, human rights: The legal code for Aceh will be redrafted on the basis of the universal principles of human rights and Aceh will receive its own independent court system. The appointment of the regional police chief and prosecutors will require the consent of the Aceh administration. Moreover, all civilian crimes committed by military personnel in Aceh will be tried in Acehese civil courts. Aceh will receive a human rights court as well as a truth and reconciliation commission.

Third, amnesty: GAM members will be granted amnesty and those imprisoned will be released within 15 days of the signing of the MOU. Former prisoners, ex-combatants, and civilians who suffered a demon-

1 For a full discussion on Indonesian fragmentation and how it was overcome see Michael Morfit, 'Staying on the Road to Helsinki: Why the Aceh Agreement was possible in August 2005', Jakarta: August 2006.

2 For a detailed discussion of the Helsinki peace process see Kirsten E. Schulze, 'The Helsinki Peace Process: Reaching Understanding in Aceh in the Wake of the Tsunami', in Joao Saldana and Barbara Harris-White (eds), *After the Boxing Day Tsunami*, (London: Routledge, 2007) or Edward Aspinall, *The Helsinki Agreement*, Policy Paper 20, (Washington: East West Center, 2006).

3 Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement, Helsinki 17 July 2005.

strable loss due to the conflict will have all political, economic and social rights and their reintegration into society will be facilitated including receiving farming land, employment or adequate social security. Ex-combatants also have the right to seek employment with the organic (i.e. locally recruited) police and military.

Fourth, security arrangements: As for security arrangements, hostilities will end with the signing of the MOU. GAM is required to demobilise all its 3,000 troops and to decommission 840 weapons between 15 September and 31 December 2005. Indonesia, in turn, is required to withdraw all non-organic<sup>4</sup> military and police during the same period. The number of organic forces to remain is 14,700 Indonesian military TNI (Tentara Negara Indonesia) and 9,100 police.

Fifth, the establishment of the Aceh Monitoring Mission: the MOU sets out the establishment of the Aceh Monitoring Mission comprising EU and ASEAN countries to monitor the demobilisation of GAM and the decommissioning of its weapons, to monitor the redeployment of non-organic military and police, to monitor the reintegration of GAM and the human rights situation as well as the legislative change, to rule on disputed cases including amnesty, and to investigate violations of the MOU.

## 2 The EU Monitoring Mission to Aceh

### 2.1 Setting up the AMM

The preparations for the AMM began in August 2005 with a Technical Assessment Mission. It comprised civilians and military personnel from a mixture of EU member states. The Assessment Mission went to Indonesia and met in Jakarta with the Indonesian government as well as ASEAN contributors. It was assumed that ASEAN countries would be part of the monitoring mission as the Indonesian government objected to a purely European monitoring force, but until then little had actually been done about this. The Technical Assessment Mission also deployed to Aceh, where it conducted a number of field assessments and established the Interim Monitoring Presence (IMP). The 82-strong IMP was tasked with bridging the gap between the signing of the MOU on 15 August and the starting date for the AMM on 15 September.

The AMM was set up as a civilian mission with its headquarters in the provincial capital of Banda Aceh.

<sup>4</sup> Non-organic means centrally as opposed to locally recruited and deployed (= organic) military and police forces.

It was led by the head of mission, Pieter Feith, who reported to the European Council and directly to Secretary General Javier Solana. It comprised monitors from the EU, Norway and Switzerland as well as five ASEAN countries: Thailand, Malaysia, Brunei, the Philippines and Singapore. The AMM's first mandate period was six months, after which it was extended thrice, until 15 December 2006. During this time the number of monitors was progressively decreased as the security situation improved. From 15 September to 31 December the AMM had 125 EU and 93 ASEAN monitors on the ground. At the end of the mission there were only 29 EU and 7 ASEAN monitors left.

The AMM's objective was to assist GAM and the Indonesian government with the implementation of the MOU and 'to contribute to a peaceful, comprehensive and sustainable solution to the conflict in Aceh.'<sup>5</sup> Its specific tasks were to:

- to monitor the demobilisation of GAM and the decommissioning of its weapons
- to monitor the redeployment of non-organic TNI and police
- to monitor the reintegration of GAM and the human rights situation as well as the legislative change
- to rule on disputed amnesty cases
- and to investigate violations of the MOU

Key to the smooth running and indeed the success of the AMM were the Commission on Security Arrangements (COSA) meetings. These were held weekly at headquarters level in Banda Aceh, chaired by Pieter Feith and attended by senior representatives of GAM and the Indonesian government, police and military. There were also meetings at the district level (DiCOSA)<sup>6</sup>. The purpose of these meetings was to provide a forum in which to raise issues, questions, and complaints in a speedy manner and to talk through them and resolve them before they became real obstacles. The COSA and DiCOSA meetings were further supported by the dispute resolution mechanism, which addressed disputed issues by GAM and the TNI in an objective and impartial manner. In the few incidents of violence that did occur the AMM listened to both parties involved, carried out their own forensic investigation, and issued a ruling on the incident. As a tribute to the AMM's impartiality, neither GAM nor the TNI challenged any of the rulings handed down.

<sup>5</sup> Aceh Monitoring Mission leaflet, Banda Aceh, 2006.

<sup>6</sup> At district level the AMM was initially divided into 10 and later 11 district offices (DO) covering all of Aceh. They were based in Sigli, Bireuen, Lhokseumawe, Langsa, Lamno/Calang, Meulaboh, Blang Pidie, Tapaktuan, Kutacane, and Takengon.

## 2.2 Financing and Training as Constraints to the AMM

The EU mission to Aceh suffered from the very beginning from a number of challenges and problems. The two most important were: first, the mismatch between the limited time frame for setting up the mission and the far lengthier and highly bureaucratic funding process in Brussels, and second, the training and selection of monitors.

The financing of the AMM was one of the greatest challenges. When the EU was asked by the CMI whether it would be willing to monitor the implementation of the MOU, there were mixed reactions. The General Affairs and External Relations Council (GAERC) was cautiously positive about a European deployment in Aceh. The Political and Security Committee (PSC) was not enthusiastic.<sup>7</sup> There was also no consensus among the member states. Finland, Sweden, the Netherlands, France, and later the UK were for an EU engagement while the rest felt that the EU should concentrate on areas they already had a presence in such as the Balkans and Africa. Nevertheless, the EU Commission's External Relations Directorate General proceeded to draft a proposal for financing the mission in July 2005. This proposal suggested that the Commission would fund the mission through a grant to a member state.<sup>8</sup>

The Commission's proposal generated a heated debate between the Commission and the Council not so much with respect to its contents but the political power that would have accrued to the Commission for running the Aceh operation. The Council Legal Service rejected the proposal on legal, budgetary and political grounds. From the reaction of the Council it became clear that it saw the Commission's proposal as a take-over bid for the mission chain of command. The Commission's proposal was followed by various other proposals ranging from full financing from the CFSP budget to shared financing between member states and the CFSP budget. Progress was slow as during this whole debate a considerable number of member states were still not convinced by the Aceh mission. It was only Javier Solana's personal intervention that swung the debate in favour of EU deploy-

ment and financing it from the CFSP budget. However, out of a total budget of EUR 15 million, the CFSP could only cover EUR 9 million. 'The rest had to be provided by 'willing and able' member states on the basis of a 'costs lie where they fall' basis. Seven member states offered contributions in kind for an overall amount of EUR 5 million. Sweden delivered over EUR 4 million worth of logistical support. However, the largest burden fell upon the UK through the British Embassy in Jakarta, as the UK held the EU presidency at the time and thus the embassy bore an additional administrative and organisational burden.

Funding issues were further exacerbated by procedural difficulties and time constraints. EU procedures are not geared up for rapid release of funds. Yet the Aceh mission was put together at very short notice, in only 18 days. The institutional power-struggles in Brussels, the lack of consensus among member states, and the unconventional way of raising the money for the mission, had repercussions not only on the diplomatic level but also on the ground. Thus, for example, when the assessment team deployed in Aceh in August 2005 they had no money to access and no mobile phones that worked. The AMM lacked money for secretaries, offices, computers, and printers.

Training for the mission was also not adequately prepared but rather *ad hoc*. In the beginning training could not be described as anything other than very rudimentary. Later on the mission training became more extensive in comparison but still less than perfect. The monitors underwent a three-day training program. This training included briefs on Acehnese society and culture, a history of the conflict, and an overview of how the Indonesian military functioned. There was also training provided on emergency preparedness and humanitarian operations. Specialised training was given to the four decommissioning teams which ranged from how not to humiliate fighters to how to use the cutting equipment. This technical training for the decommissioning teams was the only training that was fully professional.

The Indonesian language also posed some challenges. There was a lack of Indonesian speakers within the EU contingent especially in the early stages of the mission. This was compounded by a dearth of qualified translators and interpreters. The Acehnese population's English language skills were almost non-existent. Moreover in some parts of Aceh, Acehnese is spoken rather than Indonesian. Problems with the local languages were exacerbated by the fact that a small number of members of the AMM had inadequate English and thus there were communications difficulties among the monitors.

7 Pierre-Antoine Braud and Giovanni Grevi, *The EU mission in Aceh: implementing peace*, occasional paper No. 61 (Brussels: European Union Institute for Security Studies, 2005), p.21.

8 The first part of the AMM was to be funded by the Rapid Reaction Mechanism (RRM) from an amount of EUR 3 million. The rest was to come from the Asia and Latin America (ALA) program. The salaries of the staff would be funded by member states.

### 3 The AMM at work: Dealing with the Combatants

Initially the AMM focused primarily on security issues, namely monitoring the amnesty for GAM prisoners, the decommissioning of GAM weapons, the redeployment of the Indonesian security forces, and the reintegration of former combatants. Its role in the parallel decommissioning and redeployment became one of the greatest successes of the AMM and was seen as such by all parties involved. The amnesty and reintegration processes themselves as well as the AMM's monitoring of them received comparatively more criticism, especially from GAM.

#### 3.1 Amnesty

Since the signing of the MOU some 2,000 GAM prisoners were released. In order to build GAM's confidence in the peace process the amnesty had to be implemented early and quickly. The AMM's key function was to monitor the releases and 'keep up the pressure' on Jakarta to ensure that the amnesties were carried out speedily and completely. With respect to speediness the AMM was very successful. Indeed, the first round of releases, 298 persons, came only two days into the agreement on 17 August to celebrate Indonesia's Independence Day and before the official amnesty was granted through presidential decree 22/2005 on 30 August. Following the decree on 31 August another 1,424 were released.

While the majority of GAM prisoners were released quickly and amnesty as a whole served as a confidence building measure, there were a small number of disputed cases which caused the completion of the amnesty process to drag on. At the heart of the dispute was whether certain prisoners had been criminally involved. The amnesty applied only to those GAM prisoners who were involved in the insurgency; it did not include GAM members who had been convicted on criminal charges. These disputed cases created discontent within GAM, which to some extent, rightly or wrongly, blamed the AMM. The general feeling within GAM was that the AMM did not address this issue as forcefully and decisively as decommissioning and redeployment.

#### 3.2 The decommissioning of GAM weapons

The decommissioning of the 840 agreed GAM weapons was divided into four stages to be completed by the end of December 2005. It was carried out under

the supervision of four specially trained decommissioning teams headed by retired Finnish Colonel Kalle Liesinen. The first phase of decommissioning was a challenge because of severe time constraints. The first weapons were scheduled for collection on 15 September and that meant that the decommissioning teams had effectively only two weeks to get everything in place.

The first round of decommissioning started on time on 15 September in Banda Aceh with the surrender of 62 weapons. On 18 September the first round was completed with 279 weapons handed over, of which 243 were accepted by the AMM.<sup>9</sup> In order to qualify weapons had to have a steel barrel, a steel chamber, and be capable of firing lethal ordnance. For Indonesia this first round was absolutely crucial to the success of the MOU as the previous peace process had started to collapse when GAM failed to place its weapons beyond use in February 2003. It was the sign of GAM's sincerity. The second round of decommissioning took place in mid October and resulted in a total of 291 weapons handed over, of which 58 were rejected, raising the overall number to 476 weapons accepted by the AMM. This phase further strengthened the Indonesian confidence in the process because many of the weapons were surrendered by GAM's Bireuen commander Darwish Jeunib, who had a reputation of a hardliner.

While the first two rounds had produced the weapons on time, they were not unproblematic. One challenge was GAM's weapons transports, which resulted in some shooting incidents. This was resolved by the AMM designating roads for the weapons transport so that there were no military or police roadblocks. Another difficulty was East Aceh. During the second round of decommissioning it became clear that East Aceh GAM was not as committed as the other areas.<sup>10</sup>

During the third round of decommissioning in November the process almost collapsed. Liesinen recalled that there was sort of a revolution within GAM. GAM's representative on the decommissioning team was replaced and the new representative all of a sudden said that there were no weapons left. Yet, the EU monitors had seen more weapons. In the end, GAM surrendered 286 weapons (222 accepted) in November and another 162 weapons (142 accepted) in December. The last weapon cutting ceremony was held in Banda Aceh on 21 December. A total of 1,018 weapons were handed in. 178 were disqualified and 840 were accepted and destroyed. The weapons in-

<sup>9</sup> AMM Daily Report, Banda Aceh, 18 September 2005.

<sup>10</sup> See Monthly Report 001, HQ AMM, Banda Aceh, 15 September – 21 October 2005, p.1.



cluded sniper rifles, TNI weapons, weapons from Thailand, Cambodia and Vietnam as well as some from Pakistan.

Despite the challenges along the way, the overall process of decommissioning was a resounding success according to all parties involved. The consensus within GAM was that the decommissioning went well and that the AMM carried out its duties quickly and professionally. The TNI, too, was pleased and indeed saw the decommissioning of GAM's weapons as their own success. For the TNI the AMM had finished up the job that they had started. Key here is that the TNI tended to view victory and defeat in terms of weapons captured or lost. The disarmament of GAM thus translated into a TNI victory.

### 3.3 Redeployment of the Indonesian security forces

The redeployment of non-organic (centrally as opposed to locally recruited and deployed) Indonesian security forces – police and military – was to run in parallel with the decommissioning of GAM's weapons. There were four rounds of redeployment from September to December 2005. The first phase of redeployment began on 14 September with the withdrawal of 1,300 mobile police (*Brimob*). This was followed by the redeployment of two military units of the TNI. By the end of the redeployment process 25,890 TNI and 5,791 mobile police (*Brimob*) had been withdrawn, bringing the total up to 31,681 non-organic security forces redeployed.

While the process as a whole went smoothly, there were two issues raised by the AMM during the early period. The first was that the TNI continued aggressive patrolling and there were continuing allegations of harassment, beatings and extortion by *Brimob*.<sup>11</sup> The second was the repeated reports of intimidation of ex-GAM by members of the TNI intelligence (SGI) in the form of questioning, monitoring and photographing. Both had the possibility of undermining the peace process, but ceased to be a problem once they had been brought to the attention of Major-General Darmono, Aceh's military commander.

The troop redeployments were verified by the AMM and GAM was informed at each COSA meeting. This was followed by an overall verification from 14 January to 15 February 2006 in which the AMM monitored the remaining troops in the various districts and concluded that the Indonesian government had fully complied with the MOU. Nevertheless, GAM

remained sceptical which was a clear reflection of thirty years of conflict with the Indonesian government and the lack of trust between the two sides. GAM worried in particular about the order and type of troops redeployed in each phase and about the remaining number after redeployment was completed.

### 3.4 Reintegration of Ex-combatants

According to the MOU, the AMM's role was to monitor the reintegration of GAM ex-combatants into society, including amnestied prisoners. Implementing the actual reintegration programs was not part of the AMM's mandate. These programs were carried out by international agencies, local government, and the government agency *Badan Reintegrasi Damai Aceh* (BRA).

The first reintegration package was issued to GAM regional commanders in October 2005. They received Rp 1 million (appr. 85 €) per fighter based on a list of 3,000 GAM combatants detailed by district. This list quickly became a bone of contention. Both the Indonesian government and the AMM wanted names to whom the reintegration packages were going to be disbursed. However, GAM was reluctant to provide names fearing that the Indonesian government would arrest those listed should the peace process break down. The number of 3,000 in itself also provided problems. It was unclear whether this list included the many GAM members who had been in support functions such as logistics and intelligence. It certainly did not include the female fighters. GAM did not believe that they needed reintegration funds as they would get married. It has also been argued that GAM kept the number artificially low as a higher number of combatants would have raised the number of weapons to be handed over.

The AMM was not happy with just handing the reintegration packages to the GAM commanders. There were indications that guerrillas in some areas were not included and there were also problems with the distribution of the reintegration packages. Many of the fighters only received between Rp 175,000 and Rp 200,000 as opposed to the Rp 1 million envisioned by the AMM. Local GAM commanders explained that this was the result of having to share the money among a greater number of people. However, 'there were hints of luxury cars and new houses for commanders at the expense of the rank-and-file.'<sup>12</sup>

11 Weekly Report 002, HQ AMM, Banda Aceh, 28 Sep – 11 Oct 2005, p.3.

12 ICG, 'Aceh's Local Elections: The Role of the Free Aceh Movement (GAM)', Asia Briefing No 57, Jakarta/Brussels, 29 November 2006, p.10..

Two further reintegration packages were released in October 2005 and January 2006. The Indonesian government then proceeded to propose a budget for longer-term support to include funds for housing, land, and job training as well as schools and religious buildings in conflict-affected areas. On 15 February 2006, the government agency BRA was established by the Governor of Aceh. It comprised representatives from GAM, the Indonesian government, and civil society. It cooperated with the international agencies such as the International Office of Migration (IOM). It had a budget of Rp 200 billion that was supposed to be spent by May. A further Rp 600 billion was earmarked for reintegration from the 2006 budget to be spent by December.<sup>13</sup>

The BRA changed the approach from a combatant-driven disbursement to a project-driven disbursement of reintegration funds. This raised a whole set of different challenges. The BRA had two reintegration schemes. The first was for small projects proposed by groups of ex-GAM combatants. These were vetted by senior GAM and government officials and led by local GAM leaders. The idea was that each of the 3,000 ex-guerrillas who joined with comrades to start a business would receive Rp 25 million, with half disbursed when the project was approved and the other half when the BRA verified that it had been implemented. Unlike the previous three reintegration packages, these proposals required names of ex-combatants through whom the money would be disbursed. This resolved the name issue to a large extent and on the whole GAM's project proposals were well-structured and implemented and thus this scheme was a clear success. The second reintegration scheme was for civilians affected by the conflict. This scheme did not work well as the criteria were so broad that virtually everyone could put in a claim. Indeed, by July the BRA had received 48,485 proposals – too many to register, let alone read, evaluate and fund. By August, only 29 proposals for enterprises had been funded.

Another failure of the reintegration process as a whole and indeed the MOU rather than the BRA or the AMM was the fact that one set of ex-combatants was totally excluded. These combatants were the pro-Indonesian civil defence organisations or *perlawanan rakyat (wanra)*. The *wanra*, who had supported the TNI during the martial law period with intelligence, had come out of this peace process empty handed and, not surprisingly, felt abandoned and complained. The AMM tried to redress this. Pieter Feith took this issue to the COSA meetings but GAM objected adamantly to their inclusion. GAM had always seen the

*wanra* as militias and as tools of the TNI. Now they were trying to siphon off money that GAM saw as exclusively theirs. In turn, the TNI tried to get them a share of the reintegration money by including them in the BRA. This resulted in the resignation of GAM's representatives in the BRA in June 2006.

The reintegration process as a whole received more criticism from GAM than either amnesty, decommissioning or redeployment. Much of this criticism was levelled at the Indonesian government but also at the AMM for not pressing the government harder. There were delays in the disbursement of funds. The uncertainty of where the money had 'got stuck' created tension between GAM commanders and their men and between GAM commanders and the BRA. This was compounded by unrealistic expectations among ex-combatants. Lack of capacity at the leadership level also had a negative impact. Other criticisms came from within the AMM itself. Some believed that the greatest issue was inexperience in reintegration processes as a whole, starting with the rapid drafting process of the MOU itself. The AMM was faced with monitoring the implementation of a process for which there was no real consensus on what it would look like. Moreover, the AMM did not start focusing fully on reintegration until after decommissioning was completed. And finally, there was criticism of the AMM's top-down structure, which had been adopted to safeguard its personnel in a hostile environment and allow for speedy evacuation. However this structure proved less capable for dealing with complex social issues such as reintegration.

## 4 The AMM and Political Transition in Aceh

### 4.1 Human Rights

There are a number of specific clauses relating to human rights in the MOU. The AMM's role was that of monitoring both human rights abuses after 15 August 2005 and monitoring the establishment of the Human Rights Court and the Commission for Truth and Reconciliation. The AMM, however, had to work in a highly sensitive environment as pushing too hard on human rights risked the mission as a whole. Thus one senior AMM official stated: 'If we had gone in in 2005 and had said that we will focus on human rights we would have been finished.'<sup>14</sup> This view was shared by diplomats in Jakarta: 'It was a simple choice of facilitating the end of armed conflict in Aceh or losing this

<sup>13</sup> ICG, 'Aceh's Local Elections', p.10

<sup>14</sup> Interview with AMM, 6 September 2006.

opportunity by talking about human rights, which would not have brought about results anyway.<sup>15</sup>

At the heart of the problem was the uneasy relationship between Indonesia and the international community since the violence by the security forces after the 1999 East Timor referendum. Human rights issues and international concern for human rights are perceived by Indonesia as a stick with which to regularly beat the government and the security forces. Human rights criticism by Westerners is seen as hypocritical and as a deliberate political tool to keep Indonesia weak. This view is particularly prevalent in the military.

In this context it was not surprising that there was little progress on human rights issues<sup>16</sup>. The lack of progress resulted in criticism by civil society and human rights organisations. The most common criticism was that the perpetrators of gross human rights abuses before the peace agreement was signed on 15 August 2005 have not been brought to justice. Voices of disappointment were also heard in European circles. One source close to Martti Ahtisaari, for instance, said that Ahtisaari had a much stronger human rights agenda at the beginning of the negotiations and that the Indonesian government had simply blocked off attempts to raise these issues. With respect to the human rights court and the truth and reconciliation commission, EU officials also voiced disappointment that no movement had occurred so far. But they also pointed out that there was nothing directly for the AMM to do.

GAM, too, was critical of the lack of progress on human rights. Its focus, however, was slightly different. GAM complained repeatedly that the AMM had not dealt with the dissolution of the *wanra*. Another area of concern was the extent of the AMM's human rights mandate. Two issues were crucial in this respect. First, that the AMM had no sanctioning power. And second, that its mandate only covered the violations by either GAM or the Indonesian security forces. The most common complaint was that the AMM seemed more reluctant when approaching human rights compared to its approach to decommissioning and redeployment. Interestingly, GAM's allegations of reluctance were echoed by some staff of the EU mission. As one official pointed out, 'human rights is not well coordinated or competently represented. The concept

is non-existent, there are no policies and the area is weak, confused and aimless.' Several AMM members claimed that every time they wanted to raise human rights or be more pro-active in this area that they were ignored, marginalised or even silenced.

## 4.2 The Law on the Governance of Aceh

According to the MOU, new legislation was to be drafted for Aceh. This was to be based on the principles that Aceh will exercise authority within all sectors of public affairs except in the fields of foreign affairs, external defence, national security, monetary and fiscal matters, justice and freedom of religion, which belong to the Government of the Republic of Indonesia. Aceh was to be consulted by the Indonesian Government on international agreements that relate to matters of special interests to Aceh. Decisions with regard to Aceh by the legislature of the Republic of Indonesia were to be taken in consultation with and with the consent of the legislature of Aceh. Finally bylaws (*Qanun*) were to be re-established for Aceh respecting the historical traditions and customs of the people of Aceh as well as reflecting contemporary requirements of Aceh.

Drafting and redrafting the Law on the Governance of Aceh (LoGA) only started after decommissioning and redeployment had been successfully completed and it took more than five months. Indonesian parliamentarians in Jakarta wrangled over how much autonomy the province should receive as Aceh undoubtedly would become an example for other provinces to aspire to. They missed the deadline of 31 March 2006 stipulated by the MOU. It was only on 12 July that the LoGA was finally passed. It comprises 40 chapters and 278 articles. Pressure from the AMM was important in getting the legislation passed. According to Indonesian Justice Minister Hamid Awaluddin, 'they played a significant role in pushing us to keep to the timeframe but without interfering in the substance.'<sup>17</sup> The latter, from an Indonesian point of view, was crucial and confirmed the AMM's impartiality. The AMM welcomed the passing of the legislation. However, there was criticism from GAM, human rights organisations, women's organisations, civil society, moderate Muslims and non-Muslim minorities.

At the domestic level, activists of the Aceh Democracy Network (JDA) rejected the LoGA and called for a judicial review. In the JDA's view the role of the

15 Interview with diplomatic source, Jakarta, 18 July 2006.

16 Indonesia did ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) on 30 September 2005. However, this was not a consequence of the peace process but an obligation Indonesia had taken up under its National Action Plan on Human Rights in 2004.

17 Interview with Hamid Awaluddin, Indonesian negotiator and Justice Minister, Jakarta, 15 July 2006.

central government was still too great.<sup>18</sup> Activists from the Aceh Referendum Information Center (SIRA) claimed that the law contravened the spirit of the MOU and 'was a worse deal than the 2001 Aceh Special Autonomy Law.'<sup>19</sup> The human rights watchdog Aceh Working Group (AWG) said 'the law failed to meet the demand of the Acehnese whose basic rights had been trampled on for decades.'<sup>20</sup> On 12 July, several local NGOs urged the public to oppose the law and called for a transport strike, which, however, was only adhered to by a small number of people.

The criticism was to some extent shared by GAM, which was concerned about the restrictions on autonomy as the LoGA allows the central government in Jakarta to 'set the norms, standards, and procedures as well as monitor' the governance in Aceh, in short allowing for what they saw as Jakarta interference. They were particularly concerned about the curtailing of the power of the local administration in international cooperation and management of natural resources as well as the use of non-retroactive principles for human rights abuses. Some GAM members blamed the divergence between the actual content of the legislation and the MOU on the AMM. According to them the AMM should have put more pressure on the government to bring the LoGA in line with the MOU.

At an international level, human rights organisations pointed out that the LoGA was contrary to international conventions recently ratified by the Indonesian government, which guaranteed minority rights, religious freedom, and freedom of expression, and gender equality. They asserted that in light of Indonesia's human rights commitments the AMM, tasked to monitor legislative drafting, should have prevented or at least discouraged the inclusion of human rights incompatible provisions (see chapter 5). Human rights specialists further criticised the AMM and the peace process as a whole with respect to the participation of women,<sup>21</sup> especially as the EU Council had adopted UNSCR1325 in 2005, which calls for the participation of women in peace processes and conflict prevention. The AMM was thus not in line with the EU's own standards.

<sup>18</sup> *Tempo*, 24 July 2006.

<sup>19</sup> *The Jakarta Post*, 13 July 2006.

<sup>20</sup> *The Jakarta Post*, 12 July 2006.

<sup>21</sup> For a full discussion see Crisis Management Initiative, *Aceh Peace Process: Involvement of Women* (Helsinki: CMI, 2006).

### 4.3 Elections

The MOU stipulated that elections in Aceh would follow the change in legislation. So after the LoGA was passed the date for the first direct elections for governor and vice-governor as well as 19 regents and mayors was set for 11 December 2006. Around 2.6 million Acehnese were eligible to vote. For the people the elections were a sign that the peace process was becoming irreversible and that Aceh would continue to see positive changes, most notably real peace, comprehensive rebuilding, and full democracy. Confidence in the elections was further boosted by Vice President Kalla's statement that 'we will support whoever wins.'

GAM had decided against formally endorsing particular candidates for these elections because a rift had emerged between the 'old guard' leadership in Sweden and the 'young Turks' who had fought on the battlefield. The split was over perceptions of what Aceh is and should become and perceptions over who did what during the conflict. One issue of contention was which candidate to support for governor. The exiled leadership's choice was Hasbi Abdullah, brother of GAM Foreign Minister Zaini Abdullah. The younger generation and most field commanders preferred Irwandi Yusuf on the grounds that Hasbi had played virtually no role in the conflict while Irwandi had excelled as a strategist and spokesman. Further causes of the split included criticism of GAM Prime Minister Malik Mahmud by the 'young Turks'. They charged him with poor judgement, lack of leadership and lack of organisational capacity during the peace talks.<sup>22</sup> Due to this split within GAM the decision was made not to establish a party until after the December elections. Instead both candidates for governor ran as independents.

The election campaign started on 23 November and ended on 7 December and while all candidates declared their support for a peaceful election campaign, there were some incidents of violence. These were not, however, along conflict-related cleavages but turf scuffles between campaign teams. According to the election regulations candidates for governor, bupati and mayor had to receive at least 25 per cent of the vote or a second round of run-off elections would take place. With the large number of candidates run-offs were expected in most districts. The official results were to be announced on 2 January 2007. However, the National Democratic Institute's

<sup>22</sup> For a full discussion see Damien Kingsbury, 'The politics of peace: Why GAM split after reaching peace with Indonesia', unpublished paper, 2006.

quick count on 11 December already established GAM's 'young Turk' candidate Irwandi Yusuf as Aceh's new governor. He won the gubernatorial elections with 38.57 per cent.<sup>23</sup> This will raise some interesting challenges for the future. How will the Indonesian government cope with a GAM governor? Will the TNI stay quiet or will it see an Irwandi governorship as the slippery slope to independence? And how will the exiled GAM leadership cope with this challenge from the ground and from a younger generation? Will they hand over the reigns gracefully like Nelson Mandela or destructively cling to power like Yasser Arafat? And finally, how will Irwandi deal with the complex day-to-day problems of Aceh ranging from *Sharia* to reconstruction?

## 5 Sharia and the AMM

When the LoGA was passed questions about Islamic Law or *Sharia* in Aceh were also raised. To what extent was the way *Sharia* was going to be implemented in Aceh – as opposed to *Sharia* per se – compatible with human rights and Indonesia's human rights obligations? And did the AMM's mandate to monitor human rights include *Sharia*?

*Sharia* has been the norm in Aceh intermittently throughout history, including on at least four occasions since Indonesian independence: First from 1949 to 1951 when Aceh had special status; second, from 1953 to 1959 when Aceh was part of the *Darul Islam* rebellions; third, from 1959 to around 1967 when Aceh was *Daerah Istimewa* or special territory, and fourth from 2002 onwards when *Sharia* was implemented as part of the autonomy package. During these periods different aspects of *Sharia* were highlighted, mainly focusing on family law and dress code. With the LoGA the province for the first time received the permission to apply *Sharia* criminal legislation and with it corporal punishments (*hudud*). Indeed, *Sharia* effectively replaced the national criminal code and a new *Sharia* police or *Wilayatul Hisbah* patrolled the streets to counter moral transgressions. This raised concerns by women's organisations, human rights groups, and religious minorities in Aceh as well as 'secular' nationalists in the Indonesian parliament who worried about the precedent set by Aceh.

*Sharia* is the body of Islamic jurisprudence relating to all aspects of life. It can be holistically understood as the whole of Islamic teachings from the *Koran*, the *hadiths*, the *sunna*, and *fatwas* to treatises on ethics and values. More commonly, however, it is seen in a narrow legalistic way reducing *Sharia* to its legislative

and punitive aspects, often from lack of understanding. The LoGA falls into the latter category. It contains 16 articles on *Sharia* and its application. It covers religious observance, family law, civil law, criminal law, justice, education, proselytising, and defence of the faith. It further provides for additional stipulations to be regulated by Aceh's bylaws or *qanun*. According to these 16 articles 'every individual living in or visiting Aceh shall respect *Sharia*.' Not surprisingly human rights groups and religious minorities have expressed their concern about religious freedom with respect to the small Catholic, Protestant and Buddhist communities in Aceh but also with respect to Muslims who may not wish to be subjected to *Sharia*. Of particular concern was the focus of the *qanun* on morality and women. The *qanun* on 'proximity' (*khalwat*) and 'intimacy' (*ikhtilath*) defines *khalwat* as 'the act of being alone committed by a man and woman who are not legally married.'<sup>24</sup> *Khalwat* carries a punishment of being caned 10 times. *Ikhtilath* is defined as 'the act of adultery between a man and a woman not legally married' and includes 'holding hands, kissing, hugging.' It carries a punishment of being caned 20 times. *Zina* is defined as the sexual act between a man and a woman not legally married and carries a punishment of being caned 100 times.

Women rights activist Smita Notosusanto believed it is mainly women who were being targeted by *Sharia*.<sup>25</sup> According to her *Sharia* is being used to push women out of the workforce and back into the home. She pointed to evening curfews for women in cities like Bireuen. She further claimed that women activists were especially targeted. 'What is telling is that all women accused of immorality in Aceh were political activists. So now no one wants to stand for the elections.'

Similarly, human rights organisation pointed out that the LoGA and the *qanun* now provided a legal framework for the arbitrary arrest and detention particularly of women for not covering their hair or being out on the street after dark and corporal punishment for gamblers and alleged adulterers, which was of course not in line with the two conventions on human rights the Indonesian government had just signed. They further pointed out that the EU by not taking a stand on these issues was violating its own principles as laid down in the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. Moreover, the EU was being inconsistent. After all the EU had openly condemned the

24 Amendment to the bylaw of Nanggroe Aceh Darussalam, article 1, paragraph 20, 16 February 2006.

25 Interview with Smita Notosusanto, Acehkita, Jakarta, 18 July 2006.

23 Humam Hamid/Hasbi Abdullah received 17.04 per cent.

*Sharia* criminal laws implemented in Northern Nigeria and, in particular, corporal punishment.<sup>26</sup> And the European Court of Human Rights had declared *Sharia* law incompatible with respect for human rights and democracy.<sup>27</sup>

Concern about *Sharia* was also voiced by moderate and secular Muslims. They asserted that especially the *Sharia* criminal law was out of line with Indonesia's constitution, which is 'secular'. Moderate Muslims saw this as the thin end of the wedge into an Islamic state. They were worried that allowing Aceh to have *Sharia* would have a knock-on effect. Two other regions have now asked for the same provisions as Aceh. There were also worries about the rights of non-Muslims in Aceh whose freedom of religion was being violated as well as the bigger message being sent to non-Muslims across Indonesia, namely that their rights did not matter and that they were not equal citizens. In the worst-case scenario this could result in aspirations for independence in much of non-Muslim eastern Indonesia and a possible disintegration of the state. And last, but certainly not least, GAM was also not necessarily in favour of *Sharia* and certainly not the way it was now being implemented.

The issue of *Sharia* was quickly taken up by journalists and, once the first articles were published in the international press, members of the European parliament started asking questions why the AMM stayed silent on the content of the legislation and whether some aspects of the *Sharia* implementation were not in violation of the MOU which stipulated that 'the legislature of Aceh will redraft the legal code for Aceh on the basis of the universal principles of human rights provided for in the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural rights.' Moreover, several MEPs directed written questions at the European Commission and Council concerning the EU's stance on the application of *Sharia* law in Aceh and asked for EU action to stop violations of human and gender rights in this context. In December, the EU released a non-paper on *Sharia* in Indonesia with a particular focus on Aceh. This paper highlighted human rights concerns with respect to the religious freedom particularly of Muslims; cruel, inhuman and degrading treatment as exemplified by corporal punishment; equitable judicial process; discrimination based on gender; and respect for privacy.<sup>28</sup>

26 EU Presidency declaration on corporal punishment in Nigeria, 30 January 2001.

27 *Refah Partisi (The Welfare Party) and Others v. Turkey*, ECHR 87, 13 February 2003.

28 Background Note, 'Implementation of *Sharia* in Indonesia (with a particular focus on Aceh) and international human rights standards', VD-5/12/2006, p.3.

An EU decision on how to follow-up this paper, however, was not made before the expiry of the mandate of the AMM.

Returning to the question of whether the AMM's mandate included the monitoring of human rights violations within the context of *Sharia*, and in the absence of a decision from the EU, the AMM decided to interpret its mandate in a limited way, above all in order not to jeopardise the monitoring process as a whole or to get involved in a highly sensitive political debate.

## 6 Is the AMM a Transferable Model?

The success of the AMM and the peace process in Aceh have raised the question of whether the AMM is a model that could be transferred to other conflict situations. Key here is not actually the composition, structure or mandate of the monitoring mission itself but whether a conflict pattern allows external contribution and whether the conflict is 'ripe' for resolution through such external parties. What made the AMM successful was the commitment by both GAM and the Indonesian government to make the peace process work as well as the internal circumstances within GAM and the Indonesian government, which allowed them to reach and agree to a compromise solution. If the internal factors of other conflicts are similar – but only then – external actors can be successful in terms of facilitation, mediation or monitoring. And then the AMM can serve as a model.

So what does that mean for other conflicts in the region? For instance, some elements within the EU expressed an interest in resolving the conflict in Sri Lanka. Especially in the immediate wake of the 2004 tsunami, parallels were often drawn and hopes were high that the sheer magnitude of the tsunami would prompt the conflicting parties to overcome their differences. Leaving aside the fact that the tsunami was not responsible for the Aceh peace negotiations as that process had already been set in motion prior to the natural disaster, the circumstances in Aceh and Sri Lanka differ so greatly that at this point in time neither the Aceh talks model nor the AMM are transferable. The fundamental difference lies in the pattern of conflict, i.e. the domestic or internal circumstances. Unlike GAM, which controlled people across Aceh, the Liberation Tigers of Tamil Elam (LTTE) control territory and not an insignificant amount either. The LTTE are also a far more formidable fighting force with greater military capacity than GAM ever had. Moreover, GAM was on the verge of military defeat as a result of Indonesian counter-insurgency operations between May

2003 and December 2004. Its civilian 'state' structure had collapsed, its lower and middle ranks were decimated. Guerrillas in some areas were literally starving in the jungle. That is not the case for the LTTE.

To make things even more difficult, Sri Lanka technically has a ceasefire, which has been in place since early 2002. It also has a Sri Lankan Monitoring Mission (SLMM) to oversee it. The ceasefire, however, has been problematic. Indeed, the SLMM has lost almost all its functions due to the conflict. The situation has been further complicated by the fact that the international community has proscribed the LTTE, which effectively renders EU involvement impossible. However, should a stable and lasting ceasefire be reached in the future, it may be worth reconfiguring the SLMM along the lines of the AMM as the AMM has gained credibility which the SLMM has lost.<sup>29</sup>

Another conflict, which shares some similarities with Aceh, is the southern Philippines. Mindanao like Aceh is a secessionist conflict at the heart of which are antagonistic centre-periphery relations. Moreover, the Moro Islamic Liberation Front (MILF) has shown an interest in talks and there have been intermittent negotiations, albeit not that successful. However, similarities end here. The MILF is far from being in a weak position. Like the LTTE it controls territory and Philippine government troops have at times been struggling to assert their control. Negotiations have been ongoing in the southern Philippines with the MNLF and MILF, and the military administration has openly stated that it is prepared to negotiate with militants. However, successful negotiations will depend on overcoming the huge hurdle of ancestral lands. So it is questionable whether this conflict is ripe for resolution at this point.

But even if the conflict were ripe for resolution, there are a number of additional complicating factors. First, the MILF is not the only group claiming to represent the *Bangsa Moro*. Another group involved in the fighting is Abu Sayyaf, which is not only a proscribed organisation but also one that has links with Jemaah Islamiyya (JI), which in turn has links with Al-Qaeda. Moreover, JI still has training camps in the southern Philippines and the Philippine military with aid of the US military is carrying out counter-terrorism operations, which are unlikely to cease even if an agreement between Manila and the MILF is reached. The Islamist and the counter-terrorism factors make the Mindanao conflict a less than ideal environment for an AMM-like monitoring mission. And last but not

least, the US has already invested a significant amount of money in the southern Philippines, which they effectively see as their back yard. It is thus highly unlikely that the US would just allow the EU to come in and take all the credit for peace. That does not, however, rule out the US trying to replicate the AMM model in the event of a peace agreement between the government of the Philippines and MILF.

Southern Thailand is yet another conflict which is often compared to Aceh. And like Aceh and the southern Philippines it is very much a conflict born out of over-centralisation and the non-respect for the identities of minority groups in a coherent territory. However, the conflict pattern is different. Some have likened it to the former Yugoslavia as it is divided into different territories with more than one overlapping identity feature (ethnic-linguistic-religious-political orientation etc). There is also not just one organisation on the ground that represents the Muslim minority population. This immediately raises the question of who to talk to in a peace process. Several years ago, before the Thaksin government, Bangkok started quietly reaching out to the Pattani United Liberation Organisation (PULO) and Bersatu, but it was not clear if they were in control of those elements who are really running the show on the ground. These efforts were placed on ice after Thaksin came to power and the conflict escalated. His removal by coup may have re-opened the opportunity for a change in approach by the Thai government. However, there are other complicating factors including a significant criminal element which needs to be addressed, the possibility of Islamist elements linked to JI, but most importantly the role of Malaysia. Kuala Lumpur is as much part of the problem as it is part of the solution. In the Malaysian state of Kelantan a significant portion of the electorate are 'dual citizenship' holders who are Thais but registered on the electoral rolls in various districts. Together with a strong Thai sense of sovereignty, it is unlikely that there would be room for EU involvement at this point.

## 7 Conclusion

### 7.1 AMM: Mission not so Impossible

The AMM was a clear success. Without its monitors and expertise the implementation of the MOU would have been much more difficult and the Aceh peace process may have collapsed early on. Indeed, it was the impartiality and the confidence the AMM inspired in both GAM and the Indonesian military that allowed for the crucial decommissioning and redeployment to

<sup>29</sup> Correspondence with Ramasamy Palanisamy, Institute for South-East Asian Studies, Singapore, 9 and 10 October 2006.

be carried out. Without these the subsequent political changes would have been impossible. This success, as this paper has demonstrated, was due to five key reasons: First and foremost, because GAM and the Indonesian government were fully committed to the peace process. Second, because of the leadership and impartiality of its head of mission, Pieter Feith, and the mission as a whole. Third, because of the support of individual EU member states, particularly the UK, Finland and Sweden, during the set-up phase. Fourth, the quick amnesty and the committee on security arrangements (COSA). And fifth, because of its lack of focus on implementing the human rights elements at the beginning of the process, which made it possible for the AMM to ultimately complete its mission in the highly sensitive context of Indonesian domestic politics.

## 7.2 Lessons and Recommendations

The AMM and the Aceh peace process were a resounding success, providing some excellent *guidelines* for future missions of similar nature.

### ■ Decommissioning

The decommissioning of GAM weapons and the AMM's monitoring and verification of the hand-over as well as the destruction of these weapons was exemplary and provides an excellent model for other decommissioning processes.

### ■ Redeployment

The redeployment of the Indonesian security forces and the AMM's monitoring and verification thereof was well-organised and executed, again providing a good model for other redeployment processes.

### ■ Cooperation with other regional organizations

The cooperation between the EU and ASEAN as it was ultimately agreed provides a groundbreaking model for cooperation between the EU and other regional organisations.

That does not, however, mean that similar, future missions cannot be improved. The *key areas* which may be considered *for improvement* are:

### ■ Funding.

A rapid response mechanism requires a rapid funding mechanism and the political will of EU member states and institutions to reach an agreement under an EU umbrella.

### ■ Monitor selection.

Monitors should be fluent in the mission language and an effort should be made to recruit monitors proficient in the local language.

### ■ Training.

A well thought-out, well-structured, culturally-sensitive, training program should be devised and existing programs should be better utilised, especially to identify good trainers.

### ■ Working relations with the central government.

If the deployment area for a monitoring mission is in a remote, decentralised area, a good working relationship with the central government should be established, preferably by having a full-time office and liaison in the capital city.

### ■ Human rights mandate.

In environments where human rights have become highly politicised it may be worth considering a more limited or clearly defined human rights mandate and/or a sequenced implementation schedule so that the mission as a whole will not be jeopardised by a too early or too overzealous focus on human rights.

### ■ Human rights monitoring.

Once the exact human rights mandate has been clearly defined more specialist staff should be included. Any future mission should have a human rights adviser and a gender adviser. Such advisers need to be qualified and need a clear job description. Human rights and gender issues should also be compulsory elements of a pre-deployment training.

### ■ Sharia.

The main lesson from the *Sharia* debate is that any future mandate needs to be more specific on human rights, especially if future missions in Muslim areas are considered.

### ■ Reintegration.

It may be worth considering a stronger role for any future mission so that the reintegration process is better thought-through, organised and implemented.

### ■ Pro-government civil defence groups.

Pro-government civil defence groups, militias or paramilitary organisations should be included in the negotiations, decommissioning, and reintegration.



tion process in order to reduce the possibility of spoilers.

■ **Civil society**

For further inclusivity and ownership of the peace process, civil society groups should also be included in the peace negotiations.

■ **Mandate.**

It may be worth expanding the mandate to include peace-building.

■ **Transferability of the AMM model.**

The key lesson is to understand in all missions the conflict patterns and the structural and reinforcing factors of the conflict. Only then can the question of transferability be asked.

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