**COMPARATIVE STUDY OF AUTONOMY NEGOTIATIONS:**

**ACEH AND THE SAHARA REGION**

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It is well understood that no two conflicts are the same and thereby their solutions are also different. Nevertheless, there are valuable lessons to be learned from every conflict and the negotiations for its resolution, from successful endings as well as from those that failed. It is in this light that this comparative study is made. Since the solution to the Aceh conflict has been found and the Sahara dispute one is still at the proposal stage, lessons are obviously to be learned from the former; hence this paper will focus more on the Aceh autonomy negotiations. The lessons offered will be more on what not to do rather than what to do. The parties to the Sahara dispute know what they want, so it is hardly relevant for an outsider to tell them what to do. But they can look into the negative parts of the Acehnese experience in order to avoid the pitfalls and achieve a better solution to their problem. Being Acehnese and one of the four members of the support team to the Free Aceh Movement’s five negotiators who sat at the negotiations table in Helsinki from January to July 2005, I am presenting this paper from the "insider’s" point of view. In the words of Dr Marshall Ganz,[[1]](#footnote-1) I am offering the narrative of *"the story of us"* and also *"their story of us"*, of what we Acehnese think what others think about us. It has been pointed often that one cannot compare an apple and an orange, but they are both fruits and some comparisons can indeed be made.

1. **THE ACEH EXPERIENCE**

**The Current Situation**

On 15 August 2012, Aceh celebrated the 7th anniversary of the signature of the Helsinki Memorandum of Understanding (MoU) between the Indonesian Government (GoI) and the Free Aceh Movement (GAM) that ended their 30-year bloody conflict. On the surface, Aceh today is a vibrant place where one has to look hard for traces of the conflict. All indications show that peace will not only hold but will become stronger. The mediator, former Finnish President Martti Ahtisaari, chairman of Crisis Management Initiative (CMI), was awarded the Nobel Peace Prize partly for the success of his mediation of this conflict. The Aceh Monitoring Mission (AMM), formed by the European Union (EU), the backer and guarantor of the MoU, to carry out the initial monitoring and control of its implementation, proudly declared *mission* *accomplished[[2]](#footnote-2)* upon ending its mandate after only 15 months. This doesn't mean that there are no problems remaining that could overturn this trend. There are indeed plenty of problems that run as undercurrents to the calm water on the surface.[[3]](#footnote-3) If not handled properly, they might endanger the sustainability of the peace process. However, in the eyes of the international community, this peace accord is generally seen as a model of *soft-power* conflict resolution, much favoured by Europe, as against what is seen as the American *policeman* way of settling conflicts.[[4]](#footnote-4) Indeed, the chief representative of the EU, as the planned guarantor of the eventual peace agreement, called each of the five members of the peace talks from GAM to ask what made them think that the negotiations, mediated by Finnish former President Marrti Ahtisaari, would be successful when previous attempts had failed. “Europe does not recognize failure”, he said, and thus would not get involved if there is little likelihood that the negotiations would be successful.

Thousands of miles away, in a totally opposite natural surrounding from the Aceh's lush tropical rain forests, in the world's biggest desert land, all the parties to the Sahara dispute are working towards a solution to end the conflict that has run as long as the Acehnese conflict did. If similarity is to be drawn at this point, it is definitely in the sufferings of the ordinary people that should not be allowed to continue. As it has been proven again and again all over the world, violence cannot establish a peaceful and durable solution to disputes. Most enduring peace processes after World War II are those achieved through dialogue and compromise. Even the victors of World War II had to address the new situation and establish a new structural order of the world to minimize the emergence of future conflicts, including among many other things the process of decolonization. There is a much simpler, honourable, and dignified way of achieving real peace than violence, which is through dialogue and compromise.

I would like to take this opportunity to express my humble appreciation to the Swiss Government and people who have been so wise to offer this beautiful city of Geneva as a neutral sanctuary to nations at war since the 16th century and also to actively pursue dialogues for peace here. We Acehnese are not strangers to this city; we have been here before and we have pleasant memories of it. It emanated from here that the young generation of our people who were born during the 30-year conflict tasted peace for the first time in their life. If the peace accord for the Aceh conflict established here did not last long, it was not the fault of the facilitator or the venue, not even the mediator that was also an organization based in this city and named after one of its greatest sons, Henri Dunant (now called Centre for Humanitarian Dialogue); it is just that the conflict parties were simply not really ready for a sincere peace; both still thought that military victory with the winner-takes-all solution was still possible and they treated the peace negotiations as another battlefield when they had to try to outwit their enemy. Martti Ahtisaari said towards the end of the Aceh-Indonesia peace negotiations in Helsinki in January 2005 that no power on Earth can guarantee a peace accord if one side or the other is not sincere in implementing it. It is my observation that real and sustainable peace is only possible when both sides are tired of war and realize that military victory is not possible and that peace is the only way to go for their own survival.

**The Aceh Conflict**

The first rule of mediation is to understand the conflict from the perspective of the parties to the conflict, and not what the mediator would like to see happen, no matter how good it looks. Part of the reasons why the Aceh conflict endured for so long was this failure to look into its core issue. Most third-party narratives of the Aceh conflict start with standard terminologies such as *economic injustice, ethnic differences, Islam versus secularism, separatism, provincial rebellion against the centre* and suchlike secondary contributing or aggravating factors to the real issue of the war. The US Congressional Research Service, in its report to Congress states: *"The causes of separatism and alienation in Aceh are a combination of four factors: (1) Aceh has a distinct history as an independent kingdom from the 15th century until the beginning of the 20th century. It maintained diplomatic and consular relations with several states, including Great Britain. It exchanged diplomatic notes with the United States. In 1873, the Dutch invaded Aceh and conquered it after a war that lasted until 1904. Hasan di Tiro is a descendant of the last Sultan (sic)[[5]](#footnote-5) who was killed fighting the Dutch. (2) There has been a progressive alienation of the population in reaction to the policies of successive Indonesian governments since Indonesia won independence from the Netherlands in 1949. The Indonesian government abolished the province of Aceh in 1950, prompting the first revolt of the Acehnese in the early 1950s. In 1959, the Indonesian government declared Aceh a special territory with autonomy in religious and education affairs, but the government never implemented this special status. From the 1960s, Aceh was subject to increased centralization of power in Jakarta under President Suharto. Revolts, aiming at independence, occurred in the 1970s and late 1980s. (3) Extensive human rights abuses by the Indonesian military have been documented. Successive Indonesian governments relied on military repression in dealing with dissidence in Aceh. Military abuses of civilians reportedly became common in the 1970s and 1980s. This peaked during the revolt in the late 1980s. In congressional testimony in 1992, Sidney Jones, Executive Director of Asia Watch, detailed killings, disappearances, and torture committed by the Indonesian military in Aceh. Mass graves were uncovered in 1998 by Indonesia’s National Human Rights Commission. Several Indonesian military crackdowns occurred after 1998, including heavy military operations in 2001 and 2002, resulting in the killing of 2,000 people in 2001 and a likely equal number in 2002 (many reportedly massacred by the military), widespread destruction, and over 100,000 people fleeing their homes. (4) Aceh’s wealth has gone to the central government. By the 1970s, discontent arose over the flow of wealth from Aceh’s natural resources. Upwards of 80-90% of this wealth has gone to Java, Indonesia’s most populous island and the center of Indonesian political power. This prompted dissident Acehnese to claim that Aceh was the object of Javanese colonialism, which had replaced Dutch colonialism"[[6]](#footnote-6)*. **This analysis is the closest to what WE Acehnese are saying about the real issue of the conflict**.

**The core issue of the conflict between Aceh and the Republic of Indonesia is the question of sovereignty.[[7]](#footnote-7)** The Dutch attacked the Sultanate in 1873 with an expedition of 3,000 troops that ended with disaster; the commander of the invasion, Major General Johan Köhler was killed. The 70-year war with Aceh cost the Dutch some 10,000 soldiers, more than all the casualties it had suffered in its colonial wars around the world combined. On the Aceh side, the Sultanate lost all its colonies with some 15 million subjects that spread over the entire island of Sumatra and parts of the Malayan Peninsula and became a colony itself. When incorporated into Indonesia in 1949, the population of Aceh was less than 2 million; in 1961, the population of Aceh dwindled into 1.6 million.[[8]](#footnote-8) By contrast, since 1950, Indonesia has tripled its population of 77.2 million to 237.6 million in 2010. The war has devastated the ancient kingdom of Aceh to a mere little province in the 4th most populous country in the world (see boxed text below).

In 1940, the All Acehnese Religious Leaders Association (PUSA) conducted negotiations with the Japanese military that had already defeated the British in Malaya and Singapore, to get their help to expel the Dutch from Aceh. On 12 March 1942, a small unit of bicycle riding soldiers led by the Fujiwara Kikan, the Japanese military intelligence corps, landed on a beach in North Aceh and was met with jubilation by the Acehnese. The Dutch quickly withdrew without a fight. But this euphoria did not last long. Within months the Acehnese, especially the *ulemas* (religious leaders), shocked at being forced to bow eastward to the Japanese Emperor every day at sunrise, instead of westward to Mecca for their morning prayers, began to resist the occupation. Thus began a new war for the Acehnese against yet another and much bigger nation that can only be described as a “superpower” of the time. This war was brief and severe; brutalities were the order of the day.

**Brief Independence**

At the end of World War II, the Dutch, in an attempt to return to Indonesia by taking advantage of the victory of the Allies over the Japanese, entered Aceh under the British flag with the pretext of repatriating the Japanese soldiers. This attempt not only failed but the Acehnese revolutionary fighters managed to expel all foreign forces from their land and captured Medan, the third largest city in Indonesia, from the British and thus ended the European colonial power from this island of Sumatra. **In fact, from 1945 to 1949 not a single foreign official remained in Aceh; Aceh thus achieved de facto independence after waging wars for more than 70 years against two big world powers of the time, the Dutch and the Japanese***.*

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| **ACEH HISTORICAL POPULATION\***  Source: Badan Pusat Statistik (Indonesian Central Bureau of Statistics)   |  |  |  | | --- | --- | --- | | 1971 | 2,000,575 |  | | 1980 | 2,611,271 | +30% | | 1990 | 3,416,156 | +30% | | 1995 | 3,847,905 | +2.2% | | 2000 | 3,930.905 | +2.2% | | 2010 | 4,494,410 | +4.3% |   The table presented above clearly shows the influence of the conflict on demographic growth. The *Transmigrasi* programme, moving people from the densely populated island of Java (58% of the 230 million Indonesians are Javanese, while the rest are distributed into some 1300 different nationalities and ethnic groups) to the other islands started in 1972. According to the then-Defence Minister, General Benny Murdani, this programme was a defence policy to assure the security of the nation. Hence the targeted areas are not really to open up uninhabited lands but to occupy those considered strategic from the military point of view. This policy, financed heavily by the World Bank, has created a host of problems for the locals, both real and perceived out of social jealousy. Land disputes are very common and often degenerated into ethnic or even religious clashes such as in Sampit, Central Kalimantan in December 2001 between the Dayak natives who are mostly animists and some Christians, and the Madurese newcomers who are Muslims. The best plots of land that have no registered owners are regarded by the Transmigration Ministry officials as belonging to the State, and often granted to the newcomers, while in fact these might be *tanah adat* (customary land, belonging to the community). The newcomers also receive stipends for years before their newly acquired lands become productive. This situation cannot but create jealousy; it happens quite often that a simple bar room quarrel turns into a deadly communal fight. The high population growth of 30% in in the 1980s and the 1990s represents mostly newcomers and not increased birth rates among the locals. Within the last two decades, 20% of the population of Aceh were no longer from Aceh. In 1995 the growth suddenly dropped drastically to 2.2%. The reason is the combination of two conflict related developments. 1). The Free Aceh Movement (GAM) gained the upper hand and controlled more than 75% of the territory where it established a parallel government while the Indonesian government administrative offices functioned only in the towns. Tens of thousands of trans-migrants fled or were forced to leave. Whole villages became empty or burnt down. 2). On the other side of the coin, the brutalities of the Indonesian military and police forced hundreds of thousands of Acehnese to flee to other provinces or to Malaysia. The sudden jump to a 4.3% increase in 2010 does not translate as a natural growth because the birth rate is only 0.8% and continues to decline. The increase comes from immigration from other provinces, notably from Java as the security situation continues to improve. |

**Aceh Unwittingly Became Part of the Republic of Indonesia**

On 31 December 1949, under pressure from the United States, the Dutch agreed to surrender sovereignty over its entire East India colony to the new Republic of Indonesia that was proclaimed by Sukarno on 17 August 1945. Without any consultation with the Acehnese, the Hague Roundtable Agreement that was convened under the auspices of the United Nations included Aceh as a province of this new Republic.

**A New Type of War**

In 1953, Teungku Daud Beureu'eh, the Aceh military governor, joined the DI/NII (Islamic State of Indonesia) formed in 1949 by Sekarmadji Kartosuwiryo, the leader of the *Darul Islam* rebellion, in West Java. Thus, Aceh was back to war again, but the struggle this time was not against a foreign power; it was rather a regional, religious rebellion against the nationalist *Centre***.** After crushing the West Java DI/TII and executing Kartosuwiryo in 1962, President Sukarno strived for peace in Aceh, and Beureu'eh ended his rebellion when Jakarta accorded Aceh the status of “Special Province” with autonomy in cultural, educational, and religious matters.

**Back to War again for National Independence**

The “Special Province” status of Aceh was never really implemented. Aceh was treated more and more like a colony rather than a province, especially in economic terms. Aceh is one of the richest provinces of Indonesia with abundant natural resources, but its people were the poorest. Aceh’s oil and gas, exploited by Exxon-Mobil since 1972, provided 20 percent of the national budget of Indonesia every year for more than three decades, while Aceh itself only received 0.6 percent from of this petroleum exploitation.[[9]](#footnote-9)

Thus, on 4 December 1976, Dr Hasan di Tiro, a graduate from Columbia University who had been living in New York for many years, returned to Aceh and formed the Atjeh-Sumatra National Liberation Front (ASNLF), later popularly known as GAM, the Free Aceh Movement, and declared Aceh’s independence.

**The Road to Peace**

There were several attempts for a peaceful solution to this latest conflict that is now branded as separatism that became more and more destructive in terms of loss of property and life. Some sources, such Human Rights Watch and Amnesty International, estimated that between 10,000 and 20,000 people were killed, while others put the number at between 20,000 and 25,000. The first major official and open attempt to settle the conflict peacefully came about with the fall of General Suharto from power and the late President Abdurrahman Wahid (Gus Dur) requested the Geneva-based Henri-Dunant Centre (now called Centre for Humanitarian Dialogue) to contact the GAM leadership in Stockholm. After a series of so-called “humanitarian pause” agreements – which in fact were a form of ceasefire to allow assistance to refugees and other victims of conflict to be delivered – the Framework Agreement of Cession of Hostilities in Aceh, brokered by the Henri-Dunant Centre, signed in Geneva on 9 December 2002.

Evidently the road to peace was made possible by the process of democratization in the Republic of Indonesia and, on the GAM side, was prompted by the process of decentralization in the vast Republic that came about right after the successful *Reformasi* movement for democracy. That movement gave the provinces sufficiently wide autonomy to dampen their desire to secede, thus leaving Aceh alone in fighting for independence, because the Aceh struggle was not just due to the matter of socio-economic injustices but to the question of sovereignty as mentioned above. The GAM leadership understood from the beginning that it was not possible to win the struggle by military might as the comparison of strength was more than 1 to 100, but the calculation was based on the great possibility of the collapse of the Republic through the process of “*attrition”,* due to all sorts of problems and dissatisfaction it was facing in many provinces*.* It was soon realized that with the decentralization this calculation was no longer realistic and a settlement through peaceful means was just waiting for its momentum, which was brought suddenly by the *tsunami* disaster.

At that point, the only consideration in the minds of the top GAM leadership in exile in Stockholm and Kuala Lumpur was the very physical survival of hundreds of thousands of people. It was not true that the tsunami *“decimated the GAM leadership”* and that the Helsinki negotiations were conducted by second echelon leadership. None of the top political leadership died in the tsunami, obviously because they were living in exile abroad while the field commanders were based in jungles on the mountain and not touched by either the massive earthquakes or the ensuing tsunami of December 2004. In fact, a field commander whose base was on top of the hill near the capital city of Banda Aceh telephoned one of the political leaders living in Kuala Lumpur and poignantly asked: “Brother, what am I doing here on top of this hill? My village below was swept away, the enemy bases along the beach are all gone with all their men…” But a couple of days later, another call came: “Brother, three military trucks are coming up hill…” The war continued even during the negotiations in Helsinki, despite direct protests from Ahtisaari himself.

**International Interventions**

The Geneva-based Henry-Dunant Centre (HDC) brokered several stages of ceasefire culminating in the Cessation of Hostilities Agreement (CoHA) in January 2001; a very wide gap in interpretations of the terms of the agreement by the parties and weak monitoring capacity soon led to its collapse.

The global financial crises hit Southeast Asia in 1997 and 1998 after a long period of phenomenal economic development. These crises plunged Indonesia into heavy debts and insolvency. Its misadventure in East Timor led to the arms embargo by the United States and Britain. One of the economic tigers of South East Asia was poised to turn into a Pariah State.[[10]](#footnote-10) The World Bank and the International Monetary Fund stepped in to help with several strings attached such as imposing an austerity budget, abolition of subsidies, and reduction of military spending. It caused popular rioting and brought down the Suharto regime that had ruled the country for more than three decades. The curb on military spending had the biggest impact on Aceh, as it required the central government to solve its regional conflicts by peaceful means. Hence, pressures also came from the Co-Chairmen of the Tokyo Conference for the Economic Rehabilitation and Reconstruction of Indonesia comprising the United States, the European Union, Japan, and the World Bank (“The Tokyo Quartet”). President Habibie and then Abdurrahman Wahid withdrew the notorious military special force, Kopassus, and the paramilitary mobile Brigade, Brimob, from Aceh. However, when President Megawati Sukarno Putri became President, she scuttled the CoHA agreement and declared martial law in Aceh and dispatched 50,000 troops to crash the rebellion in Aceh once and for all. Large international human rights organizations such as Human Rights Watch and Amnesty International, and TAPOL of London, increased their protests. For two years, the military had a free hand to commit massacres, torture, rapes, and destroy public and private property with impunity. Potential investors gravely needed to jump-start the national economy were scared off.

In 2004, the first-ever direct presidential election brought the retired general Susilo Bambang Yudhoyono and business tycoon Yusuf Kalla as his deputy to power in this newly democratized and decentralized country. The new government adopted peaceful means to end the various regional, ethnic, and religious conflicts. On GAM's side, with more than 50,000 government troops on the ground and tens of thousands of militiamen trained to fight against its 25,000 members, with just over 3,000 armed combatants, it became practically impossible to maintain logistic links not only between its own units, but more so with the people. Before the martial law, GAM had control over 75 percent of Aceh, over which it ran a parallel government. Now forced out from the towns and villages, its fighters were dispersed into small groups struggling to survive on their own in the jungles.

Thus in January 2005, Crisis Management Initiative (CMI) of Helsinki, chaired by former Finnish President Martti Ahtisaari, came at the right time to offer a new mediation effort, backed initially by the Finnish Government and eventually by the European Union. After six months of difficult negotiations, the Helsinki MoU was signed on 15 August 2005, on the basis of “self-government” rule for Aceh.[[11]](#footnote-11) Under this agreement, Aceh will exercise authority within all sectors of public affairs, which will be undertaken in conjunction with its civil and judicial administration, except in the fields of foreign affairs, external defence, national security, monetary and fiscal matters, justice, and freedom of religion, the policies of which belong to the Government of the Republic.

**The Peace Negotiations**

Martti Ahtisaari bluntly set the rule that one way or another the negotiations must be concluded within six months. The first round failed because GAM insisted on a ceasefire to allow international assistance to the victims of the earthquakes and the tsunami to be delivered safely and at the same time the peace talks could begin. GAM had in fact declared a unilateral ceasefire on the second day of the tsunami. The Government of Indonesia (GoI) rejected this proposal, suspecting that GAM wanted to use the ceasefire to regroup and smuggle arms; GoI thereby insisted that GAM declare its acceptance of the existing autonomy administration in Aceh before the negotiations could take place, which GAM interpreted as a demand for surrender. It has to be mentioned that the word “autonomy” in Aceh had gained over the years a dirty meaning, signifying oppression, murder, disappearances, rape and all sorts of brutalities committed by the government’s apparatus. Then Ahtisaari came with his now famous mantra *“nothing is agreed until everything is agreed”.* This allowed GAM to return to the negotiation table a month later without seeming to have accepted the existing autonomy law but free to discuss anything without committing to it until “*everything”* was agreed upon. In the words of Ahtisaari, even if there should be disagreement about the date of the signature of an eventual agreement, then the whole thing would be cancelled without any commitment to anything by any side.

**The Agreement**

Ahtisaari insisted that the agreement be called an MoU, understanding well that not only it had to be ratified by the Indonesian Parliament, but details of the accord had to be turned into a law, that was eventually called the Law on Governing Aceh (LoGA). Although the clincher of the agreement was the term “self-government” that was proposed by GAM in the second round of the talks, this terminology was not used in the official text of the MoU. Indeed the GoI delegation feared that such appellation would trigger those who opposed it in Indonesia to bring the agreement to the Judicial Review of the Constitutional Court on the basis that it contravened the philosophy of “unitary republic” stipulated in the 1945 Constitution, despite all the amendments that have been introduced into it to accommodate the decentralization system. Addressing the Acehnese general allergy to the term “autonomy”, the MoU also avoids totally the use of this word, including all administrative titles used in all Indonesian provinces, including in Aceh under the existing Special Autonomy Law, such as “*Gubernur*” (governor), “*Bupati*” (District chief), “*Camat*” (Sub-District chief). The new terminology simply refers to these positions as Head of Government of Aceh, Head of District Government, and Head of Government of Sub-District. Even the name of the province introduced by the autonomy law, *Nanggroe Aceh Darussalam*, which ironically is the name of the ancient Sultanate of Aceh, was rejected by GAM, who preferred to call the land simply Aceh. **The core content of the MoU is expressed in its Chapter 1.1.2 a): “*Aceh will exercise authority within all sectors of public affairs, which will be administered in conjunction with its civil and judicial administration, except in the fields of foreign affairs, external defence, national security, monetary and fiscal matters, justice and freedom of religion, the policies of which belong to the Government of the Republic of Indonesia in conformity with the Constitution”*.** This article agrees well with the philosophical principle of GAM that “it is not that the GoI gives concessions to Aceh, but Aceh that gives some of its rights to the Central Government.”

**The Implementation**

As the saying goes, the proof of the pudding is in the eating. It is unfortunate that the Helsinki MoU has not been implemented as stipulated in the text. Only about 30% of the clauses have been introduced into the Law on Governing Aceh (UUPA no.11/2006), and worse still, there are many clauses of the LoGA that are not only incompatible with the MoU but are against its stipulations. The official protest letter from the GAM leadership was not responded officially, but in unofficial meetings the Vice-President and the Minister of Political Affairs, Law and Human Rights, who was chief GoI negotiator in the Helsinki talks, said that this law would be amended in a couple of years; but until today this has not happened.[[12]](#footnote-12) The most common aberration of the UUPA vis-à-vis the MoU is the addition in most articles of the qualification *“in accordance with the national standards, norms and procedure”*. This is invariably translated by the central government bureaucracy as the obligation to obtain relevant licenses or permits for any activity that under the MoU falls under the purview of the local government. As an example, clause 1.3.7 of the MoU says that *“Aceh will enjoy direct and unhindered access to foreign countries, by sea and by air*”; but in the UUPA, the same right is stipulated with the addition of the conditional phrase mentioned above, rendering this right meaningless because, as another example, if an Acehnese wanted to operate a ferry service from one of its ports to the nearest foreign port in Malaysia, he has to obtain a license for his boats from the Transport Ministry in Jakarta, which is what anyone in any other province can also do.

**The Pitfalls**

The example mentioned above shows clearly that there are serious shortcomings in the Helsinki MoU as far as Aceh is concerned. For instance, Article 6 (c) on Dispute Settlement says: *“In cases where disputes cannot be resolved by either of the means described above, the Head of the* ***Monitoring Mission***(see boxed text below) *will report directly to the Coordinating Minister for Political, Law and Security Affairs of the Republic of Indonesia, the political leadership of GAM and the Chairman of the Board of Directors of the Crisis Management Initiative, with the EU Political and Security Committee informed. After consultations with the parties, the Chairman of the Board of Directors of Crisis Management Initiative will make a ruling which will be binding on all parties”.* The Aceh Monitoring Mission was pulled out by the EU only after 15 months in service and completed only the first two of the eight tasks cited below in the boxed text. This was termed as a “Security Arrangement”: monitoring the withdrawal from Aceh of some 30,000 Indonesian troops which were not part of the local command of the Indonesian military as agreed in the MoU (14,700 men), the destruction of GAM weapons and the decommissioning of GAM combatants. The EU Mission in Aceh itself closed down in June 2012 without completing all its declared tasks.

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| **The Aceh Monitoring Mission** (AMM)  The AMM was a civilian mission within the framework of the European Security and Defence Policy (ESDP). Nevertheless many monitors had a military background, which was in line with their tasks. Political control and strategic guidance of the AMM was exercised by the EU Political and Security Committee (PSC) under the responsibility of the Council of the EU. The mission integrated monitors from five member states of the Association of South-East Asian Nations (ASEAN): Thailand, Malaysia, Brunei, The Philippines and Singapore. About two thirds of the monitors came from the EU member states as well as Norway and Switzerland, whereas the rest came from the five participating ASEAN countries. In the first phase of the process, which formally started on 15 September 2005, the AMM was composed of 226 unarmed men and women. Later on, these numbers were reduced significantly. The AAM mandate stipulates: “To assist the Government of Indonesia and GAM in the implementation of the MoU. To do that, its mandate consisted of eight areas of work, as defined by the EU Council:   1. Monitoring the demobilisation of the GAM as well as monitoring and assisting with the decommissioning and destruction of its weapons, ammunition and explosives; 2. Monitoring the re-location of non-organic military forces and non-organic police troops; 3. Monitoring the reintegration of active GAM members; 4. Monitoring the human rights situation and providing assistance in this field in the context of the tasks defined above; 5. Monitoring the process of legislation change; 6. Ruling on disputed amnesty cases; 7. Investigating of and ruling on complaints and alleged violations of the MoU; 8. Establishing and maintaining liaison and good cooperation with the parties”. |

The **decentralization system adopted by Indonesia** is such that in practice the Central Government has more power to regulate the running of district-level local governments in the provinces. It does not stop at the level of the provincial government but goes down to the level of District heads and Mayors. These district heads (*Bupati*) and Mayors (*Wali Kota*) of the district capitals are elected in the elections called PILKADA, which like the PEMILU (General Elections of deputies at Central, Provincial and District levels) are carried out every five years, with two years separating the two. The result of this system is that chiefs of districts and mayors are not answerable to the governor but to the Minister of Home Affairs of the Central Government, rendering the governors (*Gubernur*) as heads of the provincial governments having less real powers than the *Bupatis* and *Wali kotas*, as they have no territories and no subjects, both belonging to the district chiefs or mayors. Aceh, as stipulated in the Helsinki MoU is supposed to be different, not being a province but a self-governing territory (“*Wilayah*”). However, the LoGA (UUPA no 11/2006) does not make such a distinction clearly.

**GAM** should have foreseen that once the agreement was signed, it was no longer on an equal footing with the central government. GAM no longer had any leverage to pressure the government to keep its promises clearly written in the MoU. Appeals have been responded invariably with platonic statements without any indication that they will ever be carried out. CMI and the EU, being guarantors of the MoU, have simply stated that now that the Acehnese have their elected MPs in the Central Parliament (DPR), the matters should be dealt with by them through the democratic process, forgetting that this situation was already there even before the MoU: twelve Acehnese deputies from several national parties, to whom they owe their loyalty, in the 500-member House of Representatives.

There is no control, not even for monitoring, of the number of the Indonesian military in Aceh. The term “external defence” in the MoU is not compatible with the oath of the Indonesian soldiers: *“to defend the country from enemies from outside as well as inside the country”.* Very often the Indonesian military act on offences that are clearly criminal, such as keeping illegal weapons, which should be the purview of the police.

The “rushing” pressure imposed by the mediator that kept the deadline of six months strictly, turned GAM’s position in the talks into a “take-it-or-leave-it” dilemma. GAM had little time to study if the pledges made by the Indonesian negotiators were possible to implement or not. It is inconceivable that the Minister of Political, Law and Human Rights Affairs, a trained and experienced lawyer, who headed the Indonesian delegation, was not aware that some points that his side conceded were not possible to implement. The Indonesian delegation was also supported by six Ministries and several of its Embassies in Europe, making it easy to suspect that false promises were deliberately made.

**I was the only woman present at the Helsinki peace talks**. The Indonesian delegation, despite the fact that the country’s Ambassador to Finland at the time was a woman, did not include any woman in its team. My presence on the GAM’s side was as a field expert, and not as a gender representative. I was not aware at the time of the United Nations Security Council Resolution (UNSCR) 1325. The failure to adhere to this Resolution has resulted in that not a single word in the MoU refers to the rights of women in peacetime, despite the fact that GAM had a battalion of women soldiers and thousands more civilians serving in logistical support, medical and intelligence services. In peacetime these women have been relegated to their *traditional roles* in the patriarchal society of Aceh. Today, politicians, both those in national parties as well as in the local party controlled by the GAM leadership, are competing in using religion as a tool to capture popularity among the conservative electorates. Local laws (*qanun*), billed as “*sharia*”, which is neither in accordance with the Islamic practices in Aceh nor its tradition, have been introduced that are very detrimental to women’s rights. Ridiculous dress codes and how women should ride as pillion riders on motorbikes have been enacted in a couple of districts. Such measures have been made possible by abusing the special rights of the local government as stipulated in the MoU and LoGA, The Central Government, when it concerns its own interest would quote the “special status” of Aceh and refuses to interfere, but when it serves its own purpose, the Minister would act quickly to veto decisions made by the Aceh Government.

Reintegration programmes intended for women became very challenging to implement because there is no specific element that touches women issues and rights, the CEDAW,[[13]](#footnote-13) and, in general, elimination of all discrimination against women as part of the Universal Declaration of Human Rights and the Indonesian constitution itself. The lack of women participating in the political sphere is not only about patriarchy and the hierarchical system but is also due to the lopsided interpretation of the *sharia* law,[[14]](#footnote-14) which discourages women from pursuing political activities, resulting in very few women elected to parliament and thereby strengthening this law under male domination of the House of Representatives.

Economic facilitation[[15]](#footnote-15) to ex-combatants without stipulating the inclusion of women affects gender relations in the economic competition. It is exacerbated in cases like with GAM, where the structure of leadership is totally male. It was impossible for women to compete for a share in the economic assistance provided by the State in implementing the clauses of the MoU. The economic facilitation is part of the political, economic and social concessions accorded by the Central Government as GAM gave up its long and determined fight for independence. These concessions are embodied in the Self-Government understanding, which granted greater political and economic autonomy than the Acehnese had ever obtained before, even on paper, let alone in reality, within Indonesia and in comparison with other provinces of Indonesia.

There is a failure on the GAM side to consider the classic post-conflict situation of former comrades in arms. We were united in the struggle for independence not because we had the same ideology, but because we had the same goal. It is the unity of the fellow travellers on a dangerous journey. Once that the goal is achieved or abandoned, unity is gone and former comrades would go their own way and quite often become political adversaries if not outright enemies. This is what happened to former GAM elites today. The self-government privileges they obtained together are being used by those successful in gaining power in the democratic way to control the people and society in undemocratic practices such as bribery and intimidation. Coalitions are being forged with former enemies against former friends. The victims are of course the ordinary people; many have yet to see the dividends of peace.

**Conclusion**

Basically the achievement of peace in Aceh was the direct result of the democratization of Indonesia and the election into the presidency of the coalition between a retired general and a very successful businessman. President Susilo Bambang Yudhoyono (SBY), who still had considerable influence over the military, was able to persuade his fellow generals, who were very much against settling the conflict in Aceh by peaceful means, not to oppose the peace negotiations in Helsinki. Army commander Lt General Ryacudu, who refused to heed SBY’s request, was told by the President to take an “early retirement” in order for the negotiations to proceed. The Deputy President, Yusuf Kalla, was in control of the majority in Parliament through his Golkar party. As a stark difference with previous peace negotiations, the Helsinki talks were not handled by the Minister of Foreign Affairs but by the Coordination Minister of Political, Law and Security Affairs, a known disciple of the Vice President. Thus the military and the diplomats were excluded from running the show but served in the “support team”, who more often than not were a hindrance rather than supportive. This was visible to us in the GAM team, when every decision made by the negotiating team was immediately leaked to the press in Jakarta and became a subject of heavy public debates. But the democratic forces in Jakarta had won the day, and the rest, as the saying goes, is history. Today, however, democracy also makes it possible for the anti-peace elements in the country to freely work and try to roll back the situation to the pre-MoU conditions. The powerful former president Megawati Sukarnoputri, who launched Martial law in order to scuttle the Cessation of Hostilities Agreement (CoHA), openly declared that the MoU *“gave too much to GAM”* and if she should come to power again she would abolish it. She had made such statements on several occasions, including at her party’s head office (PDI-P) in Jakarta on 16 February 2006, and in front of the 38th regular course participants of the National Defense Institute (LEMHANAS) on 28 July 2005, right after the agreement was initialled and awaiting its signature ceremony a month later.

**The peace in Aceh, despite everything, has endured because the people are wary of war**. The members of the new generation, who were born during the “conflict” (which in Aceh was actually a euphemism for a very brutal war), love the reality of individual freedom that it has brought for them, being able to return to school, doing and saying whatever they please within the boundaries of the law, without any fear of being arrested, beaten up or even killed. The old generations, who still harbour the dream of independence, are too tired to start over despite the deep disappointment of having to give up their ideal and having made so much sacrifice, and not getting what they hoped for in return, because the MoU has not been implemented properly. No doubt the desire for independence still exists deep in the heart of the Acehnese people in general. But the danger to peace will not come from there. Resorting to violence may come from the failure to deal with the reintegration process properly, but such violence will be limited and probably not escalate into a mass movement for independence.[[16]](#footnote-16)

**The real danger to peace will come from making the MoU irrelevant and invalid because of non-implementation of its clauses fully and properly.** The MoU is the best thing that has happened to the Republic of Indonesia as far as its problematic relations with the Acehnese are concerned. For the first time in its long history, Aceh has formally accepted to be part of the Republic, as clearly stipulated in the Preamble of the MoU. This acceptance was made voluntarily in an international venue, witnessed and supported by the international community, including the United Nations. As in any agreement, a violation by one side gives the other the right to abrogate it. Such a situation has happened before in Aceh with the *“Lamteh Agreement”* that ended the 12-year armed rebellion of the Acehnese against the Central Government through the West Java-based *Darul Islam/Indonesian Islamic State (DI/NII)* movement. This is the danger that the power in Jakarta seems not to realize. There are still many crucial clauses of the MoU that have not been implemented, the most important being the establishment of the Human Rights Court, the formation of the Truth and Reconciliation Commission, the Joint Claims Commission and the amendment of the clauses of the UUPA no 11/2006 that contravene the stipulations of the MoU.

**II. The Proposed Autonomy for Sahara as Compared to the Aceh Experience**

With regard to Indonesia, Clifford Geertz[[17]](#footnote-17) described Islam in that country from the aspect of culture and anthropology as inclusive and tolerant. A combination of strong mystical dimension in Indonesia and its peaceful penetration in the early period are the most cited explanation to justify the arguments but other element needs to be looked into such as trade, mixed marriages and the Asian culture of harmony and acceptance. Theodor Friend,[[18]](#footnote-18) for instance, divides the modern Muslim world into five different “cultures” where Indonesia represents the smiling face of Islam in contrast to the angry radical and literalist Saudi Wahabis. Amid the rise of global Islamic radicalism, therefore, Indonesian Islam is just the right answer. Many Indonesian Muslims would proudly agree. Aceh was the centre of Islam in Southeast Asia and known for that. The Acehnese, proud of their culture and progressive system of restorative justice in the past, felt betrayed and badly treated by the Indonesians.

In private conversations with many victims of the conflict in North Aceh, a high escalation of violence conflict area, where most of the well documented massacres by the Indonesian military had taken place, the question of dignity is paramount. Like in other post-conflict areas, in general there are three kinds of responses to the question of what the victims would want for a settlement: there are those who insist that the perpetrators must be punished for their crimes, those who are willing to forgive with some compensation, and those who simply want the truth to be established and for the Government, if not the perpetrators themselves, to apologize. It is the percentages that differ from one country to another, depending on the culture of the people. In Aceh, most of the victims are in the last group. “They cannot bring back my son, my husband, or father, brother, or whatever the case might be”, is the most common response I heard from my conversations. Acceptance of what happened to them as the will of God and that the perpetrators will be punished in the afterlife is the common feeling.

The commander in chief of the military in Indonesia had been brought down and humiliated. This alone is a punishment that soothes somewhat the wounded feeling of the victims; there was the big villain to blame. Even then, the Indonesians did not rush to eliminate the power that General Soeharto built for three decades but instead looked for a more gradual, risky and soft solution due to the strong Javanese culture and Asian acceptance. Indonesia is a non-theocratic state that accommodates in a fine balance the three major forces of secularism, Islam and the military. His successor, a retired general, was elected in a democratic election. If today there is no doubt reluctance on the part of the current Government to start the process of establishing the truth, it is due to political considerations, which is changeable if enough popular pressure could be exerted.

The regional dispute over Sahara was never put in terms of religion. This dimension has never appeared as a crucial aspect at any stage of this political problem.

**Comparison of the Backgrounds of the Conflicts in Aceh and in the Sahara**

Indonesia is a Republic with a Presidential system of government, which has gone through a process of democratization to become one of the most democratic nations in Asia today, comparable to South Korea (85 positive points), after a popular upheaval that brought down a military dictatorship that had ruled Indonesia from 1965 to 1998.[[19]](#footnote-19) Morocco is a Constitutional Monarchy, which also has gone through a democratization process, with the new Constitutional Reform of 2011 providing for a monarchy with a [Parliament](http://en.wikipedia.org/wiki/Parliament_of_Morocco) and an independent [Judiciary](http://en.wikipedia.org/wiki/Judiciary). The King of Morocco still retains few executive powers whereas those of the Prime Minister have been enlarged. The Constitution grants the King honorific powers; he is both the secular political leader and the "Commander of the Faithful" claiming a direct descendant of Prophet [Mohammed](http://en.wikipedia.org/wiki/Mohammed).He presides over the Council of Ministers; appoints the [Prime Minister](http://en.wikipedia.org/wiki/Prime_Minister) from the political party that has won the most seats in the parliamentary elections and, on recommendation from the Prime Minister, appoints the members of the government.

Both Indonesia and Morocco are Muslim countries of the Sunnite persuasion with secular system of government.

Both have one very dominant (more than half of the population) ethnic majority with the rest of the population spread over much smaller minorities, in Morocco not as many or as varied as in Indonesia, but different from each other nevertheless.

Both have more than three decades of conflicts with regional minority peoples based on the disputed questions of sovereignty, aggravated by economic and political injustices. In Morocco, contrary to Indonesia, there is no claim of national identity other than Moroccan: the Moroccan Constitution recognizes that the Unity of the Kingdom “is forged by the convergence of its Arab-Islamist, amazighe and saharo-hassanie components, nourished and enriched by its African, Andalusian, Hebraic and Mediterranean effluents”. The Saharan tribes are the continuation of the same cultural and social local and tribal structure that prevails in the South of the Kingdom.

Looking at the surface of these two conflicts, it seems that there are more similarities than differences. But on the core issue, that of the conflict itself, lays the biggest difference. The Moroccan conflict has become, from the very beginning, a game of geopolitics, playing to the interests of some neighbouring countries (Algeria) and the big powers.

The Free Aceh Movement was totally free from such interferences, despite the presence of Exxon Mobil that, at the peak of its operation in the LNG Arun, North Aceh, concession, obtained 20% of its total revenues from its worldwide operations,[[20]](#footnote-20) and the US and British heavy financial and arms supports for the Suharto dictatorial regime that ended only after the Indonesian military genocidal actions in Timor Leste.[[21]](#footnote-21) GAM had never received any foreign assistance except at the earliest stage of its armed struggle, when about a thousand fighters were sent to Libya for training. In the early 80s, Hasan di Tiro severed all links with Libya and “realigned” politically the Atjeh National Liberation Front[[22]](#footnote-22) to the West. Hasan di Tiro had established very close personal relationship with the late Colonel Gadhafi, the Libyan leader being very impressed with the Acehnese soldiers and especially with Hasan himself. Hasan was appointed chairman of the political department of the *Mathabah Alamiyah*, a Libyan official revolutionary organization created to support the various struggles for independence and anti-imperialist movements around the world. While holding that position, Hasan di Tiro had been sent by the Libyan government to Chad, Portugal and Ethiopia to mediate on the conflicts there on behalf of the Colonel. No clear information is available on why he broke up with Gadhafi hardly five years later, but a few among the GAM leadership believe that di Tiro strongly opposed Libya’s support to the hijacking of civilian airliners. It was speculated that Gadhafi was looking for potential non-Arab hijackers. But this supposition was never verified in anyway. Di Tiro left Libya and went to Mozambique from where he eventually obtained asylum in Sweden. A strong indication that di Tiro’s parting of the way with Libya was not a friendly one was demonstrated during President Megawati’s September 2004 visit to Tripoli, where she stated in a press conference that Gaddafi had agreed to train Indonesian military on how to defeat GAM fighters, and later in February, when Gaddafi and his son came to Bali to attend the 50th Non-Aligned Movement Summit, Saif al-Islam Gaddafi openly stated that Libya would train the TNI on how to defeat GAM. I remember a big laugh we had on this, as the surviving fighters trained by Libya were even then already retired old men, the new fighters were totally trained by experienced ones. GAM was so free of foreign pressure that not even the US had any leverage to use. A week before the Helsinki negotiations, the GAM leadership in Stockholm received a very polite letter from the US Government, delivered by the US Ambassador in Stockholm, urging GAM to accept the invitation for peace talks in Helsinki on the basis of the existing autonomy law in Aceh. The GAM leadership responded with a brief but equally polite note, thanking the US government and people for their very generous and immediate assistance for the victims of tsunami in Aceh, adding that GAM had already accepted CMI’s invitation for the peace talks in Helsinki, but considered the suggestion to accept the existing autonomy law “premature”. The Acehnese struggle received much moral support from foreign human rights NGOs; ironically, all from non-Muslim organizations and none from their Muslim brothers, who openly sided with Indonesia, accusing GAM of wanting to destroy “the largest Islamic nation in the world”. This was of course a fallacy: Indonesia, a secular State, had waged several brutal wars against attempts to form an Islamic State in the country.

In the Arab World, including after the “Arab Spring” revolution, there are no real divisions between those who support the Kingdom of Morocco and those who support the Polisario. Only Algeria lends strong diplomatic, political, financial and military support to the Polisario, for regional geostrategic purposes. The US and former colonial powers like France and Spain maintain their support for a consensual political solution and consider the Moroccan autonomy Initiative as a serious, credible and realistic solution to this problem. At present, the interest of these powers is to prevent the conflict from developing into a situation where Islamic fundamentalist movements operating in the Sahel region would affect the whole Maghreb and Mediterranean region.

Ironically, the same interest had prevented the US and the EU countries from supporting GAM despite the fact that they had common enemies, the radical Islamic organizations like the Laskar Jihad and its Indonesian ally, the Jamiat Islamiah and the Front Pembela Islam (Islamic Defenders Front - FPI) that had branded GAM as “enemies of Islam” and declared war on it for preventing them from entering Aceh. Today, despite their many illegal actions in Java, especially in Jakarta, the Central Government has not taken any action against them. FPI has set up a branch in Aceh and freely pressures the Governor with demonstrations and fiery public statements to sign the *Qanun Jinayat* that provides for severe physical punishment for illicit sexual relations, gambling and drinking of alcohol (a local law already passed by the local parliament but which the Governor, former “Minister of Foreign Affairs” of the GAM, has refused to sign. The new parliament controlled by GAM has reintroduced the *Qanun* in February 2013 with its physical punishments part deleted).. While the Sultanate of Aceh was responsible for spreading Islam in South East Asia, the Acehnese, pious as they are, have always practiced moderate Islam and are tolerant to non-Muslim communities. Today, these extreme Islamist organizations in Indonesia are promoting a brand of very conservative Islam; their favourite actions are stopping women in the streets to admonish them for such things as wearing tight jeans, conducting raids on beauty salons and Chinese shops selling liquor. They are self-proclaimed defenders of morality.

**The Moroccan Government’s Offer of Autonomy for the Sahara Region**

Looking into the differences between the conflict in Aceh and the dispute over the Sahara, one cannot help but notice the most striking point, which is the involvement of the “international community”. In the case of the Sahara dispute, the interested foreign countries have intervened to find a solution by peaceful means; even the UN has been actively involving itself on the issue, starting with the call of the Security Council in its Resolution no. 1570 of 28 October 2004 to “*the parties and States of the region to continue to cooperate fully with the United Nations to end the current impasse and to achieve progress towards a political solution.”*

In the case of Aceh, massacres after massacres had taken place and the reactions had come only from human rights organizations, such as Asia Watch,[[23]](#footnote-23) Amnesty International and TAPOL of London. Acehnese civil society activists had to risk their lives to try to *“internationalize”* the conflict. Up front in this effort were the Aceh Central Referendum Information Center (SIRA) and the New York-based Acehnese non-profit organization called the International Forum for Aceh. Its chairman, Jafar Siddiq Hamzah, was kidnapped, tortured and murdered for his efforts when he returned to the country from New York where he had lived for many years as a refugee, during a brief peace intermezzo arranged by the HD Centre of Geneva.[[24]](#footnote-24) Many other activists were detained, brutalized, some made to disappear. The chairman of SIRA was condemned to six years in jail for speaking in a public rally criticizing the government.

Morocco responded to the UN call by proposing its “Initiative for the Negotiation of an Autonomous Statute for the Sahara Region”, within the framework of Morocco's sovereignty, national unity and territorial integrity. This in turn was responded by the Security Council with another resolution, UNSCR 1754 dated April 2007, qualifying the Moroccan initiative as “serious and credible”. Thus there have been continued “conversations” between the Kingdom of Morocco and the UN. On the contrary, the Indonesian Government had always prevented any effort to involve any international mediation. It was only after the fall of General Suharto and the democratization of the country that an initiative to involve a foreign mediator was taken, and even then, at the beginning, it was only an NGO, resulting in the agreement being scuttled by the Indonesian military when it realized that the agreement was not to its liking.[[25]](#footnote-25)

In the latest proposal offered by the Moroccan Kingdom (2007), the Parliament of the Sahara Autonomous Region shall be made up of members elected by the various Sahrawi tribes, and of members elected by direct universal suffrage, by the Region's population. There shall be adequate representation of women in the Parliament of the Sahara autonomous Region; the Local Government of the Sahara Region; the Head of Government will be elected by this Parliament, and he shall form the Region's Cabinet and appoint the administrators needed to exercise the powers devolving upon him, under the autonomy Statute. He shall be answerable to the Region's Parliament; The Judiciary of the Sahara Region Courts may be set up by the regional Parliament to give rulings on disputes arising from enforcement of norms enacted by the competent bodies of the Sahara autonomous Region. As the highest jurisdiction of the Sahara autonomous Region, the High Regional court shall give final decisions regarding the interpretation of the Region's legislation, without prejudice to the powers of the Kingdom's Supreme Court or Constitutional Council. Laws, regulations and court rulings issued by the bodies of the Sahara autonomous Region shall be consistent with the Region’s autonomy Statute and with the Kingdom's Constitution. The Region's populations shall enjoy all the guarantees afforded by the Moroccan Constitution in the area of human rights as they are universally recognized.

All these points, compared to what the Helsinki MoU bestowed upon the Acehnese, are definitely more favourable to the population of the Sahara Region. The Sahrawi population, which constitutes the great majority in comparison with Sahrawis dwelling in the Tindouf refugee camps in Algeria, participated intensively to the elaboration of this Initiative as a compromise solution at all levels:

* The level of consultations, during which all component of the Sahrawi society were consulted on their views on the Autonomy;
* The level of drafting of the text of the Initiative, incorporating the views of the Sahrawis expressed through their Royal Consultative Council for Sahara Affairs;
* The level of the negotiation process, launched since 2007, under the auspices of the United Nations. Sahrawis participated to all rounds of talks, as part of the Moroccan delegation, through the Royal Consultative Council for Sahara Affairs;
* The level of adoption of the new status: the Moroccan Initiative underscores in its paragraph 27 that “*The Region’s autonomy statute shall be the subject of negotiations and shall be submitted to the populations concerned in a free referendum. This referendum will constitute a free exercise, by these populations, of their right to self-determination, as per the provisions of international legality, the Charter of the United Nations and the resolutions of the General Assembly and the Security Council*.”

For one thing, the head of the regional government in the Sahara Region will govern his territory in full authority answerable to the regional parliament while in the case of Aceh, the Governor, as mentioned earlier above, practically has no power over the territories despite being elected directly by the people as the territories are the purview of the District chiefs (*Bupati*).

However, in any agreement, the usual warning is to pay attention to details, where “the devil lies”. It is logical that for an autonomy system to work well and be sustainable, both the Region and the Centre should be “sufficiently democratic”, in the most general meaning of the term; otherwise, the division of powers will depend on the benevolence of the stronger entity, more often than not it is the Central Government. In an undemocratic environment, there is nothing that the Region can do if the clauses are not implemented fully or even at all, except resorting back to violent rebellion, as it happened to the *Lamteh Agreement* signed between the Indonesian Government in 1965 to end the 12-year *Darul Islam* rebellion in Aceh, giving the province autonomy in matters of culture, religion and education. This autonomy was never implemented, resulting in the Acehnese rebelling again in 1976, and this time declaring total independence from Indonesia. Indonesia under Sukarno was not “sufficiently democratic” (among other things, one of his grand titles being *President for Life* and his successor ran a military dictatorship that was brought down only by popular upheaval).

Prior to the *Arab Spring* revolutions, the Kingdom of Morocco was considered the most democratic county in the Arab world.[[26]](#footnote-26) The process of democratic reforms had started in the early 1990s within a participatory and inclusive approach. This process was nationally consecrated through the adoption of the new Constitution in July 2011 and the successful conduct of legislative elections. Regarding the Autonomy Proposal, the Moroccan Constitution shall be amended and the Autonomy Statute incorporated into it, in order “*to guarantee its sustainability and reflect its special place in the country's national juridical architecture*” (article 27 of the Autonomy Initiative).

On this latter point the Moroccan Autonomy proposal is much stronger than the Aceh-Indonesia Helsinki MoU, in which adherence to the 1945 Constitution is established first and foremost in the Preamble. In the Moroccan case, the positive point is that the Moroccan Autonomy Plan is presented not as a final proposal but as a text open to a negotiations process under the auspices of the United Nations, through which all the parties would have to discuss and agree on all specific issues, including the settlement of disputes on the interpretation of the clauses of the Autonomy Plan. This is why the Moroccan proposal does not go into the details of the autonomy project. At this stage, it is limited to defining the outline and principles governing autonomy, allowing for the proposal to be enriched by the other parties during the negotiation phase. What counts most, at this stage, is to set in motion a momentum for peace, by initiating a negotiating process that would permit detailed, substantive discussions. According to paragraph 4 of the Moroccan Initiative, “*Morocco pledges to negotiate in good faith and in a constructive, open spirit to reach a final, mutually acceptable political solution to the dispute plaguing region. To this end, the Kingdom of Morocco is prepared to make a positive contribution to creating an environment of trust which would contribute to the successful outcome of this initiative*.”

Considering the experience of Aceh in dealing with the Central Government, after seven years, there are still a host of pledges in the MoU that have not been implemented, while those already made into law are not compatible with the clauses of the MoU; for all intends and purposes, the current arrangement looks like that it will solidify into the status quo. As a “lesson learned”, it will be advantageous to look into this problem in order that the Moroccan Autonomy Plan to work better than that of the Aceh-Indonesia’s Helsinki MoU.

In the final analysis, considered point by point, I find many points in the Moroccan Plan are better than those of the Helsinki MoU. The other parties to this dispute should look into it seriously and consider their options. Dialogue that takes into account first and foremost justice and the dignity of the parties is the key to successful dispute settlement and peace management. Applying the “BATNA”[[27]](#footnote-27) philosophy, I find no better alternative to dialogue based on justice and dignity in solving disputes in general and the Sahara dispute in particular. The refusal to engage in dialogue and compromise would only: prolong and worsen the humanitarian tragedy endured by the populations in the Tindouf camps; heighten tensions in the Maghreb region; aggravate criminal and terrorist threats, given the dangerous security environment in the Sahara and Sahel region, especially in the context of the conflict in northern Mali.

1. Marshall Grant,“Why Stories Matter”*, Worksheet*, Kennedy School of Government, 2007. [↑](#footnote-ref-1)
2. <http://www.aceh-mm.org/> [↑](#footnote-ref-2)
3. M. N. Djuli*,* "Disarmament, Demobilization, Reintegration: Problems of Reintegrating ex-combatants into Society - The Aceh Experience", Harvard Weatherhead Center for International Affairs, Sept. 2012. [↑](#footnote-ref-3)
4. Joseph Nye, *Soft Power: The Means to Success in World Politics*, PublicAffairs, 2004. [↑](#footnote-ref-4)
5. Hasan was in fact the eighth-generation descendant of the great di Tiro family of *ulemas* (religious leaders). The first, Teungku Tjhik Muhammad Saman di Tiro was appointed *Wali Neugara* (Regent), in 1881 by the Council of State of the Sultanate, to lead the struggle against the Dutch when the Sultan was killed in battle and his son was only 6 years old. He died ten years later and was replaced successively by his descendants. Hasan was the last, his only son Karim was born and bred in the US by his American mother, now a University professor, and has no interest in his fatherland. Saman is officially recognized by the Indonesian Republic as one of its greatest national heroes and was buried in a specially built mausoleum at Indrapuri near the capital Banda Aceh. Ironically, Hasan, who was regarded as a traitor by the Republic but revered by the Acehnese is now buried side by side with his forefather. This too can be regarded as a compromise to heal the wounds with a little bit of respect of dignity for the Acehnese who have finally agreed to give up its long struggle for independence and be part of the new Republic. [↑](#footnote-ref-5)
6. Larry Niksch, “Indonesian “Separatist Movement in Aceh"*,* in E. McFlynn, *Economics and Geopolitics of Indonesia*, New York: Nova Science Publishers, 2002. [↑](#footnote-ref-6)
7. N. Djuli and S. Marhaban, *War and Peace, the Aceh Narrative*,Conference at the Department of Global Health and Social Medicine, Harvard Medical School, 27 April 2012. [↑](#footnote-ref-7)
8. www.Statoids.com [↑](#footnote-ref-8)
9. Richard Barber, “*Aceh the Untold Story”*,Forum Asia, Bangkok, 2009. [↑](#footnote-ref-9)
10. Michael Shari and Sheri Prasso, “*Indonesia: A Pariah State?”*, *Business Week International*, 7 September 1999; Karishma Vaswani, “*Indonesia changing quickly as economy booms”***,** *BBC News,* 12 June 2011. [↑](#footnote-ref-10)
11. Crisis Management Initiative, Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement ([www.cmi.fi](http://www.cmi.fi)). [↑](#footnote-ref-11)
12. Malik Mahmud, “Compilation of Most Serious Concerns Regarding the Implementation of the MoU”, Letter of MoU GAM signatory to President Susilo Bambang Yudhoyono, 12 June 2007. [↑](#footnote-ref-12)
13. Convention on Elimination of all Forms of Discrimination against Women [↑](#footnote-ref-13)
14. <http://programs.wcfia.harvard.edu/files/fellows/files/marhaban.pdf> [↑](#footnote-ref-14)
15. Ibid. [↑](#footnote-ref-15)
16. N. Djuli “Does lack of Employment Among Ex-Combatants Lead to an Increase of Violence in Post-Conflict Societies?”, Research Paper, Harvard Weatherhead Center For International Affairs, 2012. [↑](#footnote-ref-16)
17. Clifford Geertz, *Islam Observed: Religious Development in Morocco and Indonesia*, The Chicago University Press, 1971. [↑](#footnote-ref-17)
18. Achmad Munjid, “Is Indonesian Islam Tolerant?”, *The Jakarta Post*, 14 Sep. 2012 (<http://www.thejakartapost.com/news/2012/09/14/is-indonesian-islam-tolerant.html>). [↑](#footnote-ref-18)
19. Larry Diamond, “How Democracy in Indonesia is doing?”, *East Asia Forum*, Stanford University, 26 Oct. 2009 (<http://www.eastasiaforum.org/2009/10/26/how-is-indonesias-democracy-doing/>**)**  [↑](#footnote-ref-19)
20. Exxon “discovered” gas in Aceh in 1971. The existence of gas in Arun, North Aceh, had been known since the Dutch colonial time. Gas shot out from the earth everywhere and the Dutch authorities put 5 metre-high pipes and lit the gas for the safety of the villagers; Shell exploited only petroleum from this area, which after independence was taken over by the national oil company, Pertamina. Exxon began operation in 1978, with production sharing: Indonesia holding 55%, Exxon 30% and a consortium of Japanese buyers 15%. Production peaked in 1994, with Indonesia exporting 16.2 million tons. For decades Indonesia had been the world’s third largest exporter of gas. The Aron deposit will be depleted in 2014, and Exxon is now selling its infrastructure against the protests of local people who had hoped that the Company would at least leave it to the local government. In 1998, 11 villagers launched a legal action against Exxon Mobil in the District Court of Washington under the Alien Tort Law, for allegedly allowing its premises and equipment (tractors) to be used by the Indonesian military it hired to maintain security, to commit massacres and bury hundreds of victims in mass graves on a hill within the Company’s premises, that is now known as the Skulls Hill. The case has now reached the US Supreme Court. [↑](#footnote-ref-20)
21. US arms restrictions were first levied on Jakarta in 1991 when Indonesian soldiers opened fire on a pro-independence demonstration, leaving more than 270 East Timorese dead. Indonesia later staged a military intervention in 1999 to prevent East Timor’s secession, killing more than 1,500 civilians and razing 70 percent of its infrastructure. In response, the United States and the European Union both imposed arms embargoes. The European Union chose not to renew its ban in 2000. [↑](#footnote-ref-21)
22. The name of the official organization Hasan, launched on 4 December 1976, that evolved into *Aceh Merdeka* (Free Aceh)*, Gerakan Aceh Merdeka* (Free Aceh Movement) with its armed wing *Angkatan Gerakan Aceh Merdeka* (Armed Forces of the GAM), and on 21 July 2001, in the *“Musyawarah Aceh Bansigom Donya”* (Worldwide Aceh Conference) held in Stavanger, Norway, with participants numbering over 300 consisting of Acehnese in diaspora (US, Europe, Australia, New Zealand, Malaysia and Singapore), di Tiro agreed to a proposal that he declared the formation of the *Neugara Atjeh* with an official English appellation of The State of Acheh, with its armed forces called *Teuntra Nasional Atheh* (Acheh National Armed Forces), eventually known as the TNA. Malik Mahmud the then-Minister of State was promoted to the post of Prime Minister, Dr Zaini Abdullah, then-Minister of Health, was given an additional rank of Minister of Foreign Affairs, and Bakhtiar Abdullah, ASNLF spokesman, became Director General of Press and Information. [↑](#footnote-ref-22)
23. The precursor of Human Rights Watch, Asia Division. [↑](#footnote-ref-23)
24. Framework Agreement of Cession of Hostilities in Aceh, op. cit. [↑](#footnote-ref-24)
25. Iggi Kim, “Aceh: Ceasefire near collapse”, *Green Left Weekly*, Australia, 16 April 2003. [↑](#footnote-ref-25)
26. Saliba Sarsar*,* “Quantifying Arab Democracy: Democracy in the Middle East”, *Middle East Quarterly*, Summer 2006. [↑](#footnote-ref-26)
27. Best Alternative To A Negotiated Agreement. See: Roger Fisher and William Ury,Getting to Yes: Negotiating Agreement Without Giving In, 3rd ed. (New York: Penguin Books, 2011). [↑](#footnote-ref-27)