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study

Non-Governmental
Actors in Peace Processes
The Case of Aceh

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The Centre for Humanitarian Dialogue is an independent and impartial foundation, based in Geneva, that promotes and facilitates dialogue to resolve armed conflicts and reduce civilian suffering.

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1

Introduction

- 1 For the data source, see Uppsala dataset, presented in Lotta Harbom & Peter Wallensteen (2005) 'Armed Conflict and Its International Dimensions, 1946-2004'. *Journal of Peace Research*, 42(5), 623-635 and Lotta Harbom, ed. (2006) *States in Armed Conflict 2005*.
- 2 Good analyses of the informal ASEAN Way can be found in Sharpe, Samuel (2003) 'An ASEAN Way to Security Cooperation in Southeast Asia?' *The Pacific Review* 16(2), 231-250; Michael Leifer (1999) 'The ASEAN Peace Process: a category mistake', in *The Pacific Review*, 12(1), 25-38; Amer, Ramses, 1998. 'Expanding ASEAN's Conflict Management Framework in Southeast Asia', *Asian Journal of Political Science* 6(2); Timo Kivimäki 2001. 'Long Peace of ASEAN', *Journal of Peace Research* 38(1), 5-25.

Southeast Asian (neorealist and constructivist) scholarship on peace and conflicts often assume the natural monopoly of states as agents in the security game. Also regional political rhetoric emphasize the role of states as actors of security. Yet member-states of the Association of Southeast Asian Nations have never had militarized inter-state disputes¹ that have led to casualties, while all the main conflicts in the region have been fought between civil society movements and states (or two or several civil society movements). Thus challenges to Southeast Asian security clearly do not come from state actors, but from non-state actors.

Also the solutions to Southeast Asian security problems utilize a widening variety of informal structures, perhaps more than anywhere in the world. The so-called ASEAN way² of conflict resolution is based on informal meetings, and cooperation between officials in their personal capacity and experts of various sorts. Furthermore, Southeast Asian conflict resolution practice has recently been opened to a great deal of third non-governmental party involvement. This is why also in this area, there is a need to reconcile the state-biased theoretical debate and the obvious empirical evidence and start systematically building understanding of peace processes where non-governmental actors have a significant role. The peace process of Aceh offers an excellent case for this task, as this was a process where the state-biased political thinking clashed so evidently with the need of flexible non-governmental involvement. This chapter will look into the question of non-governmental actors in peace processes by utilizing the case of Aceh as a tool for an analysis that attempts to produce some tentative hypotheses on the role of non-governmental third parties in peace processes.

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Conflict in Aceh

- 3 While some GAM leaders are hesitant to accept this as a historical truth (for example, the leader of one of the main GAM splinter groups, Dr. Husaini Hasan, does not admit this as a historical fact, Interview with Timo Kivimäki, November 2001), Mahmood Malik, the chief negotiator of the GAM team, both in Henry Dunant Centre and the Helsinki negotiations, admits that this is the historical fact. According to Malik, "many Acehnese were confused at the time" (interview of Mahmood Malik, by Timo Kivimäki, June 2004).

Despite colonial agreements that included the whole territory of the current Indonesia, until late 19th century Aceh functioned as a de facto independent administrative entity. With the rise of state power, this independence was challenged first by the Dutch, then by Japan and finally by Indonesia. Each time this challenge was violently resisted by Acehnese troops even though it must be noted, also, that many Acehnese people were enthusiastically fighting for the anti-colonialist project of Indonesian nationalism.³ In the 1950s, Acehnese resistance aimed as a special administrative position within Indonesia, but since this demand was frustrated by Jakarta, in 1970s, Acehnese resistance took the objective of independence and on December 4, 1976, a mass organization called Free Aceh Movement (Gerakan Aceh Merdeka,

or GAM) declared the province independent. A conflict between the independence movement and the state of Indonesia followed, with occasional intensification of fighting to the levels of civil war with over thousand casualties per year (1976–1979, 1988–90, 1997–2000). All in all best estimates of casualties of Aceh conflict suggest about 16000 dead on both sides.

4 The Henry Dunant Centre for Humanitarian Dialogue (HD Centre) is best known as HDC in Indonesia. As such, the term HDC will be used to refer to the HD Centre in this case study.

5 World Bank/CSF (Monthly/ Several months) *Aceh Conflict Monitoring Updates*. Jakarta.

6 This problem has been ably analysed by one of the Indonesian negotiators during the HDC-led process, Ambassador Sastrohandoyo Wiryono. Discussions with Kivimäki & Presentation by Amb. Wiryono at Asia-Europe Round Table, May 2007. The analysis is also available in some of Wiryono's publications.

Two peace processes were conducted in Aceh, first, lead by Henry Dunant Centre for Humanitarian Dialogue (from now on HDC⁴) in 1999–2004, and the other by the CMI-Crisis Management Initiative (from now on CMI) and the former president of Finland, Martti Ahtisaari (Helsinki negotiations) in 2005. Both created an atmosphere of optimism and reduced the annual number of casualties. The fact that the latter of the two heavily built on the principles agreed upon by the former makes the distinction of the two processes difficult. From the point of view of third party agency, though, they can be separated as the third parties involved, were different. After the signing of Memorandum of Understanding on peace between GAM and the government of Indonesia on August 15, 2005, the conflict has ceased to exist and there has only been a few casualties ever since between the two former conflicting parties.⁵ While there is a considerable risk of the conflict reoccurring, if economic and political structures of conflict cannot be transformed in time, and if the agreements agreed upon are not honestly implemented, the process to peace can be largely treated as a successful case. Aside with the fact that peace negotiations never involved the parliament, and the lack of commitment of the parliament could become a problem in the legislative implementation of the peace deal⁶, it would be difficult to pinpoint clear problems in the peace process itself that could later be seen as causes, if the conflict reoccurs.

3 | Prenegotiation

International and National Pressure Builds

International and national criticism against conflict-related Indonesian human right violations in Aceh were a strong motive for Indonesia to push forward a settlement of conflict in Aceh. Non-governmental actors such as the Human Rights Watch, Amnesty International, International Crisis Group and Indonesian Imparsial, had a major role in keeping the issue human rights problems in Aceh on the international and national agendas, and thus these actors, initially contributed to the Indonesian motivation to enter into the peace process. Also the Indonesian Human Rights Commission had an important role in this pressure, and this Commission acted independently, even though its identity is not strictly non-governmental.

7 Blainey, Geoffrey 1973. *The Causes of War*. New York, Free Press. According to Blaney War is a dispute about the measurement of power (p. 114). According to him wars are most likely to occur when decision-makers in rival conflicting parties disagree about the relative power capabilities of their respective sides. Wars "can only occur when two (sides) decide that they can gain more by fighting than by negotiating (p. 159). This is possible only when both sides are overly confident on their own military and political strength.

8 Two series of interviews were designed and commissioned by Timo Kivimäki, and conducted by Mr. Dadhi Darmansyah (member of pro-independence NGO, SIRA), and an anonymous pro-Indonesian interviewer in 2001 and in 2003.

9 The citation is from a discussion with Gen. Agus Widjojo, on November 25, 2000, but he presented the same idea in a public conference at Universitas Parahyangan, just before the private discussion.

In addition to the positive influence of non-governmental groups in support of concessions, there were also a number of solidarity groups, whose influence seemed to encourage an overly optimistic assessment among GAM fighters on their relative strength vis-à-vis Indonesia. With this overconfidence, GAM felt less tempted to make compromises that could kick off negotiations.⁷ Interviews with members of the independence movement reveal that overconfidence (operationalized as an expectation of Indonesia's collapse or GAM's military victory in the foreseeable future) was clearly associated with the willingness of these members to continue/start fighting for independence.⁸

International pressure from human rights groups, political groups, let alone by solidarity groups and GAM sympathizers were at times strongly resisted by Indonesia. Public discourse associated threats to sovereignty and national unity with violence, chaos and conflict; even though one would assume that successful international pressure to respect human rights would contribute to non-violence, rather than violence. Even according to generals from the 'ideological reformist group' of President/General Susilo Bambang Yudhoyono, tackling the problem at the national level was presented as the only hope, and any interference in the national strategy was associated with chaos, violence and war. According to Lieutenant General Agus Widjojo, in charge of the Army Territorial Command at the time, 'Aceh conflict is caused by perceived regional grievances, but the only way out of this chaos is to strengthen the quality of Indonesian administration in Aceh. Any interference in this process just means chaos, conflict and bloodshed.'⁹

To some extent this was natural. The challenge for Indonesia was to its sovereignty; sovereign legitimate coercive authority in Aceh. Thus, any agents that undermined or delegitimized state's ability to freely decide on and exercise its order in Aceh was weakening the very sovereignty that Indonesia felt was under threat from GAM. This feeling of threat from civil society groups was most clearly expressed in military campaigns: the declaration of the province as a military operation zone (Daerah Operasi Militer, DOM, 1989-1998), the Aceh Martial Law (2003-2004), and the Civil Emergency Status (2004-2005). During these periods the explicit objective of the Indonesian government was to isolate the province from external influence, which mainly came from non-governmental actors, and emphasize the national military influence on Aceh. During the DOM and the Martial Law, it was illegal for foreign journalists, NGOs and scholars to enter the province. The Indonesian military tried its best to control the civil society organization, local media and communications. The province was flooded by mobile Indonesian police and military troops. Indonesia attempted to enforce peace in Aceh by attempting to crush the resistance to Indonesian national sovereignty in the province. According to the Army Chief of Staff General Ryamizard Ryacudu, 'the conflict could only end if the GAM surrendered unconditionally' (*Tempointeraktif.com*, 3 February 2005). However, by insisting on a state-centered solution, Indonesia did not manage to return sovereignty to Aceh: still a few years before the peace even Indonesian government officials (excluding soldiers and the police) paid compulsory taxes to a movement lead from Norsborg. In practice, 6% of the salaries and

10 Interviews with former Indonesian government officials, in March 2003, by Timo Kivimäki.

12 % of income from government projects¹⁰ went to the coffers of GAM. This money was used for road improvement projects, social security of war widows, construction of schools, and, of course, for the war against the government. Sharia law had replaced many elements of the Indonesian positive law in many parts of Aceh, long before President Abdurrahman Wahid had introduced it as a conciliatory gesture in 2001. GAM was operating police and running an army inside Indonesia's territory. Sovereignty simply could not be forced by a military action, and thus Indonesian members of the government, especially presidents Abdurrahman Wahid and Susilo Bambang Yudhoyono, vice-president Jusuf Kalla, and several cabinet ministers realized that a more conciliatory strategy, one which was more open to non-governmental actors, was needed.

For the GAM leadership the maturing of the idea of negotiation and the greater willingness to compromises was mostly related to the incompatibility of GAM leadership's political battle and their interest in promoting human rights among the Acehnese. War gave an excuse for opportunistic elements on both sides to profiteering at the cost of human rights in Aceh, and as long as the excuse of war was there, human rights violations never received sufficiently serious attention. It is clear that the conflict between political and humanitarian objectives was the main consideration in the mind of Malik Mahmood, who since 2001 has been the de facto leader of GAM, and that in summer 2004, the objective of working for Acehnese human rights was gaining the first priority.¹¹

11 Discussion with Malik Mahmood, in June 2004, by Timo Kivimäki.

Before general favorable attitudes to negotiation translate into practical decisions to negotiate, many things had to happen. Many of the developments here emphasized the role of non-governmental actors.

Why an international NGO?: the entrance of HDC

The Henry Dunant Centre, which had only recently been founded, had good contacts all the way to the top in Indonesia. These contacts proved an entry point for the center's role in Aceh. In November 1999 Indonesia's president, Abdurrahman Wahid, suggested to HDC that they work to solve the conflict in Aceh.¹² At the time the president was very much alone with his consolatory policies towards Aceh. Wahid had previously suggested the organizing of a popular referendum on independence or autonomy in a similar manner as in East Timor, and he had had to back off from this commitment due to the pressure from the military. According to Sidney Jones' assessment then, the president, nicknamed, Gus Dur, had a very limited power to pursue his human rights conscious agenda: "Gus Dur personally has been a staunch defender of human rights, but he owes his election to political blocs with many ties to the Soeharto past."¹³ The suggestion for a HDC role was not declared publicly and they were asked to maintain a low profile to avoid criticism of the process from nationalist elements. Yet, the president soon nominated Indonesia's Permanent Representative for the UN in Geneva, Ambassador Hassan Wirayuda, to head the Indonesian effort towards solving the conflict in Aceh. The Indonesian Government recognized early on that it in order to engage

12 Due to the personal role of David Gorman in the HDC process, and the role of Kivimäki as an external advisor to the mediating team in the Helsinki process, some of the details of the processes are under-documented in this chapter. The information is based on the personal experiences of the authors.

13 Human Rights Watch 1999. *A Human Rights Agenda For President Wahid*. New York, October 20.

in a negotiated solution with GAM, it needed to allow some type of international involvement to satisfy GAM's demands. Coming on the heels of the highly internationalized conflict in East Timor, a UN role or any involvement from member states in the peace process was explicitly ruled out. Instead, Indonesia preferred an organization like the Henry Dunant Centre to take the lead in the facilitation of negotiations. At the time, HDC was a small, relatively unknown agency based in a very apolitical country that did not even have membership in the UN. For its part, HDC agreed to maintain a very low profile, maintain a minimal expatriate presence in Aceh and facilitate (as opposed to mediate or arbitrate).

For Indonesia, the issue of Aceh was a domestic matter, and the settlement of the conflict there was meant to silence the international criticism of Indonesia's human rights violations in the province. An official international role in the facilitation would have had the opposite effect; it would have strengthened the international pressure. Simultaneously with the contacts with the Henry Dunant Centre, there were several alternative channels of exchange of information. Japanese government was active in the promotion of peace in Aceh. Also, already in November 1999, a GAM splinter group had approached President Martti Ahtisaari's staff through a neutral researcher, who had good contacts at the office of the president, as well as among the Indonesian military. At the time, President Ahtisaari was serving as Finland's President, and Finland, was holding its first EU presidency. On the one hand, this made the Finnish Foreign Ministry weaker since its resources were overstretched by the tasks of EU presidency. This was a serious consideration for the Finnish Foreign Ministry to try to stay out of the conflict problems of Indonesia.

At the same time, the official role of President Ahtisaari, not only as the head of a small European nation, but someone in a role on top of the European Union, made Indonesians worried. Would this not, drag the international community into Indonesia's internal affairs? Furthermore, an international treatment of the GAM could have put the GAM into international spotlight in par with the Indonesian government. In order to avoid this, Indonesia felt much more comfortable with HDC facilitation and mediation, than with Japanese, Finnish or EU role in the Aceh conflict process.

The fact that President Ahtisaari was kept as an option, still had a positive implication. It did probably make the GAM more interested in negotiations. However, more than that, the fact that President Ahtisaari's office had been introduced to a splinter group of GAM made the real GAM anxious to step in front: Negotiations with MP-GAM (GAM Leadership Council, Majelis Pimpinan, Gerakan Aceh Merdeka) led by Dr Husaini Hasan, who was expelled from the GAM by its leader, Hasan di Tiro ten years prior to the beginning of negotiations would have placed the international limelight on the wrong people and might have challenged the perceived GAM representation.¹⁴

¹⁴ This estimate is from a well-known expert of the HDC process, Dr. Konrad Huber. The communication between HUsaini Hasan and the office of President Ahtisaari was initiated by Kivimäki.

For the GAM, an official mediator would have been more preferred, but the well-resourced and experienced HDC team was still sufficiently international to create the international presence GAM partite monitoring missiative

military weakness vis-à-vis Indonesian military. Furthermore, as both parties and especially the Indonesian government became more comfortable with the international involvement of HDC, its role and the role of the international community in the process was allowed to grow. In 2000, the HDC maintained a small presence of no more than three expatriates in Aceh managing joint GAM and Indonesian Government Committees on a daily basis out of a local hotel. However, by early 2001, the HDC introduced well known mediator, William Ury to assist. In mid 2001, with approval of the Government, the HDC introduced to the process the so-called wisemen including retired General Anthony Zinni, Former Foreign Minister of Yugoslavia, Budimir Loncar, Former Foreign Minister of Thailand, Surin Pitsuwan and British parliamentarian Lord Eric Avebury. Along with advisor Prof. Hurst Hannum, these individuals attended all future talks and traveled to Jakarta and Aceh on on behalf of the HDC. In country, a group known as the Gang of Four including the European Union, the Royal Norwegian Government, the United States and the World Bank also began to engage as a group with the two parties on behalf of the HDC led process. Remarkably by the time of the Cessation of Hostilities Agreement in December 2002, the Indonesian government allowed fifty active international military monitors from Norway, Thailand and the Philippines as well as over twenty five international staff and 200 local personnel to oversee a tripartite monitoring mission including forces from GAM and the Indonesian military. Six offices also were established throughout Aceh composed of local tripartite monitoring teams in which the internationals directed the other GAM and Indonesian forces when agreement was unreachable. This was all done under the auspices of HDC so again, it appeared less threatening to nationalist elements especially, the very nationalist President, Megawati Soekarnoputri.

Ahtisaari Enters

President Ahtisaari's role was much more welcomed by the Indonesian government, once Ahtisaari had retired in 2001 as the president of Finland. The prenegotiation process before Helsinki negotiations was a clear case for the contribution of diverse civil society actors to peace. Preparations for the negotiation round lasted about a year, after which the initial contacts were initiated by individuals in their unofficial capacities. This time, the political contact was initiated through a professional link between two physicians. On the Indonesian side, the main architect was an Indonesian deputy minister, Mr. Farid Husain, who was a physician by trade and knew a Finnish physician and businessman, Mr. Juha Christensen. The latter had been engaged in extensive business operations in Aceh. These two became the main architects and match-makers in the peace operation involving President Ahtisaari. Mr. Farid Husain had participated in a dialogue process under Jusuf Kalla (then a Minister, and later Vice President), in the Moluccan Islands and in Poso, Sulawesi. Juha Christensen, who knew both the GAM leadership and the Indonesian government interlocutors, proceeded to contact President Ahtisaari. Already in the beginning of 2004, they had managed to persuade a sufficient number of like-minded Indonesian officials to support dialogue with GAM. However, persuading GAM proved to be a more difficult task. In spring 2004, Mr. Farid

Husain made an unsuccessful effort to meet the GAM leadership in Sweden. Only Juha Christensen was allowed in to the GAM office in Norsborg (which is also GAM leader Hasan di Tiro's home), while Mr. Farid Husain had to wait outside. Thus, Christensen had to physically shuttle between the conflicting parties, in and out of the GAM leader's home (the GAM office).

It is important to realise that Farid Husain, later Vice President Jusuf Kalla and Minister Awaluddin acted in their private capacities as civil society agents despite their official positions and contacts that they had as high ranking government officials. Due to Indonesia's declared commitment and insistence on the nationalistic interpretation of the conflict there would be no official Indonesian efforts to persuade GAM into negotiations. It would not have been possible for Indonesians to initiate the Helsinki talks as official representatives of Indonesia. As an official representative of Indonesia, the efforts of Farid Husain to meet Tiro di Hasan in Norsborg would have been a national humiliation to Indonesia, and a premature exposure of his delicate contact with the 'law and order disturbance.' This would have cost him his political career. As a private individual this was possible. In the end, his work along with parallel efforts by other private individuals and groups ended up benefiting the Indonesian state. Here the 'competition' between public and civil society actors occurred within one individual and the careful balancing of official and unofficial roles resulted in a compromise that served both.

In the summer of 2004, there were several transnational and national civil society level efforts to persuade the GAM leadership into dialogue. Again, some of them involved individual civil society actors and individuals in their private capacity.

It seems as though factors related to the personal capacity, not the official role, of former President Ahtisaari were among the crucial issues that changed the position of the GAM. A former president with high profile mediation experience appealed to the leaders of the Acehnese rebellion. Malik Mahmood, GAM's chief negotiator felt that Ahtisaari would be powerful enough to guarantee fair procedures with his international prestige and authority, so that the military superiority of the Indonesian government could not be used unfairly in the negotiations. At the same time, it was almost the opposite characteristics of President Ahtisaari that appealed to the Indonesian government. While Ahtisaari's prestige was naturally important to the Indonesian side, the fact that he was no longer acting as president appealed to the Indonesians. As a former president, his status no longer framed the negotiation so that it would signal a *de facto* recognition of the state of Aceh. Also, the unofficial position of Ahtisaari ensured that the negotiation process was fully controlled by the negotiating parties. Indonesia felt that Aceh was an internal affair so it would have been impossible to accept a negotiation process under some official arrangement. No official organization would have gotten any control over the process. It is possible to see that personal competence, not official prestige, together with civil society actors served the purpose of peace promotion.

The creation of the willingness to negotiate again emphasized the role of informal action. Official institutions, such as the EU, were in supportive roles. EU institutions were related to the fact that already at this time an EU funded network of conflict specialists was used for the facilitation of contacts and gathering of ideas related to the views on the ground in Aceh. Later, this network was linked to the activities of the mediating panel. The EU funding took place within the framework of a Commission-lead Asia Link program. The objectives of the Indonesian Conflict Studies Network project were defined as an academic build-up of indigenous conflict resolution competence in Indonesian conflict areas. In this framework, independent and unofficial university cooperation took place within officially pre-agreed political rules. Individual members of the network took the initiative to link this activity to a pre-negotiation process as much as it could be done within the frames of the project. A similar framework turned out to be the formula of the initial EU role in the negotiation process that started in January 2005.

4 | Negotiations

The Henry Dunant Centre Process

The first meetings between the conflicting parties were hosted by the HDC in January 2000 in Switzerland, and in May-September 2000, there were a number of meetings focused on the issue of how to reduce the levels of violence in Aceh. For GAM it was more useful to get an agreement that could fix the security situation first, because this way the greater relative strength of the government could be offset before discussions on political issues could start. For the Indonesian government the compartmentalization of the issue was acceptable for the sake of progress towards peace. However, this was an issue where the government learned from the HDC process, and insisted on political negotiations first in the Helsinki negotiations.

The First Agreement

The first round of negotiations was successful and ended up with a semi-cease-fire agreement. The parties established committees for special issues in the peace process and a monitoring team to monitor success in confidence building and ceasefire measures. The process also created mechanisms for confidence building between the two conflicting military forces on the level of colonels and military commanders. Furthermore, a committee on humanitarian relief was created to address the civilian emergency that the conflict had brought to the province. There was also a civil society monitoring body and mechanisms to keep the GAM leadership in touch with their “constituency” in Aceh. September 2000 started a new phase in the HDC-lead process. This phase witnessed the first exchange of ideas on political issues, and it continued through a series of meetings leading up to the COHA Agreement in December 2002. Political talks were hampered by

GAM's refusal to drop independence and the Government's insistence that GAM accept autonomy.

Moving from confidence building, humanitarian relief and cease fire talks to political talks continued to diversify the role of the HDC in the process. What had started as facilitation had continued as mediation and was expanding with many monitoring functions towards implementing responsibilities.

At the same time as the HDC felt pressured, the pressures were growing with the negotiating parties, as well. The legitimacy of GAM as a negotiator for Aceh was challenged by civil society groups, which were anxious for results. The measures to keep the negotiating leadership of GAM in touch with the grassroots were clearly not sufficient. Furthermore, the unchallenged, charismatic leader of GAM, Hasan di Tiro suffered a stroke, and during his illness the mandate and popularity of the negotiating team was less clear. For the negotiators it felt that the leadership of Hasan di Tiro was no longer there.¹⁵ These problems emphasized the need for further expanding the confidence building measures, so that the negotiators could command support from the grass roots for their peace negotiation. Commander-to-commander talks and civil society talks were added to instruments of dialogue. However, the problem with GAM, at the time, was also that of over-confidence on its position. It seemed that GAM was being less and less serious about the negotiations as the feeling was that Indonesian government was about to collapse and the country was sliding to anarchy. The experience of East Timor's separation was clear in the minds of GAM negotiators, not only as they sought to settle the issue by means of a popular referendum on independence, but also as they were expecting Indonesia to grant independence when it was at its weakest. Making compromises in such a perceived situation was naturally not wise for GAM. However, Indonesia was far from a situation as desperate as that.

15 Hasan di Tiro's illness had affected his speaking but not his thinking. The other author of this chapter, Timo Kivimäki, met with Hasan di Tiro in June 2004, and at least by then, his thinking was again, very sharp. It could be that the ability of Hasan I Tiro to lead the process was exaggerated due to the fact that after 2001 he could not have public interviews, and he was rumored to have been in a worse condition he actually was.

The Cessation of Hostilities Agreement

In June 2002 the situation was further complicated as the president of Indonesia was impeached, and the nationalist vice-president Megawati Sukarnoputri took over. This meant that the original mandate for the peace process and for the role of HDC was in doubt. After all, this activity was based on a decision by the impeached president. However, President Megawati's cabinet had strong supporters for the peace process. Indonesia's chief negotiator, Hassan Wirayuda was nominated to Foreign Minister, and Susilo Bambang Yudhudono, who also participated in the negotiations, took charge of the coordinating security minister's post. As one of the first acts by Minister Yudhuyono was his declaration that Aceh conflict cannot be solved militarily. However, voices in the military against concessions with the enemy were strengthening, as the rumors grew stronger of the presidential support to these voices.

The parties were able to conclude an agreement on the Cessation of Hostilities (COHA) on December 9, 2002. Critically, in the agreement GAM accepted that autonomy could be implemented, agreed to participate with

local government officials and civil society in an all-inclusive dialogue to review the autonomy laws, and for the first time recognized in an agreement Aceh, Indonesia. The idea of keeping the legislation on Aceh's special autonomy as the starting point of further dialogue on the political status of Aceh, the idea of tackling the issue of humanitarian problems, the limitation of the role of the Indonesian mobile brigades, and the aim at giving the Acehnese the final say on issues of their own governance were all ideas that were agreed upon already in the COHA agreement. However, as GAM could not explicitly drop its demands for independence in the agreement or publicly coupled with looming national and local elections in Indonesia in which the Indonesian Chief Negotiator, Susilo Bambang Yudhoyono was challenging the sitting President provided little room for maneuver at an untimely moment.

Clearly some of the ideas innovated in the HDC process could not be translated into practice because of the lacking political will and the lacking strength of the forces for peace. The idea of an all-inclusive dialogue was precisely what the province needed, but could not get in absence of powerful monitoring that made sure that people were not persecuted for presenting their opinions. While the HDC had managed to use its flexibility for the achievement of agreement on the fundamental political directions in Aceh, it also revealed the limitations of timing. An NGO could generate ideas for agreement, it could facilitate and mediate talks and could implement many of the agreements related to the alleviation of the humanitarian emergency. But an NGO even with the full weight of the international community and active military monitors from the region still did not have enough authority and power to overrule host governments. As the political situation deteriorated, neither party was willing to hold on to their commitments, and the ultimate arbitrator of the COHA, the Joint Council, which consisted of the conflicting parties and the HDC, was unable to prevent the situation from sliding back into a conflict. After the last round of negotiation, Indonesia finally terminated its contacts with the enemy, arrested the GAM negotiators and declared martial law in May 2003.

The Helsinki Process

Before the Helsinki process, ever since the collapse of the Henry Dunant Centre process, Aceh was ruled by the Indonesian military under Martial Law, and a Civilian Emergency. This created an atmosphere of total impunity for human rights violators and a total lack of transparency of governance. Clearly this aggravated the humanitarian emergency in Aceh. In absence of any reliable information on the situation on the ground, and without any impartial monitoring of governance in Aceh, it would have been impossible to negotiate any peace measures. Furthermore, the situation was optimal for any peace spoilers and war entrepreneurs, who needed the lack of transparency martial law was offering. Thus even though the decision to enter into peace negotiations was made by the conflicting parties, already before the disastrous Asian tsunami, it is unlikely that meaningful negotiations could have been concluded before the massive entrance of international donor agencies in Aceh, after the tsunami. Even though humanitarian assistance organizations had a strictly non-political mandate, these non-governmental (and governmental) actors played an important role in the conversion of the atmosphere of impunity into an

atmosphere of transparency. With this transparency, it was much easier for Indonesia's new government, with the lead of a former negotiator of HDC-negotiators, President Susilo Bambang Yudhuyono and the hero of Maluku and Poso Peace processes, Vice-president Jusuf Kalla, to outmaneuver the peace spoilers, and non-compromising ultranationalists of the Indonesian military, and steer Indonesia into compromises in Aceh. In an analysis of the role of non-governmental peace actors, it is important not to forget the role of the donor community in Aceh, who made sure that it was no longer possible for the military to have a monopoly over the interpretations on the developments in Aceh. Without this role it would not have been possible for the president to replace the military team in Aceh in April 2005 to military officers more loyal to the civilian leadership. This replacement was probably necessary in order to prevent individuals and groups in the Indonesian military from spoiling the peace process with their own provocations.

The Ahtisaari Way

In the Helsinki process President Ahtisaari acted as the mediator in an unofficial role, as the chairman of his own NGO, CMI-Crisis Management Initiative. Yet he had the prestige and the title of a president.¹⁶ Just as HDC was seen sufficiently unofficial by the Indonesian government, and sufficiently international by the GAM, the double role of Ahtisaari, as a president and yet not as a sitting president, was important for the Helsinki negotiations.

¹⁶ In Finland, president's term ends 6 years after assuming power, but presidents retain their titles and their protocol position as next to the sitting president, even after they retire from their presidency. Thus, while President Ahtisaari had already ended his term in 2001, he was still president, and even without any political power, he was together with another ex-president, Finland's second in official hierarchy.

In order to reduce the pressures from the constituencies, Helsinki negotiations assumed the principle of "nothing was accepted before everything was accepted". This way the ultra-nationalists could not blame the government during the negotiation process for compromises that were against the strict interpretation of sovereignty or national interest: the conflicting parties made their first compromise once the entire agreement was signed. At that time, again, it was difficult to create populist pressure against the government since they had not only compromised, but they had also brought peace to Aceh.

The CMI also emphasized that this process of negotiations was not exclusive. Anybody who felt sidelined from the process could open his/her own negotiation contact with the enemy in the conflict. This was an innovation that recognized that negotiations can also take place on an informal platform, and they need to be coordinated and monopolized by exclusive official decisions. This way the issue of mandate for negotiation was made easier during the Helsinki round than during the HDC negotiations. Clearly the unofficial nature was benefiting the process of compromises. Yet it was probably the speed of the progress (that was naturally built on the agreements in the earlier, HDC process), that was decisive for the ability of negotiators to maintain their political mandate and get acceptance to their compromises.

Furthermore, the Helsinki process had the benefit of careful sequencing of the process that enabled all-inclusive dialogue. This was the fact that made it possible for the process to maintain its legitimacy. It seems, that the process was divided into three periods, each emphasizing slightly different stakeholder interests. It was necessary that in the first phase, the government and the

17 An informant in the process told Kivimäki (May 2003), for example, Kivimäki that GAM leadership's concession in year 2000, to allow the Acehnese to hoist Indonesian flags on Indonesia's independence day was fully honored by the GAM fighters who, before that, had regularly harassed people hoisting Indonesian flags.

army, on the Indonesian government side, and the GAM leadership, on the other side, were empowered. In order to stop the guns one has to get an agreement between the people controlling the guns on the minimum political conditions that could justify the ending of violence. The HDC process had revealed that the GAM fighters were disciplined and loyal to the leadership in Sweden.¹⁷ This was naturally practical since only people living outside the control of the Indonesian government power could express the interests of the Acehnese. People under the watchful eye of the Indonesian military in Aceh did not have that privilege. At the same time, the negotiators had not been in Aceh for a long time (in 26 years, in the case of most of the top leaders), and were naturally not fully in touch with the realities on ground. Olof Palme Center tried to tackle with this problem by organizing meetings between the Sweden-based GAM elite and GAM civil society. Yet it was natural that the Acehnese civil society and the foot soldiers and local commanders of the GAM were wrestles and waited for their turn to have their grievances heard. This is why it was necessary that the Memorandum of Understanding of Helsinki in August 15, 2005 was a minimum agreement with sufficient amount of detail but no final say on the governance of Aceh.

18 This observation is based on a visit by Kivimäki to Banda Aceh and Sigli, including the village of Tiro, and discussions with some GAM soldiers.

This agreement guaranteed security in Aceh for political mobilization and allowed the presence of an international EU-ASEAN Aceh Monitoring Mission to guard this freedom of political expression. After this monitoring mission was established, the civil society gained substantial political space, as ordinary people no longer needed to be afraid of expressing their political opinions. These were the conditions where the Law on Governance in Aceh was agreed upon in a process that allowed wider Acehnese participation as well as the participation of the Indonesian legislature. Yet, discussions and visits to the province easily proved that the former local GAM fighters were still rather careful with their activities, and did not much participate in the drafting of the Law on Governance.¹⁸ However, they knew that, once the mobile brigades of Indonesian Army had left by the end of year 2005, they could start mobilizing their forces for a political campaign for local government. This third phase witnessed in a split between the supporters of the GAM elite who had resided in Sweden and the local GAM fighters. The governorship was won by the latter group, proving that also the locally based GAM fighters had had their turn to influence Acehnese politics. All in all, the phasing of the peace process was the only way to really implement what the HDC process had innovated and called all-inclusive dialogue.

The three phases of the peace process (Helsinki negotiations, the consultation on the Law on Governance, and the election of the governor) had mobilized each of the three important Acehnese stakeholder groups, one at the time and allowed them the opportunity to secure themselves the core interests they had in the pacification of Aceh. The first empowered the GAM elite, the second the Acehnese civil society and finally the third the GAM local population with the support of the Acehnese civil society.

Conclusions

The case of Aceh enables us to identify non-governmental actors in various roles in peace processes. These actors can be pressure groups that make violence and human rights violations costly. They can even be as the Henry Dunant Centre and the CMI-Crisis Management Initiative, as facilitators, mediators and implementers of peace processes. In case of donor groups, non-governmental actors can have crucial roles in the transformation of economic structures of conflict, and they can help create the transparency needed for any peace process.

But we can identify non-governmental actors also as conflicting parties, as the constituencies of the conflicting parties, and as supporters of the overconfidence of the conflicting parties on their positions. Thus it seems that one should not take a categorical position on the role of different types of actors in conflict and peace processes. It is not important who does something, but what is being done. When compromises are encouraged, when violent action is discouraged, then peace is served. However, when solidarity activity encourages unfounded overconfidence, when enemy actors are resisted instead of violence itself, there peace is not necessarily served. Non-governmental groups can choose their sides by choosing their strategies, not by choosing their identity.

One case study can reveal what is possible, but not what is not possible or what non-governmental actors always or normally do or can do in peace processes. However, success in one case gives support to the hypothetical position that non-governmental actors can be useful and perhaps even be crucial by using certain mechanisms and methods in peace processes. In Aceh it was important for the facilitation and for the creation of the political will to negotiate, that non-governmental actors and pressure groups pin-pointed problems and helped the government acknowledge that they existed. Furthermore, individuals and non-governmental groups were useful in matching of people, creating forums where enemies can meet, and helping the sides to accept that “peace is made between enemies not between friends.” Furthermore, public debate helped brainstorming ideas on peace process and peaceful solutions. Here crucial role in Aceh was with informal grouping of officials in their private capacity, the latter of which perhaps could be seen as something in between governmental and non-governmental actors. Sometimes it was useful in Aceh for the process that it was perceived as unofficial and inclusive. The principle of “nothing is accepted before everything is accepted” helped in Aceh, to create an unofficial, non-threatening atmosphere. The fact that the Helsinki process did not declare itself as exclusive, but instead explicitly declared that this process did not rule out the possibility of other simultaneous peace talks being initiated, helped the negotiators against the accusation of excluding some stakeholders from the peace process. Finally, the strategy that divided the process into three phases

helped in allowing the voice for various non-government stakeholders that could not be involved in a one single phase.

In addition to mechanisms one can, on the basis of experiences of Aceh peace process, hypothesize on the situations where non-governmental actors can be especially useful and when they are not likely to be particularly useful. It seems that whenever ideas, information and analysis are needed in a peace process, non-governmental activity is welcome. Good ideas, analyses or innovations on solutions do not require a political mandate and thus can be offered by anyone, also non-governmental entities. Broadness of participation is important for brainstorming and thus ideas should not be a monopoly of the official actors. When the power of argument/reason is needed, civil society and non-governmental actors are useful.

In some processes of peacemaking broadness of participation is not only useful, but a necessity. Whenever contacts and legitimacy are needed, broad civil society participation and non-governmental activity are a necessity.

However, often whenever large scale power and persuasion is needed, official international institutions are often more useful than non-governmental actors. However, NGAs can play a strong role, too. Power of customers, power of tourists (who refuse to come to dictatorial countries, for instance), power of media and the power of the international opinion should not be undermined in peace processes.

However, whenever only a few people can sabotage an element in a process, official, monopolized structures of governance are needed. For example, in Aceh, the role of law enforcement against illegal business activities would have been welcomed at times when peace spoilers tried their best in protecting their illegal businesses by preventing peace from materializing. Also when an official/democratic mandate is needed for binding decisions, non-governmental actors cannot replace the crucial role of official actors.

While all these hypothetical generalizations seemed to receive empirical support from the case of Aceh peace process, it would be daring to suggest that this would be the case in any other peace process. Case-specific analysis needs to be complemented by comparative broader evidence. However, cases like Aceh, can offer hypotheses for testing by this broader analysis.

