

## **ACHEH: THE CASE AND THE CAUSE**

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### **INTRODUCTION**

The problems of political integration which make up the subject of this paper have a general relevance to the recently decolonized states of the world. Indonesia is a geographic expression, a product of Dutch colonization bringing together more than 13,000 islands with disparate histories, civilizations, cultures and languages. Its contemporary territorial form has been a product imposed by colonial governments, as Dr. Henry Kissinger, the former US Secretary of State, had correctly written: "Indonesia was nothing but a geographic expression until the Dutch found out it was more efficient to unite the islands of Indies under a single administration."<sup>1</sup> This was the genesis of the "Indonesian nation". Legitimacy, drawn from western ideas about self-determination, served to influence the mainstream of nationalism in Asia but at the same time also inspired sub-national sentiments among ethnic minorities.

Political scientists have regarded that a sustaining identity on the part of ethnic minorities is perceived as a deviant political culture which strikes at the very roots of national existence, its perpetuation representing a challenge to the solidarity which is fundamental to the nationalist idea. Although there is no automatic connection between minority ethnic identity and the obstruction of a political integration, if the cultural character of the new state is promoted in such a way as to indicate that there is no place other than for the major ethnic group and those willing to assimilate its values, ethnic estrangement is to be expected. Where nationalist success becomes equated with majority dominance, political alienation will follow and the prospect for integration will be obstructed as ethnic particularism is reinforced through the actions of those who seek to deny it. Such an experience has not been uncommon in the region of Southeast Asia.

The ethnic community has long been a socio-cultural pattern for human organization and communication. It holds in common a set of traditions not shared by others. Such traditions include common language or myth of descent or place of origin, distinct cultural practices, and a sense of historical continuity. These primordial ties produce a strong sense of ethnic identity and solidarity and pave the way for the emergence of ethnic nationalism.

The question remains as to whether the emergence of independence movements such as the Aceh/Sumatra National Liberation Front (ASNLF), the Republic of South Moluccas (RMS), and the West Papua Independence Movement (OPM) was primarily attributable to economic exploitation or whether it was mainly

a response to cultural subjugation. Relative economic deprivation has been an element of the situation of ethnic minority communities in Southeast Asia, but what seems to be at issue, primarily, is a conflict of cultures which is seen as the continuation of centuries of confrontation between the indigenous and 'foreign' people.

No multi-ethnic state has proven immune to the surge of ethnicity, and no government of a multi-ethnic state has found the solution to the problem faced by the demands for modernization on the one hand, and the tendencies of growing ethnic nationalism on the other. Determined to prevent secession and to achieve national integration, many governments tend to resist independence movements with coercive methods, while simultaneously promoting assimilation. Such policies have proved remarkably unsuccessful.

Thus, While Jakarta considers political and economic autonomy for the ethnic minority communities to be a threat to national territory integrity, the Achehese, Papuans, Timorese and Ambonese regard the concept of "self-determination" through referendum or direct ballot as a fundamental right of every people, believing that 'every peoples has the right to choose the sovereignty under which they shall live'.

### **POLITICAL HISTORY OF NANGGROE ACHEH DARUSSALAM**

Nanggroe Acheh Darussalam is one of the oldest independent nations in Southeast Asian history and according to modern Indonesian history: "Acheh was emerging as a major power, the most powerful, wealthy and cultivated state of the area."<sup>2</sup> At present Acheh's population is 4.2 million and the population of the island of Sumatra is approximately 25 million. Here flourished the once powerful Sultanate of Acheh Darussalam (House of Peace). The leading state in Southeast Asia can be traced to the Portuguese capture of Malacca in 1511, which had been the dominant trading Center in the region. Forced out of Malacca, Arab, Turk, and Indian merchants moved to Acheh, where they carried on barter trade primarily with Chinese merchants in search of pepper. By the middle of the sixteenth century, the Sultanate of Acheh was the Center of Middle Eastern and Indian trade with Southeast Asia, and by the end of the sixteenth century, various Europeans merchants were competing to trade with the state of Acheh as well.<sup>3</sup>

The Acheh's history is told largely in terms of trade. During the first half of the seventeenth century, the Acheh Sultanate was one of the most powerful trading states in Southeast Asia. A French traveler of the period provided an apt observation: "all people in the Indies or on the other side of the Cape of Good Hope, when they would go to Sumatra, merely say they are going to Acheh, for the city and port has acquired all the names and reputation of the island."<sup>4</sup>

The Sultanate of Acheh Darussalam attained its political greatness both internally and externally in the early seventeenth century under the brilliant leadership of Sultan Iskandar Muda (1607-1636 A.D.). It was said that, in that period, royal control was effective for both domestic and foreign traders over all the important ports of the west coast of Sumatra as well as the east coast of the Malayan Peninsula.<sup>5</sup> La Grant Encyclopedie (Paris, 1874) states: "In 1582, the Achehese

had already extended their preponderance over the island of the Sundas, over one part of the Malay Peninsula, and had relations with all the nations trafficking the Indian Ocean from Japan to Arabia.. In 1586, one of their Sultans attacked the Portuguese in Malacca with an armada of 500 warships and 60,000 marines.”<sup>6</sup>

Three hundred years after the Dutch occupied Java, Aceh-Sumatra was still an internationally recognized independent sovereign state with diplomatic and treaty relations with the rest of the world, including Great Britain.<sup>7</sup> However, on March 26, 1873, after three centuries of occupying Jakarta, the Dutch issued a formal declaration of war against the independent state of Aceh, <sup>8</sup> thus acknowledging Aceh's status as an independent sovereign state. The world reacted with universal declarations of neutrality, including those from the United States(US), Great Britain, France, Italy, Austro-Hungary and many others. These declarations of neutrality also underlined Aceh's status as an internationally recognized independent sovereign state.<sup>9</sup> The American President at the time, General Ulysses S. Grant, rejected Holland's request for the U.S. government to take the Dutch side in the conflict. Instead Washington issued an official and formal proclamation of 'Impartial Neutrality' in the war between the Kingdom of the Netherlands and the Kingdom of Aceh Dar al-Salam. Meanwhile the Ottoman Empire expressed solidarity with Aceh with preparation made for possible Turkish intervention on the Acehnesse side. All this constituted sufficient proof of Aceh's status as a bonafide independent sovereign state that was universally recognized among nations.

One of the most significant events in Aceh's history came in 1824 with the signing of the London Treaty (also referred to as the Anglo-Dutch Treaty). Through this instrument, the Dutch gained control of all British possessions on the island of Sumatra (including Aceh,). In exchange, the Dutch surrendered their possessions in India and withdrew all claims in Singapore.<sup>10</sup> In the same treaty, however, the Dutch agreed to allow independence for Aceh. Nevertheless, in 1871, the British authorized the Dutch to invade Aceh, possibly to prevent French annexation.<sup>11</sup> As one writer explains it: “ The situation was rather confused, with the Netherlands asserting a general sphere of influence over the entire archipelago yet formally acknowledging the independence of 'native states in amity with the Netherlands government'. From the mid-19<sup>th</sup> century, and especially after 1870, the colonial state began to fill out the territorial boundaries of modern Indonesia by conquering or incorporating these independent states. ”<sup>12</sup>

Thus, in 1873 the Netherlands issued a formal declaration of war and invaded Nanggroe Aceh Darussalam. They found gaining control of the territory more difficult than expected. The Acehnesse resisted occupation, touching off the Aceh War, which lasted intermittently from 1873 to 1942. The war was the longest ever fought by the Dutch, costing them more than 10,000 lives.<sup>13</sup> Although sources differ as to when the war actually ended (some say 1903), <sup>14</sup> it appears that guerrilla activity continued until at least 1914 and that the Dutch did not abandon their occupation of Aceh until 1942, shortly before the Japanese invaded Indonesia.<sup>15</sup> After their attack on Pearl Harbor, the Japanese turned South to conquer several

Southeast Asian countries, including Singapore. The colonial army in the Dutch East Indies surrendered in March 1942. In August 1945, just days after the Japanese surrendered to the Allies, the Republic of Indonesia proclaimed its independence.<sup>16</sup> Soon, however, both the British and Dutch were back in the region but not to Nanggroe Aceh Darussalam, for various political and economic reasons.

The next major development was the 'Linggarjati Agreement', mediated by Great Britain and signed by Indonesia and the Netherlands in March 1947. In the agreement, the Dutch recognized Indonesian sovereignty over the islands of Java, Sumatra, and Madura. However, many Indonesians viewed the deal as '*a violation of Indonesia's independence proclamation of August 1945, which implied sovereignty over the whole territory of the Republic*'.<sup>17</sup> The agreement sparked more guerilla fighting and led to another four years of violence and territorial disputes between the Netherlands and Indonesia.

Perhaps the most critical event in explaining the attitude of many Acehnese is the signing of the 1949 Round Table Conference Agreements.<sup>18</sup> Brokered under the auspices of the United Nations, the agreements provided for a transfer of sovereignty between the territory of the Dutch East Indies and a fully independent Indonesia. On December 27, 1949, the Dutch East Indies ceased to exist and became the sovereign Federal Republic of Indonesia, which in 1950 once again became the Republic of Indonesia when it joined the United Nations. The Kingdom of Aceh was included in the agreements despite not having been formally incorporated into the Dutch colonial possession.<sup>19</sup> Subsequently, the Java-based Indonesian government used armed troops to annex Aceh/Sumatra. Since annexation, the Acehnese have continued to resent what they consider foreign occupation.

### **THE EMERGENCE OF ACHEH SUMATRA NATIONAL LIBERATION FRONT(GAM)**

The precursor to Aceh's independence movement began in the 1950s when Indonesia experienced the Darul Islam rebellion, in which rebels on the major Indonesian island of Java tried to establish an Islamic state. The Acehnese lent support to this rebellion, which took years to crush. In 1959, the government responded by giving Aceh the status of "special territory", which ostensibly confers an unusually high degree of autonomy in religious, educational, and cultural matters.<sup>20</sup> Although many Acehnese say the status is virtually meaningless, other observers say it led to greater prosperity and helped bring Aceh into the Indonesian mainstream.<sup>21</sup>

Despite some economic improvements and acceptance by some Acehnese of the Indonesian government, the desire for '*an independent democratic state*' did not die. In December 4, 1976 through a '*Redeclaration of Independence*' in the spirit of the American declaration of Independence, the Aceh/Sumatra National Liberation Front (ASNLF) was founded.<sup>22</sup> The movement is headed by Dr. Tengku Hasan Muhammad di Tiro, who has been in exile in Sweden since 1980.

The reason for issuing the 'Redeclaration of Independence' according to Tengku Hasan di Tiro is only to serve as a notice of its commencement, and a

preparatory stage to a future struggle.<sup>23</sup> When the Acehnese have properly grasped the meaning and the purpose of their 'redeclaration of independence' by obtaining political consciousness then no Indonesian colonialist regime can prevent them from gaining that independence.

Another reason was to combat sinister Javanese/Indonesian colonialist propaganda abroad, labeling the Acehnese as "Muslim fundamentalist", which was aimed at establishing an Islamic state, or to call them "terrorist" and "separatist". The Acehnese are aware that they cannot have moral, political, and military support before is first legitimized, their struggle politically as a national liberation movement by bringing their case to the Decolonization Commission of the United Nations.<sup>24</sup> No party in the world will help a fundamentalist, a terrorist, or a separatist movement. That is why the Indonesia's regime is trying to label the Acehnese as 'fundamentalist', 'terrorist', or 'separatist' so that they cannot get sympathy from the outside world. But the international community will give sympathy and moral support to the legitimate national liberation movement and the legitimate independence movement such as Acehnese movement.

For the past 125 years, the people of Aceh have continuously bled under foreign invaders of all colours; white, yellow and brown, of all religions; Christians, Buddhists and Muslims. Each of these alien aggression have fabricated their own justifications for invading Aceh Darussalam and killing the Acehnese. For the Dutch, it was to 'suppress piracy and to bring civilization'. For the Japanese, it was 'to bring East Asian Great Prosperity', and now for the Indonesian it is to 'suppress Muslim Fundamentalists'. These nations shamelessly stress on the fear of western interests making astronomical profits from the enormously rich petroleum, natural gas resources and gold of Nanggroe Aceh Darussalam as a justification for their actions and involvement in Aceh.

Accusing Acehnese freedom fighters as mere 'Muslim Fundamentalists', is in blatantly to deny them their historic political, legal, and human rights is tantamount to defamation or slander. To inject a religious issue, especially when in fact there was none to a legitimate independence struggle, is to undermine it, and to falsify it as a religious movement concerned merely with fanaticism and sterile theological disputations, unrelated to International Law, International Conventions, and to the right of Self-Determination.

The question of an "Islamic state" has never been raised by the Aceh Free Movement (Aceh Merdeka), not even in its 'Redeclaration of Independence'. It was raised ironically and solely by the Indonesian military authorities in Jakarta, as a scarecrow to justify its aggression and colonization of Nanggroe Aceh Darussalam in the eyes of some of its uninformed allies. Aceh Darussalam wants to remain independent not because 'Indonesia is not an Islamic State', but because Aceh Darussalam naturally wants to keep its identity, its rights, and its historic status as an independent, free, nation. Whether Indonesia is an 'Islamic State' or not, is no concern for Aceh Merdeka.

Tengku Hasan di Tiro's Redeclaration of Independence which is regarded

as the most authoritative document for the freedom of Aceh Merdeka is emphatically not religious or theological but a political and legal matter which aims to re-instate the historic state that was internationally recognized as an independent sovereign state by major powers.

Thus, the emergence of the Aceh/Sumatra National Liberation Front (ASNLF) is a genuine attempt to fulfill the historic and democratic quest of the Acehnese who have been colonized under the Indonesian hegemony. From the perspective of international law and conventions, the struggle of the Acehnese is in keeping with the right of self-determination. This is affirmed by the United Nations: "It is widely accepted that a group of people that is presently subjected to military occupation that traditionally has formed a nation of its own or has been a part of a different nation than the one which occupies it, is entitled to assert or to restore its self-determination."<sup>25</sup>

Since its formation, the ASNLF has endured the worst assault by the Indonesian forces and is getting stronger by the day. The area of liberated territory has expanded. Although the Indonesian army still occupies major cities, it has lost control of the country side where the population and loyal supporters of the liberation struggle are concentrated. The celebration of twenty years of struggle on December 4, 1996 showed GAM's growing strength and confidence. Nevertheless, there has been so much propaganda on the part of the Indonesian regime, to the effect that they had crushed the Free Aceh Movement and that the struggle for the liberation of Aceh has failed.

## **THE FREE ACHEH MOVEMENT**

In general since its inception, the GAM activities can be divided into four phases. The first phase of the insurrection began a year before the 1977 General Election in Indonesia, which intensified friction between the Acehnese nationalists and the Indonesian authorities. Many of the 1976 generation of GAM activists were killed or imprisoned, while others fled the country and are now in exile in Sweden.

The second phase of insurrection began in the middle of 1989, when the GAM (Gerakan Aceh Merdeka) cadres came back to Aceh from Malaysia, and used several economic and political arguments to whip the young men into a state of rebellion to liberate Aceh. The eighties were used to develop a better organizational structure for ASNLF and several thousand Acehnese were trained in varying skills of guerilla warfare.

In early 1990, responding to attacks by Aceh Merdeka, the Indonesian security forces launched a counter-insurgency campaign code named "*Red Net*" (Jaring Merah).<sup>26</sup> The operation led to the deaths and disappearances of many civilians, and the majority of the Acehnese believed that the army tactics went too far. The army would indiscriminately round up and detain local civilians after an incident attributed to Aceh Merdeka, and families of Aceh Merdeka supporters were often arrested without legal recourse. As one Acehnese described it: "The Indonesian military would come and accuse villagers of being involved in the liberation

struggle, directly or indirectly, or being sympathizers. Sometimes they burned the villages... The army took the men for interrogation and maybe put them in prison, and sometimes the women were raped and killed in front of the other villagers.”<sup>27</sup>

In 1991, Indonesia designated Aceh as a “*Military Operation Area*” (DOM), giving the army “a free rein to crush the rebellions”. Major General Pramono, Military commander of North Sumatra, admitted that many people had been killed in Aceh and that killing was occurring every day. The military commander made clear that killing people suspected of being involved in GAN activities was official policy. He said: “I have told the people the important thing is, if you see a GAM, you should kill him. There is no need to investigate. Just shoot him or knife him. I have instructed people to carry weapons, machetes or whatever. If you see a GPK, just kill them.”<sup>28</sup>

The GAM reported that between 1989 and 1992, about 30,000 were killed in military operations in Aceh.<sup>29</sup> According to the European Parliament based on Resolution No: B3-0320/91, only 5000 Acehnese were massacred within that period,<sup>30</sup> Independent Indonesian investigators, meanwhile, have estimated that the number of people who were killed, missing or physically abused between 1989 and 1998 runs into the thousands,<sup>31</sup> with more than 1,000 still in military detention.<sup>32</sup> The human rights group FORUM, which oversees 78 nongovernmental organizations in Aceh, says it has compiled 668 reports of atrocities in Aceh during the height of the military operation. Many witnesses said there were kidnapped victims who were forced to bury people whom the military had shot or tortured to death.<sup>33</sup>

The Third phase was the diplomatic effort by GAM which started in June 12 1990. As reports about mass killings began to leak out in early 1990 and the international community condemned the massacre and pressed the Indonesian government to account fully for the killings, the President of ASNLF, Dr. Tengku Hasan Muhammad di Tiro submitted the Acehnese struggle for self-determination to the United Nations Special Committee on decolonization.<sup>34</sup> Based on the above request, the President of ASNLF gave his first submission at the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities-43<sup>rd</sup> session on August 23<sup>rd</sup>, 1991 under the title: “The use of the judiciary by the Indonesian regime to suppress the GAM.”<sup>35</sup> The second submission was delivered before the 48<sup>th</sup> session on January 29<sup>th</sup>, 1992 under the title: “The rights of peoples to self-determination and its application to people under colonial or alien domination.”<sup>36</sup> With the support of sponsor governments and non-governmental organisations, he led the way for the first time to table a resolution on the Acehnese struggle, which was considered at the annual session of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities on 17<sup>th</sup> August 1993, proposed resolution number: E/CN.2.4/Sub.2/1993/L.21. A second submission took place on 18<sup>th</sup> August, 1994 proposed resolution number: E/CN.4/Sub.2/1994/L.25.<sup>37</sup>

The fourth phase started with the downfall of President Soeharto on 21<sup>st</sup> May, 1998 and sparked B.J. Habibie’s promises of reforms which resulted from a combination of factors. Since the fall of Soeharto, many Acehnese have spoken

out against Indonesian army (ABRI) brutality. Several mass graves have been uncovered recently, resulting in calls for the prosecution of those responsible. On August 7<sup>th</sup>, 1998, a startling event occurred, Indonesian military chief General Wiranto visited Aceh and issued an apology. He said: "On behalf of Indonesia's armed forces, I apologize to the people of Aceh if, during military operations, the armed forces have made you suffer."<sup>38</sup> At the same occasion he also announced the end of Aceh's status as a "military operations region" (DOM). However, at the ABRI news conference, journalist Yarmen Dinamika quoted Gen Wiranto as saying that soldiers who committed atrocities in Aceh would not be prosecuted because "they were only carrying out their duties."<sup>39</sup> Was it their duty, Yarmen asked, to rape women, hang babies, torture and murder?

General Wiranto's announcement came on the heels of reports of "mass graves" discovered in Aceh by human rights investigators. During his visit to Aceh, Wiranto met with human rights groups planning to exhume at least nine suspected grave sites including one known as "Skulls Hill"-for evidence of human rights violations.

In late August, a team from Indonesia's official National Human Rights Commission completed its investigation of the mass grave sites. Returning to Jakarta, they announced that they dug up the remains of at least 22 bodies from multiple graves, lending support to locals' claims of mass slaughter by the military. The team said they had taken "a random sampling" and had the proof they needed.<sup>40</sup>

The Commission also released a preliminary report in which they said at least 781 people were killed during military operations in Aceh, while at least 368 were tortured, more than 102 women were raped, and 163 people were still listed as missing.<sup>41</sup> Although these estimates were cautious compared with those made by other human rights investigators, General Wiranto criticized the Commission for issuing the report, claiming, "these findings have no legal support."<sup>42</sup> He suggested that some of the graves could date back to the battle of independence with the Dutch in the 1940s.<sup>43</sup> Subsequently, Wiranto released the Indonesian military's own estimates of the death toll from the Acehese military campaign, putting the total figure at 760 people. Of those killed, 111 were soldiers, according to the military sources. Wiranto said that 243 civilians were murdered by armed rebels, while the *Jakarta Post* said the military shot and killed 406 rebels.<sup>44</sup>

According to human rights investigators, most of the atrocities in Aceh were carried out by the elite Kopassus special forces under commander Prabowo Subianto, Soeharto's son-in-law, Prabowo is also accused of the abduction and torture of political activists during the civil unrest that led to the resignation of President Soeharto.

The renewed violence in Aceh took place in December 28, 1998 when soldiers and police stations were attacked by mobs angered at the lack of progress in the investigation of military abuses. In the ensuing violence, seven soldiers and at least 22 civilians were reported killed, including five tortured to death by soldiers. Human rights groups reported at least 42 civilians injured and 170 detained.<sup>45</sup>



In early January, 1999 news of clandestine killings of alleged informants (*Cuak*) and the presence of professional killer (*Ninjas*) from Jakarta coupled with a marked increase in military activity prompted an increasingly violent response from the Acehese people. When the Acehese villagers stopped a bus carrying sixteen *ninjas* soldiers and kidnapped three of them and their bodies were later found in the Arakundo River in East Aceh.

In retaliation, on 3rd January 1999, the army launched "Assert Authority" (*Operasi Wibawa*) operation to search for their men, while the villagers marched into Lhokseumawe to protest against central government indifference. The military to fired indiscriminately on men, women and children in the streets of Lhokseumawe. Local estimates suggest that as many as forty people were killed in and around Lhokseumawe and 150 were arrested and dozens were treated in hospitals.<sup>46</sup> The army's response was unequivocal. In sharp contrast to its 'commitment' to resolving the thousands of cases of human rights abuses committed against civilians in Aceh, the military pulled out all the troops in the search for its personnel. This included drafting in hundreds of reinforcements from Medan and Jakarta, including airborne troops and Brimob and Gegana elite police forces.

In the early morning of February 3<sup>rd</sup> 1999, again another massacre occurred outside the local military command in the village of Idi Cut, East Aceh. Large crowds of people were returning home at a leisurely pace, some on foot, others on motorcycles or pick-up-trucks, from a gathering at the village of Matang Ulim. The event which was attended by five thousand people had proceeded peacefully and without incident. In addition to religious exhortations, the rally heard speeches about the history of Aceh Darussalam and about Free Aceh Movement, known as GAM (*Gerakan Aceh Merdeka*),<sup>47a</sup> a movement that the Indonesian army has been trying to quell since the mid 1970s.

Three hours before the meeting commenced, troops attacked people who were constructing a stage and preparing the venue for the rally. They destroyed the stage, beating and injuring many people, including a three-year old boy, and told the organisers that the rally should be cancelled because no permit had been granted. However, thousands of people from surrounding villages were on their way already and the rally went ahead as planned.

After the crowd dispersed in the early hours of Wednesday, hundreds of people were pelted with stones by youths as they neared the local military command (*Koramil*) in Idi Cut, in response to which some people described by witnesses as 'troublemakers' mingling with the crowd started throwing stones. As this was happening, three army trucks drove up and without warning, opened fire from their raised vantage point, killing and wounding a large number of people. According to witnesses, gunfire continued to be heard for several hours, while blood was flowing everywhere and the area where many people lay dead, dying or wounded was sealed off by the army. The day after the massacre, it became known that some of the bodies had been taken to a bridge spanning the Arakundo River and thrown into the river. It is clear from the way the bodies were disposed of that the

army had gone to great lengths to conceal the scale and the nature of the atrocity, to lie about the number of casualties and to shift the blame for the deaths.

The fact that thousands of people turned up to attend a rally and listen to speeches about Aceh Merdeka reveals the depth of popular feeling in Aceh and the revulsion against Indonesian rule which has intensified since the downfall of the dictator Soeharto in May 1998.

In the wake of the February 1999 atrocity, there has been growing calls in Aceh for separation from the Republic of Indonesia by means of "a referendum", bearing in mind that the Acehnese people have experienced one tragedy after another over the past ten years, while members of the Armed Forces enjoy impunity from prosecution. Moreover, the Acehnese people have stood by powerless as the territory's rich natural resources have been exploited for the benefit of the heavily-centralized Indonesian state.

In response to the deepening sense of frustration in Aceh about its status and the overwhelming role of the military, in an interview with 'Forum Keadilan' on 16<sup>th</sup> January 1999 on "Alternative Solution to the Aceh's Conflict" and 'Massa Magazine' on 10 July 1999 on "Alternatif Penyelesaian Konflik" the writer proposed that as the first step to resolution, it is necessary for Indonesia to have a "Constitutional Reform". This was supported by the former Aceh's provincial governor, Syamsuddin Mahmud who suggested that the best way forward is for Aceh and other Indonesian provinces to become part of a federated state.<sup>48</sup> This elicited a sharp rebuke from Indonesia's Minister of Justice, Muladi, asserting that Indonesia is a unitary state. The Minister, however, on July 16<sup>th</sup>, 1999 issued an announcement which stated that : "The Indonesian government will set up an independent team to help end violence in the province of Aceh which will include all figures, but he ruled out the GAM being a part of the team".<sup>49</sup>

From the Acehnese viewpoint, to exclude the ASNLF as a part of the team to find a permanent solution to the crisis in Aceh is unacceptable. This stand is due to the role of ASNLF as 'real actor' in local politics, and the majority of Acehnese have proven their loyalty to their independence movement. To this end, they successfully boycotted the Indonesian general election which was held on June 7<sup>th</sup>, 1999. What is important for Indonesian government is "to accept the fact" that owing to the failure of Indonesian diplomats at the United Nations, GAM has been widely successful in submitting the Acehnese request for 'self-determination' at the United Nations Decolonization Commission on 17<sup>th</sup> August 1993. This achievement by GAM has also been acknowledged by foreign observers. A foreign media reported that : "*Jakarta was clearly very concerned at the prospect of having to fight on another diplomatic front besides East Timor. As lobbying on Aceh intensified, the Director General for Political Affairs of the Indonesian Foreign Affairs Department, at the time, S. Wiryono showed up in Geneva from Jakarta to reinforce the existing Indonesian team of diplomats at the United Nations.*"

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In its statement, the Indonesia Human Rights Campaign (Tapol) in London

called on the

European Union(EU) embassies in Jakarta to dispatch a team of diplomats to Aceh to conduct investigations, consult local human rights NGO's and report back to the EU Council of Ministers. It also called for an end to the army's current operation known as "*Operasi Wibawa*", and for all special forces to be withdrawn from Aceh/Sumatra as the first step towards the total demilitarisation of Aceh.

## THE INDONESIAN GOVERNMENT PROPOSAL TO SOLVE THE ACHEH CONFLICT

To accomodate the situation which can be described as a potential for "rising violence" and escalation of "social unrest" and which can lead into an increasing mistrust of the central government in Jakarta, the former Indonesian Foreign Minister, Ali Alatas on July 22th, 1998 at the United Nations in New York stated that: "I would like to tell you that very soon we will have a new law offering wide-ranging autonomy to all parts of Indonesia at the district level, except East Timor, which will be a special case."<sup>51</sup> In February 1999, the Indonesian government through its House of Representatives(DPR) introduced the policy change called "Revenue Sharing Policy". This policy has changed the position of Indonesia as "*one of the most centralized fiscal systems in the world, with 89% of all revenue sources flowing to Jakarta*". When the bill went to Parliament for the first time in February, 1999 it made no mention of revenue from natural resources, authorizing only the "transfer of regional taxes and levies from provincial to district level".<sup>52</sup> By early April, however, Jakarta realized it would have to offer something more concrete to stave off deepening unrest and profound mistrust of the central government. The final shape of the bill offered the resource-rich provinces with 15% of the government's share of net oil revenue, 30% of gas revenue, and 80% of income derived from forestry, mining and fisheries.<sup>53</sup>

Presently, the existing contracts with Multi-National Companies entitle the government to 85% of a contractor's gross oil revenue and 70% of gross gas revenue, none of which has ever gone to the provinces of origin. In fiscal year 1997-98, oil and gas production amounted to 35.4 trillion rupiah(\$4.1 billion), or 32.7% of total government revenues of 108.2 trillion rupiah.<sup>54</sup> In an effort to protect poorer provinces, the government also proposed some measures such as allocation of "*block grants*" to provinces amounting to at least 25% of the central government's total internal revenue. However, the provincial administrators who have been briefed on the new law say that the revenue-sharing formula applies only to onshore oil and gas. Because the autonomy legislation defines a province's boundaries as falling within five kilometers of the coastline, this could have serious implications on some provinces such as Kalimantan (Borneo), whose biggest gas field is up to 40 and 50 kilometers offshore.

Although the "*April's 99 Bill*" can be regarded as a gesture of goodwill of B.J. Habibie's "reform cabinet", natural resources are not the only bone of contention in Indonesia's inter-state relations. In case of Bali, its local government has asked

the central government to increase its share to more than 1% in tourism earning. Whatever the law was, one thing which is positive from an administrative viewpoint is, that the “*April 99 Autonomy Bill*” promised a major transformation in the district’s administration. With the existing law, the election of Mayors and District Chiefs is consistent with a decision by the Indonesian Military last October to rewrite its dual function (*dwifungsi*) doctrine, which gives it an institutionalized role in political life. This spells the end of the *kekaryaan* system, under which thousands of serving officers in the Army fill positions in the civilian bureaucracy. To the majority of Achehese the “*April 99 Autonomy Bill*” which provides the autonomy to district/regencies (*kabupaten*) all over Indonesia would not even be as a tiny portion of the acceptable solution. For the Achehese, it is only another “*divide and rule*” policy of the central government in trying to tightly control the outlying resources rich provinces. Is this the reform offered by the so called “*Reformist Government*”?

### **THE ONLY POSSIBLE SOLUTION TO THE CONFLICT**

The question that remains to be asked here is how to accommodate the Acheh conflict through the democratic process. Related to this, Arent Lijphart’s idea of ‘*Consociational Democracy*’ could be used as framework for solving the Acheh conflict.

Although some political scientists argue that ‘*Consociational Approach*’ is unlikely to work in the Indonesian archipelago because of the huge size of the territory, the imbalance of power among ethnic groups and the lack of political parties representing the major segments of ethnic constituencies which will lead to the lack of elite representation at the center. Nevertheless, with the fulfillment of the following four characteristics,<sup>55</sup> the ‘*Consociational Democracy*’ could be workable for Indonesia. These characteristics are:

1. *Power Sharing*: Every ethnic group must agree that the coalition member that wins the most number of seats in the legislature will lead the government. At the same time, they also must agree that political leaders from each ethnic group must be prepared to compromise in any decision without losing the support of their ethnic groups. If these conditions can be met, then there is the potential to maintain a democratic government in Indonesia.

2. *The Existence of Segmental Autonomy*: Enable each ethnic group to determine the main issues involving their group, usually those involving local security, all aspect of natural resources and economic development, education, language, religion and culture.

3. *Proportionality*: Each ethnic group should have its proper allocation for public funds and appointment to the Cabinet and other civil service post at the central level. This can also be seen in the allocation of parliamentary seats which is in line with racial composition.

4. *The Existence of Veto Power*: This veto power will allow each ethnic group to defend their main interests.

Through this act of justice and democracy the most important source of

conflict, i.e. one ethnic group dominating the others would be neutralized. Once peace and security is restored, the road to development and progress, which has been blocked for many decades, will be wide open. The problem of administration will be reduced to a manageable size, and economic planning will be made possible and practicable.

#### ENDNOTES

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