

Policy Studies 9

The HDC in Aceh: Promises and Pitfalls of NGO Mediation and Implementation

Konrad Huber



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List of Acronyms

AID	all-inclusive dialogue
ASEAN	Association of Southeast Asian Nations
Brimob	Brigade Mobil (paramilitary police)
COHA	Cessation of Hostilities Agreement
DOM	Daerah Operasi Militer (Military Operations Zone)
DPR	Dewan Perwakilan Rakyat (House of Representatives; lower house of national parliament)
GAM	Gerakan Aceh Merdeka (Free Aceh Movement)
GOI	Government of Indonesia
HDC	Henry Dunant Centre for Humanitarian Dialogue
ICRC	International Committee of the Red Cross
IOM	International Organization for Migration
JSC	Joint Security Committee
LNG	liquefied natural gas
LTTE	Liberation Tigers of Tamil Eelam
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
MP-GAM	Majelis Pemerintahan Gerakan Aceh Merdeka (Free Aceh Movement Government Council)

NAD	Nanggroe Aceh Darussalam (official name of the province of Aceh since 2001)
NGO	nongovernmental organization
ODA	official development assistance
OIC	Organization of the Islamic Conference
ONUMOZ	UN Operation in Mozambique
OTK	<i>orang tak dikenal</i> (unknown person)
SRSA	Swedish Rescue Services Agency
TNI	Tentara Nasional Indonesia (Indonesia's military)
USAID	US Agency for International Development

Executive Summary

This paper examines the unprecedented role played by a nongovernmental organization, the Henry Dunant Centre for Humanitarian Dialog (HDC), in facilitating negotiations between the Indonesian government and the armed Acehese separatist movement GAM. These negotiations led in 2000 to a ceasefire, known as the “humanitarian pause,” that held fitfully into 2001. The major breakthrough, however, came in December 2002 when the parties signed the Cessation of Hostilities Agreement. This agreement, COHA, envisioned a cease-fire followed by demilitarization measures and an “all-inclusive dialogue” on autonomy provisions followed by provincial elections in Aceh. Within months, however, this agreement broke down, and Indonesian security forces launched their largest-ever military operations in the restive province. Based on extensive interviews with participants in the negotiation process, this analysis tries to understand what caused the breakdown by looking at the strengths and weaknesses of a nongovernmental institution like HDC in facilitating, mediating, and then attempting to guide implementation of complex, risk-prone accords between battle-hardened adversaries.

This paper first reviews the growing literature on third parties in mediating internal conflicts, not just during the negotiations leading to an accord but also in the all-important phase of “peace implementation” once a pact has been signed. Before and during the negotiation process, mediators rely on varying approaches and different sources of influence to recon-

cile parties. Once a peace deal has been concluded, one of the major challenges of implementation is to deal with “spoiler” parties either inside or outside the negotiation process that seek to undermine a nascent accord for partisan gain or even to block any agreement out of a deeper opposition to peace. A particular concern, therefore, is the political authority invested in the third party charged with guaranteeing implementation of an accord. In contrast with nongovernmental organizations like HDC, states acting individually or collectively through an inter-governmental body like the United Nations (UN) or a regional forum arguably have important advantages in mediating and then safeguarding accords in armed disputes.

A brand-new organization, HDC was nonetheless able to gain entry into the long-running conflict between GAM rebels and the Indonesian state and bring about significant agreements between the belligerents early 2000 and late 2002. The conflict in Aceh stems both from Acehese grievances and from the brutal response of Indonesian security forces to armed insurrection sustained sporadically by GAM ever since declaring Aceh's independence in 1976. At stake is also the province's resource wealth, particularly from natural gas. Revenue-sharing is a key element of the central government's offer of special autonomy (now enshrined in a partially implemented law proposed in 1999 and passed in 2001). In late-1999 HDC fortuitously identified the potential for promoting dialogue on humanitarian issues in Aceh at a time when the Indonesian political system was undergoing considerable change following three decades of authoritarian rule under retired Gen. Suharto. From early 2000 onward, HDC used humanitarian issues as a point of entry, focused on efforts at confidence-building through face-to-face dialogue and on-the-ground cooperation during the “humanitarian pause” of 2000–01, and eventually attempted the “political dialogue” which yielded the December 2002 Cessation of Hostilities Agreement, or COHA.

During this process, HDC worked closely with key government proponents and GAM's exiled leadership based in Sweden for a negotiated solution, and attempted to cultivate a role for Acehese civil society representatives in the peace process. The process saw serious setbacks, particularly with the launch of major military operations in April 2001. Over time HDC increasingly reached out to key states, including Norway, the US, and others, to secure financial support and political backing for its dialogue efforts. In an effort to make broader interest in a successful peace deal more visible and to lend technical expertise to the dialogue process, HDC con-

stituted a group of “wise men,” international experts possessing considerable political stature and clear linkages to important countries. Also, learning from its vexed experience in monitoring the short-lived humanitarian pause from mid-2000 till early 2001, HDC proposed a more ambitious third-party guarantor – the Joint Security Committee – which would guide implementation of the December 2002 COHA through the presence of military observers from nearby Thailand and Philippines. The design and functioning of the JSC, however, proved insufficient to stave off spoiling by GAM and the Indonesia military, which ultimately scuttled the COHA in March–April 2003.

Three major themes emerge from the examination of HDC’s role in Aceh. First, political dynamics within and around Indonesia shifted significantly between late 1999 and early 2002. It is not clear that the conflict, even if “ripe” at the start of this period, was still truly amenable for resolution in the face of intransigence from GAM and the Indonesian military on key issues. Second, HDC was repeatedly confronted with the limits to what a nongovernmental organization lacking formal power could do to ensure a successful accord. For example, HDC recognized in the run-up to the COHA that a more substantial third-party role, ideally led by a state, would be necessary for successful peace implementation. In the wake of the East Timor crisis, however, Jakarta opposed any formal role for an international organization, and donor countries side-stepped direct responsibility for implementing the peace process, leaving the task to HDC (and the JSC) without sufficient political authority.

Finally, HDC’s experience reveals a number of issues that the organization chose not to address but that can provide important support for similar peace efforts elsewhere. In addition to devising an effective third party for peace implementation, these issues include: (1) developing analytical capacity and organizational learning, (2) identifying, framing, and sequencing the issues for negotiation, (3) dealing with problems of representation and coherence within the parties, (4) working with civil society, (5) managing the pace of the negotiation process, and (6) harnessing international support. For example, on the second issue – the sequencing of negotiation – it is pertinent to ask whether a ceasefire followed by a process for political settlement is sufficiently stable to yield peace. It is also opportune to question whether a non-state organization is properly endowed for international mediation in a separatist conflict like Aceh’s.

The HDC in Aceh: Promises and Pitfalls of NGO Mediation and Implementation

In December 2002, the long-running separatist conflict in Aceh, Indonesia, witnessed its most significant breakthrough in 26 years of intermittent fighting. On December 9, the Government of Indonesia (GOI) and the Acehnese rebel movement GAM concluded a historic cease-fire agreement.¹ The agreement itself, signed at the Geneva headquarters of the Henry Dunant Centre for Humanitarian Dialogue,² constituted a remarkable achievement for HDC, a small and unknown international nongovernmental organization established only in 1999. Starting in early 2000, HDC served as midwife to the three-year-long process that would yield the Aceh accord known simply as the COHA (Cessation of Hostilities Agreement). Under this agreement, HDC was then charged with helping the parties to monitor implementation of the cease-fire through a Joint Security Committee (JSC) and the presence of unarmed military observers from Thailand and the Philippines.

The COHA, however, would not last. A half-year after the December 2002 signing ceremony, the Indonesian government declared an all-out war that promised to annihilate GAM within a matter of months. On May 18, last-ditch efforts to salvage the COHA at an international conference in Tokyo failed. On May 19, martial law was imposed on Aceh, based on a decree issued by President Megawati Sukarnoputri with unanimous support of her cabinet and parliamentary leadership. Drawing on some 35,000 troops, Indonesia's military (Tentara Nasional Indonesia, or

TNI) then launched its largest-ever operations in Aceh (Sukma 2004: 21–25). A year later, a TNI statement reported that almost 2,000 GAM fighters had been killed, another 2,100 arrested, and some 1,300 forced to surrender.³ Other official estimates, impossible to verify independently, put civilian deaths in the hundreds. Approximately 100,000 Acehnese were displaced in 2003, and thousands were brutalized in the course of military operations.⁴

What, if anything, could HDC have done differently in 2000–2003 to secure a more durable agreement or to ensure its more effective implementation? Was the COHA doomed by flaws in the negotiation process as

***What, if anything, could
HDC have done differ-
ently?***

well as particular elements in the accord itself? Was HDC—with no formal power and no previous negotiation experience—misguided in inserting itself into the Aceh conflict or maladroit in how it attempted to facilitate dialogue between the Indonesian government and GAM? What can be learned from the difficulties encountered by a nongovernmental organization like HDC in its attempts to broker a successful settlement of a separatist dispute such as Aceh's?

Understanding the choices that HDC made about the dialogue process can point third parties toward better strategies for bringing about more robust agreements elsewhere and improving their implementation. This study examines HDC's roles and strategies first by highlighting some conceptual distinctions and operational considerations concerning third-party, especially a nongovernmental organization like HDC, involvement in a separatist dispute. A brief overview of the conflict in Aceh is then presented, including some observations on the province's political economy and its relations with Indonesia as a whole. Subsequent sections explain how, given this context, HDC was able to bring about the December 2002 cease-fire agreement and why it then failed. The concluding sections extract several broad analytical points from this experience.

HDC's strategy is examined in seven important areas: (1) developing analytical capacity and organizational learning, (2) identifying, framing, and sequencing the issues for negotiation, (3) dealing with problems of representation and coherence within the parties, (4) working with civil society, (5) managing the pace of the negotiation process, (6) harnessing additional political support for implementation, namely that of key countries and intergovernmental bodies, and (7) devising an effective third

party for implementation. In each case I present an account of HDC's approach and then offer a brief reflection on alternatives. This study draws on extensive interviews with individuals—speaking confidentially and not for direct attribution—who were directly involved in or close to the negotiation process between 1999 and mid-2003. The accounts and insights of these participants are supplemented by information and analyses available from other sources. (See the Bibliography.)

Three major themes emerge from the HDC's experience as a third party in Aceh. The first concerns the question of "ripeness"—a condition under which parties are prepared to seek a negotiated solution as a preferable alternative to what appears to them as a painful and probably unwinnable stalemate (Zartman 2000). The parties to the December 2002 COHA were not fully prepared to go through with the cease-fire process. GAM was not willing to exchange its independence claim for a decisive commitment to special autonomy for Aceh, and it continued to hedge on the question of disarmament. The Indonesian government and security forces were also unable to deliver substantive reforms that would have made peace and autonomy in Aceh viable in the short-to-medium term. The belligerents faced insufficient pressure for change—whether from a hurting stalemate with their adversary, from domestic civil society and elite public opinion, or from international actors.

The second theme concerns the limits to what HDC, or any similar nongovernmental organization lacking formal authority, could do to ensure a successful accord. HDC's principal shortcoming was that it lacked the power usually available to states who attempt to mediate in similar conflicts. Here HDC used different strategies, including establishing a group of prominent international "Wise Men", to mobilize wide political support among states for a successful settlement, but donor countries ultimately sidestepped direct responsibility for the peace process.

Third, there were a number of alternatives that HDC chose not to pursue that can provide important insights for similar settlement attempts elsewhere. These include questions of sequencing of negotiation issues, dealing with fractious parties, and working with important constituencies not necessarily represented at the negotiating table, such as civil society and influential groups outside government.

Beyond these insights from the negotiation process, there is a major lesson to be learned from the COHA's breakdown: peace agreements are generally not self-executing and require a credible third-party guarantor.

Even more precarious are cease-fires, like the COHA, that establish a process of confidence building in the hope of producing a settlement on political issues compared to a comprehensive accord that parties accept before third-party intervention is launched.⁵ This lesson was already evident in HDC's weakness as the third party during the failed humanitarian pause of 2000–2001. However, HDC and its backers in donor countries did not fully integrate these lessons in the run-up to the COHA in December 2002. By at least June 2002—some six months before the COHA was signed—HDC recognized that it would be ill-suited to play this vastly different role as a guarantor during the implementation period. When its efforts failed to line up a state or intergovernmental body to step in as a third-party guarantor, HDC could have backed off its role as mediator or expressly conditioned its continued involvement in negotiations on finding suitable arrangements for the implementation period. Instead HDC allowed itself to be carried along by the momentum of the process leading to the COHA signing and proposed the establishment of a Joint Security Committee incorporating foreign military observers. This decision underscored the potent but relatively unacknowledged interest HDC had in enhancing its own international image by bringing about a high-profile agreement, but without fully weighing its own capacities for assisting in implementation.

It is therefore appropriate to question whether a pact that lacks certain minimum elements—such as the basis for a comprehensive settlement and a credible third-party guarantor—is worth concluding in the first place. The dangers of cheating and breakdown may increase the risk of a failed accord, greater intransigence between belligerents, and an even more vio-

All peace efforts are shrouded in uncertainty, and many end in failure...

lent return to war.⁶ All peace efforts are shrouded in uncertainty, and many end in failure. Nonetheless, a third party attempting to facilitate an accord has a special responsibility to guard against known or likely sources of risk and failure, such as the importance of effective arrangements for the implementation period. This is also true for the personal risks faced by those directly

associated with the peace efforts—a weighty challenge for a nongovernmental organization operating without the formal authority available, for example, to a UN peacekeeping mission. In March 2001, an Acehnese HDC monitor of the humanitarian pause was killed by Indonesian secu-

rity forces (reportedly due to his independent human rights activities).⁷ GAM negotiators were arrested briefly in July 2001 and again in April 2002 but released after HDC's behind-the-scene lobbying efforts. In October 2003, five GAM negotiators were sentenced to 12- to 15-year terms on treason and terrorism charges with only a belated expression of public protest by HDC.⁸ HDC's low-profile approach to these cases constituted a strategic decision in the face of a dilemma: to preserve its role as a third party or to speak out and risk expulsion by the Indonesian government. Such decisions highlight questions about a nongovernmental organization's capacities and motivations as a third party. HDC undoubtedly sought a successful deal in Aceh first and foremost for the sake of peace—but also as a boon to its own reputation.

Third-Party Involvement

HDC's effort in Aceh is important to evaluate not only in its own right but also for its contribution to a broad understanding of the role of third parties in facilitating peace agreements. HDC's character as a foreign nongovernmental organization attempting to end a separatist dispute between a government and a rebel force puts this case in a small but significant subset of peace processes that are usually mediated by states. Ethnonationalist disputes, especially ones that have spawned a separatist movement, might represent especially difficult cases for mediation for a combination of reasons. These disputes are bedeviled not just by potent grievances and symbolic issues but also by the all-or-nothing nature of the contest by both sides for the same territory. In this connection, recent research points to the tendency of concentrated groups defending a self-defined homeland—such as GAM in Aceh—to fight to the end (Toft 2003). This section briefly sets out some conceptual distinctions and operational considerations, particularly the ways in which third parties are thought to contribute effectively to conflict management efforts.

Conflict analysis has produced certain distinctions—namely between facilitation, mediation, and arbitration—to clarify some nuances in the third party's role. The term “facilitation” is generally used to describe a third party's informal role in bringing parties together in an open-ended dialogue without resort to any formal authority to impose either a predetermined process or a preferred solution. This role is distinct from that of a “mediator,” who seeks to transform communication between the parties in search of a mutually agreeable outcome that is more attractive than the

alternatives to a deal. This role requires the mediator to have more substantive knowledge of the issues at stake, to understand the parties' interests more intensively, and to become more directly involved in transforming communication between them. This role generally includes caucusing extensively with the parties, acting as their go-between, and structuring a negotiation process, though without necessarily imposing specific solutions. An "arbitrator"—the most formally empowered of the three archetypes—operates in a quasi-judicial manner both to control the dispute resolution process and to issue a decision, which generally the parties have consented beforehand to abide by.⁹

Third parties are also distinguished by the goals they set, the methods they use, the degree of directiveness they employ, and the power available to them for getting parties to the negotiation table and nudging them successfully toward an agreement. In terms of goals, some third parties emphasize transforming the relationship between parties while others focus on moving parties to secure a deal. The more directive or authoritative a third party, the more it attempts to exercise control over the issues addressed and the procedures used in the negotiation. These differences in approach often reflect different notions of what the conflict requires in order for it to be resolved successfully. Social-psychological theories of conflict prescribe relationship building—for example, through conflict resolution training or interactive problem-solving workshops.¹⁰ A realist view that conflict results from destabilizing imbalances of power recommends that the third party manipulate incentives to induce parties to settle their dispute.¹¹

This latter approach requires the third party to employ power to moderate the parties' behavior. Mediators differ in the sources of power they have with the parties and how they choose to employ this leverage. Six sources of power have been identified, including a mediator's ability (1) to demonstrate to the parties a more favorable outcome than continuing the conflict, (2) to extract more attractive proposals from each party, (3) to withdraw as a mediator (or threaten credibly to do so), (4) to close off parties' ability to end the conflict themselves or through another mediator, (5) to withhold resources from a recalcitrant party or shift them to a cooperative one, and (6) to reward parties with additional benefits for successfully reaching a pact. Conflict analysis also includes an examination of the third party's own payoff in settling armed disputes in the international arena. Successful mediation can enhance the third party's reputation and influ-

ence, block others from deriving advantage in brokering an accord, and help establish (or reestablish) peace and regional stability for their own sake (Touval and Zartman 2001).

The involvement of third parties, including nongovernmental organizations like HDC, in armed conflicts has attracted considerable interest by scholars and practitioners.¹² Mirroring the earlier categories of “official” and “quasi-official” peace processes, a further definitional and operational distinction is often made: between Track I negotiations involving belligerents themselves and Track II efforts aimed at improving dialogue among a second tier of well-connected players who can nonetheless influence the belligerents with whom they are associated and help bring about significant progress in Track I talks. Keen observers of this phenomenon in the Palestinian-Israeli context posit that “mentors” at the Track I level are instrumental for absorbing, disseminating, and advocating the formal incorporation into official accords of understandings generated by Track II processes (Agha et al. 2003).

Unofficial institutions, like NGOs or academic centers, that have attempted conflict resolution in ethnonationalist disputes or other internal conflicts have focused largely on Track II dialogue or even more grassroots-level efforts at promoting intergroup contact. There have, however, been some exceptions in which unofficial players without formal power have facilitated dialogue that led directly to significant accords at the Track I level. In addition to the case of HDC in Aceh, prominent examples include the role of the Community of Sant’Egidio in ending Mozambique’s civil war in 1990–92 (Hume 1994) and the 1992–93 Oslo talks that produced a major breakthrough in Israeli-Palestinian negotiations: the Declaration of Principles. Neither case, however, succeeded without close coordination with states. The Oslo talks, though initially hosted by Norway’s Institute for Applied Social Science, were soon facilitated directly by their sponsor, the Norwegian government, in a secret effort to overcome an impasse in official negotiations in Washington. Furthermore, these talks “never comprised a pure Track-II venue” but rather underwent a “shift from a Track-II exercise to formal if secret Track-I negotiations” once substantial progress was achieved (Agha et al. 2003: 55, 41). Former US President Jimmy Carter and other high-profile statesmen have also practiced private mediation in which the implied links to or perceived backing by their home governments has set the stage for negotiation breakthroughs and comprehensive accords (Watkins and Rosegrant 2001).

States, by contrast, have significant advantages as mediators in this realm precisely because of the overt leverage available to a global or regional power or a well-resourced donor country. Not only are they better able to muster additional political pressure and greater material benefits to induce parties to reach an agreement, but states have direct access to intergovernmental bodies like the UN or regional organizations that can organize peacekeeping operations and ensure sustained political support for the all-important phase of implementing an accord. They also have greater internal capacities—whether in foreign and defense ministries or in terms of funds for hiring additional expertise—for the planning, staffing, and material support that a sustained dialogue effort necessitates. Diverse examples of state-based mediation in ethnonationalist disputes include Australia’s role in Papua–New Guinea (regarding Bougainville), South Africa’s role in Burundi, and Norway’s ongoing efforts in Sri Lanka. The final noteworthy category of international mediators stems from the UN and regional intergovernmental bodies, where the political backing, internal institutional capacity, and operational flexibility of states are sometimes sufficient for the multilateral organization to broker peace accords.

Peace processes unfold at different levels, which invite or discourage outside involvement, and they can go through various stages, which again imply different roles of a third party. According to one practitioner’s analysis, resolution of violent internal conflicts can be sought within four arenas that often overlap: an official peace process; a quasi-official peace process; a “public peace process” that develops a sustained dialogue between civic activists; and civil society more broadly, where a populace divided, polarized, or excluded from public life by violence can reconstitute itself (Saunders 2001). For dialogue that focuses on belligerents—namely official or quasi-official peace processes—practitioners and theorists have posited a series of stages of successful negotiation. Each stage implies different functions for a third party. In the broadest terms, these stages begin with prenegotiation, which comprises efforts by the mediator to gain entry and work with the parties to prepare for dialogue; deescalation, trust building, and agenda setting generally form parts of this phase (Stein 1989; Saunders 2001). The process continues with multifaceted functions that third parties, especially mediators, perform during the negotiation stage: helping parties to restore or improve communication, to understand their interests and alternatives better (and therefore whether, and in what ways, a negotiated settlement could be more attractive), to

look for and assess mutually beneficial options for settlement, and to bargain over and agree to a formal pact. The implementation or postnegotiation phase involves carrying out, monitoring, and possibly renegotiating provisions in an accord.

Less well analyzed are the specific contributions of third parties—usually through a multinational peacekeeping force—in securing parties' compliance with a negotiated settlement to an armed conflict. The emerging literature on this subject is directly relevant because the Joint Security Committee, established by the COHA in Aceh and sustained by HDC, is a remarkable departure. A multinational peacekeeping operation, the most prevalent form for third-party guarantors of peace accords, generally functions under the authority of an intergovernmental body like the UN, with the blessing of a regional organization, or as an expression of international engagement through a coalition of states willing to contribute peacekeepers. Some of the methods—using dialogue to solve implementation problems through cooperative means—are the same as those used in pre-agreement negotiations. In general, however, it is useful to stress a significant, perhaps qualitative, distinction between the capacities required of third parties involved in bringing about a negotiated settlement and those necessary for ensuring implementation.

Peace implementation faces one vexing problem in particular: spoilers. Spoilers are the “leaders and parties who believe the emerging peace threatens their power, world view, and interests and who use violence to undermine attempts to achieve it” (Stedman 2000: 178). They can spoil peace efforts either as a signatory to a pact or not. “Limited” spoilers seek bounded goals such as redress for a grievance, a share of power, or the security of their followers; “total” spoilers “pursue total power and exclusive recognition of authority and hold immutable preferences” or unchanging goals for desired outcomes. (An intermediate type, the “greedy” spoiler, is associated with malleable goals that the party expands or contracts opportunistically based on the evolving context.) Spoilers can change types—as when a total spoiler experiences a leadership change that then allows it to moderate its goals—or they can be defeated militarily or marginalized politically. So-called custodians of peace implementation, namely third-party guarantors, can also seek to neutralize or co-opt spoilers through strategies ranging from inducement to coercion. Successful man-

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agement of their behavior involves enlisting their patrons—the outside countries and powerful domestic backers that offer protection or support—in an effort to press for change or offer inducements. Particularly difficult in the Aceh context is that both GAM and the TNI, though parties to the COHA, resorted to serious spoiling, arguably as greedy or even total spoilers, to derail the process (Stedman 2000).¹³

Recent work on the success and failure of peace settlements has therefore underscored the importance of effective third-party enforcement or verification of peace provisions during implementation. The major compendium of such research notes that “the period immediately after the signing of a peace agreement seem[s] fraught with risk, uncertainty, and vulnerability for the warring parties and civilians caught in between” (Stedman et al. 2002: 2). Examining the interaction between the environment, strategies, resources, and incentives affecting implementation points to two major differences among peace agreements: one is the difficulty of the implementation context; the other is the willingness of states to supply resources and troops to safeguard these processes. Difficulty in the implementation context increases with spoilers and neighboring states hostile to an agreement and with the presence of lootable resources, in particular easily tradeable commodities. Meanwhile, outside states make a determination to commit resources, especially troops, when vital security interests are at stake. A major or regional power’s involvement in peace implementation to defend its vital interests is thought to be decisive in dissuading spoilers (Stedman et al. 2002). Outcomes appear to be “linked to the quality and level of support given by third parties to the peace process, especially during implementation” (Hampson 1996: 210).¹⁴

HDC played various and at times strikingly different roles over the course of its involvement in Aceh in 2000–2003. It can be considered a facilitator during initial phases, a mediator during most of its involvement, and a third-party guarantor during COHA implementation (together with the JSC, which was formally charged with the role). As a small international NGO, HDC had no independent authority to intervene except for the access bestowed by the parties themselves, particularly the Indonesian government. Instead HDC adopted a facilitator’s process-oriented and nondirective stance when it initiated work on civil society at the start of its involvement. With the opportunity to convene direct dialogue between the Indonesian government and GAM on humanitarian issues, HDC’s task was quickly transformed into mediation. During this period in the

first half of 2000, HDC functioned with a tiny team of a few Geneva- and Jakarta-based staff.

This role as facilitator and then mediator changed significantly during the humanitarian pause itself, when HDC first established an office in Banda Aceh and attempted to guide implementation of this first cease-fire directly. Its role in brokering the humanitarian pause conferred on HDC the legitimacy and formal responsibility to manage joint committees on security and humanitarian affairs incorporating both GAM and GOI members. HDC had greater nominal control over the dialogue process concerning implementation of the humanitarian pause but not over outcomes. (It sought indirect influence over the parties, for example through interested states like the United States, but sparingly and discreetly.) During this period and through most of 2002, HDC still functioned with an extremely small team of international and Acehnese staff at the Kuala Tripa Hotel in Banda Aceh, the site of working-level GOI-GAM contacts in Aceh, but negotiators were also connected by telecommunications to Jakarta, Geneva, and GAM's Stockholm-based leadership. International negotiations were managed out of HDC's Geneva office, but significantly the organization had no ongoing presence in Jakarta during this period.

The biggest change in HDC's role, however, came with the COHA and the establishment of an enhanced JSC to encourage and monitor implementation of the cease-fire. In December 2002 and January 2003, HDC's staffing and managerial requirements expanded enormously as the organization set up units to handle various functions ranging from public information to support for monitoring and verification tasks being carried out by the JSC. The JSC itself was a fifteen-person committee of TNI, GAM, and foreign military observers at the Banda Aceh level. Five JSC subcommittees were established, three of which were charged, respectively, with handling information coming from the field, operational coordination of JSC field teams, and special projects. Tripartite JSC teams were deployed to field offices, bringing the total of JSC observers throughout the province to 148. Simultaneously HDC attempted to start the process that would lead to the all-inclusive dialogue (AID) envisioned under the COHA. These tasks cast HDC and the JSC in multiple and highly demanding roles, which at times also engendered confusion and lack of clarity between their structures. In any event, the lack of sufficient political authority underlying the HDC/JSC effort doomed it to failure once GAM and the TNI themselves began undermining the COHA.

Other analysts of the HDC's role in Aceh, particularly during the humanitarian pause in 2000–2001, note that practitioners in the growing field of conflict resolution have begun reflecting more critically on the various roles that nongovernmental actors have attempted to play as third parties (Barakat et al. 2002). They locate HDC's efforts in the social-psychological camp as the organization relied primarily on problem-solving workshops, consultative meetings, and other forms of third-party-assisted dialogue for attempting to transform the relationship between the parties. Their analysis, based on earlier observations as evaluation consultants hired by HDC, questions whether this dialogue model was even appropriate for Aceh, where acute power asymmetries were seen to exist between the parties:

Dialogue as a strategy assumes some degree of symmetry or rough equality between partners. Each “side” needs comparable power and standing in order to move “to the middle” or indeed to have the incentive for compromise. Without such incentives a third party can unwittingly contribute to freezing a situation, or holding it in such a way that the stronger power can “offer little at the table” while in fact doing great harm to the weaker adversary in the field.¹⁵

In the end—despite this critique by outside evaluators in 2001–2002—HDC chose to stay involved in the Aceh conflict on humanitarian grounds. HDC's role evolved from one initially premised on a social-psychological approach in which the Aceh-Indonesia relationship was to be transformed through greater contact, dialogue, and mutual understanding between GAM, government officials, and nongovernmental representatives. HDC's task here was relationship building. Quite quickly, however, HDC hit the limits to this approach with the humanitarian pause. From 2001 onward it was trying more and more overtly to influence the parties, though through indirect leverage via recourse to certain donor countries. The culmination of this approach came in the immediate run-up to the COHA when HDC and the Indonesian government enlisted the United States, Japan, and others to pledge funds, and Thailand and the Philippines agreed to send unarmed military observers to monitor the accord. Throughout its involvement, HDC made various choices about its strategy as a third party, whether explicitly or not. The following section presents a brief overview of the Aceh conflict as a prelude to the account of HDC's efforts and an in-depth examination of its strategic choices.

Separatist Conflict in a “Resource-Rich” Province

Situated on the far western tip of Indonesia, Aceh has seen various episodes of conflict over the last half-century since the establishment of the Republic of Indonesia.¹⁶ The causes are complex but draw on grievances stemming from Aceh’s historical experience as an independent sultanate in the precolonial era, as a site for resistance against Dutch rule in the late 1800s and early 1900s, and as an important contributor to Indonesia’s independence from the Netherlands. Initial autonomy within newly independent Indonesia was soon revoked in 1950. Social cleavages within Acehnese society then combined with Aceh’s unique historical legacy to produce a major rebellion between 1953 and 1962, known as Darul Islam, that shared with several other regional revolts the idea of establishing Indonesia as an Islamic state. The rebellion’s goals, which did not extend to independence for Aceh, nonetheless included special recognition for the region through provincial status and autonomy over education, religion, and customary law. The revolt was put down with a mix of military repression and co-optation by central authorities in Jakarta, who accorded autonomous status to the new province of Aceh in 1959. Autonomy was never genuinely realized in practice, however, and centralization under long-time dictator General Suharto picked up in the 1970s and continued through the 1990s.

Some fifteen years after the suppression of the Darul Islam movement, GAM burst onto the scene with the December 4, 1976, declaration of Acehnese independence by Hasan di Tiro, descendant of precolonial sultans and an associate of the earlier rebellion. GAM was quickly repressed by Indonesia’s armed forces and di Tiro fled to Sweden in 1979. With military training in Libya for some 800 fighters in the mid-to-late 1980s, GAM was able to relaunch its insurrection in 1989, and the Indonesian military resorted to sustained and often brutal counterinsurgency operations during a period commonly referred to as DOM (Daerah Operasi Militer).¹⁷ Most of GAM’s military capacity was destroyed within the first few years, but harsh counterinsurgency efforts continued till 1998 (Sukma 2004: 3–11).

This period has come to be associated among Acehnese with the military’s unrelenting use of violence and fear against the civilian population. Casualties, including those of civilians, are estimated to be at least 1,000–3,000 killed, 900–1,400 missing and presumed dead, and some

500 maimed, but these figures might well be much higher and do not include cases of rape and torture. Reportedly on the strength of new recruits radicalized by military abuses during the DOM period, GAM mounted new and ambitious efforts in 1998–99 to take advantage of the relative openness following decisions by President Habibie, who succeeded Suharto, to circumscribe and apologize for military actions. GAM audaciousness endangered the civilian population by provoking heavy-handed responses from the military, which further alienated average Acehnese. In short, the GAM rebellion has drawn the Indonesian military into a classic case of asymmetrical conflict where provocations have elicited blunt and often disproportionate violence by the armed forces against civilians, whether suspected of having GAM sympathies or not. Given Indonesia's struggle with integrating malcontents in other restive regions, namely East Timor and Papua, the violence used by the security forces in Aceh also suggests a wider audience for the central government's message that separatist aspirations would not be tolerated anywhere in the archipelago. GAM has nonetheless remained steadfast in seeking independence.

The Resource Factor

Aceh's natural wealth, particularly in natural gas and timber, has contributed to the conflict—both as a rationale for GAM's separatist project and as a source of grievance for average Acehnese who feel dispossessed by the draining of riches from the province without visible benefits for the general population.¹⁸ But this natural endowment also provides key revenues to the central government—and important sources of political patronage and opportunities for personal self-enrichment for managers of the state oil company and elements of the civilian bureaucracy and security forces. It has also been argued that cannabis cultivation, smuggling via the duty-free port of Sabang, kidnapping, extortion, and other forms of racketeering have offered both GAM (Schulze 2004: 24–29) and the Indonesian armed forces opportunities for war profiteering during ongoing hostilities.¹⁹ (This environment has also encouraged the emergence of shadowy “unknown persons”—OTK, or *orang tak dikenal* in Indonesian—who have been blamed for killings, extortion, and robberies apparently motivated by criminal gain.) Finally, various politicians and civilian administrators have been accused of pilfering state coffers, including substantial amounts of humanitarian aid, either for personal enrichment or to help finance the combatants.

Control of the province's economic resources has therefore served as a significant prize of the conflict. The province's most valuable assets have been the huge deposits of natural gas discovered in 1971 near the North Aceh town of Lhokseumawe, currently yielding some \$1.5 billion per year in revenues.²⁰ Through a contract to share production with Indonesia's state-owned energy company Pertamina and other partners, Mobil Oil embarked on ambitious oil and gas infrastructure development, began producing liquefied natural gas (LNG) from the Arun-area gas fields in 1977, and reached the peak of its planned production in 1992. LNG production from existing fields is already declining, however, belying GAM claims that an independent Aceh could follow the path of oil-rich Brunei.²¹

While considerable benefits have accrued to Aceh in terms of employment, contracting, and infrastructure, serious grievances have developed around a number of issues: questions of revenue sharing between Aceh and Jakarta, the proportion of non-Acehnese employed in the gas sector, and contracts awarded to outsiders for services locals felt capable of rendering (including GAM founder Hasan di Tiro himself, who was passed over in 1974 for a pipeline contract awarded to Bechtel). Together these grievances resulted in the perception by the late 1980s that outsiders—particularly the “Javanese” and the central government in Jakarta—were benefiting unduly from Aceh's natural patrimony. This new wealth was also seen as the source of un-Islamic corruption, gambling, and prostitution among non-Acehnese migrants drawn to the province by employment opportunities. These grievances came at the height of Aceh's natural gas boom and set the stage in 1989 for the reemergence of GAM, freshly trained by Libya after the movement's late-1970s insurgency had sputtered out. The intervening economic crisis in 1998–99 also transformed control over Aceh's natural resources into a salient rallying cry among average Acehnese. For its part, GAM has maintained opposition to the foreign exploitation of this wealth over the years, first on the basis of an anticapitalist critique and then couched in human rights terms (Schulze 2004: 9).

As a motivation for war, the “resource factor” has played a complicated role. GAM's argument for independence relies in part on the prospects for Aceh's economic viability as a separate entity, but GAM wildly overestimates Aceh's potential to emulate resource-rich Brunei.²² This vision—

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and the desire to build international trust in anticipation of eventual independence—largely prompted restraint in GAM’s approach to the LNG facilities and Mobil/ExxonMobil’s operations.²³ This situation changed in 1999–2001 (Schulze 2004: 37–39). TNI use of the area around the ExxonMobil complex as an informal safe haven—and, perhaps, the actions of some rogue TNI elements—led to attacks, blamed on GAM, starting in 1999 and intensifying in late 2000 and early 2001. While some of this violence may have been carried out by state security forces, ordinary criminals, or rogue GAM elements, the vast majority of the attacks seemed part of coordinated GAM efforts “to extort money from ExxonMobil, to reduce the government’s gas revenues, or both” (Ross 2003: 26). These attacks, which also targeted ExxonMobil’s Acehese staff as sources for GAM extortion, eventually led to an unprecedented halt in operations from March till July 2001.²⁴

The Indonesian government has tried to use Aceh’s natural resources, particularly its LNG wealth, as a means to undercut support for GAM and its independence goals. Jakarta made sharing revenues from natural resources a crucial element of the 2001 autonomy deal, offering a 70–30 split in Aceh’s favor for an initial period of eight years (after which time revenues are to be shared equally at 50–50). This offer constitutes a substantial concession, especially since natural gas earnings in 1998—to take a recent year—were worth \$1.2 billion and contributed some 9 percent toward Jakarta’s total countrywide revenues. Furthermore, this revenue-sharing formula for Aceh is significantly more generous than the autonomy provisions applying to the rest of Indonesia (except Papua, which has a deal similar to Aceh’s). “Regional autonomy,” as decentralization is known elsewhere in Indonesia, allows local governments to retain only 30 percent of natural gas proceeds (and 15 percent of those from oil). As we shall see, however, the Acehese were deeply skeptical of any autonomy deal put forth by the central government, whose credibility by 2001 had hit an all-time low after decades of broken promises and human rights atrocities (ICG 2001b; McGibbon 2004).

In addition to serving as a source of contention in the Aceh conflict, LNG production has prompted the concern of various key international players, particularly due to insecurity that could disrupt regular shipments. ExxonMobil has been unavoidably affected, but the company has pursued a studiously apolitical profile and avoided any sort of political contact with GAM. Instead it has sought recourse by emphasizing the Indonesian gov-

ernment's obligations to provide sufficient security for ExxonMobil's operations to continue. It has remained agnostic on the specific formula—whether through a peace deal, stepped-up military operations, or merely increased protection by government forces.²⁵ ExxonMobil's troubles have undoubtedly concerned the US government as well.²⁶ Japan, by contrast, has dealt with Aceh's insecurity by diversifying away from its earlier reliance on LNG from the Arun gas fields. (The roles of the United States and Japan in HDC-led dialogue efforts will be discussed in a later section.) ExxonMobil has otherwise eschewed any direct involvement in HDC's efforts aside from monitoring developments in the peace process.

Special Autonomy and Other Issues

In the end, Jakarta's autonomy offer has rung hollow. While a significant concession to Acehese grievances, the process of establishing special autonomy undercut the credibility of Indonesia's commitment to sharing the power and revenues at stake (McGibbon 2004). First, the initial offer, originally made in a 1999 parliamentary decision, was not fully elaborated and signed as the special autonomy law until August 2001, when the province was formally renamed Nanggroe Aceh Darussalam (NAD).²⁷ Second, the process of negotiating the law was dominated by the elite and missed a huge opportunity for broad-based involvement of Aceh's populace, despite international recommendations to this effect.²⁸ Such broad-based participation could have undercut—or at least channeled—popular discontent with Jakarta's rule along more constructive lines. Third, autonomy provides for a strong governor's office, Islamic law (sharia) within NAD, and direct elections at the province and district levels. However, the autonomy law neither conclusively supersedes earlier legislation devolving powers to the districts nor establishes mechanisms for staffing the legal system or allowing local political parties (ICG 2003a: 4). The result has been an administrative muddle that has led to poor governance and indeed corruption. Finally, the 70–30 split agreed to for sharing revenue from Aceh's oil and gas reserves has not translated into any significant increase in the public funds—or standard of living—available to average Acehese.²⁹ This is true also for more limited revenues from nonenergy resources like fisheries and timber, which are shared 80–20 in Aceh's favor.

At the same time, it should be stressed that a major impediment to

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effective governance in Aceh has been the role of provincial and local authorities themselves, many of whom have been accused of incompetence or corruption, often on a massive scale. (This corruption has extended even to funds for humanitarian assistance, much of which originated from international donors.) Moreover, official admissions of human rights violations—made at different points by President B. J. Habibie, former military chief General Wiranto, and President Megawati—have never been matched by serious investigations of, or sanctions against, security forces guilty of abuses. These issues—autonomy, governance, democratic practices, and respect for human rights—would later resurface in the GOI-GAM negotiations and in HDC’s struggle to help the parties define what the COHA could attempt to address.

How Did HDC Broker the COHA?

Given Aceh’s complex and deep-seated conflict, it is all the more striking that HDC was able in late 2002 to broker a comprehensive cease-fire agreement. In addition to confidence-building measures, this agreement encompassed plans for further political consultations through an all-inclusive dialogue (AID) and provincial elections. HDC’s achievement was especially remarkable after the failure of the humanitarian pause in 2001 and the lack of favorable changes in the negotiation context. (If anything, the al-Qaeda attacks on the United States caused Washington and other Western capitals to seek a closer security relationship with Indonesia that actually reduced their diplomatic leverage over Jakarta on other issues like Aceh.) HDC’s success in bringing about these promising if short-lived agreements was part serendipity and a large measure of persistence, creativity, and hard work. HDC’s efforts were, however, aided enormously by a number of factors that contributed to the conclusion of the December 2002 cease-fire agreement:

- *Giving peace a chance:* On both the government and GAM sides, factions favoring dialogue gained ascendancy, recognized opportunities for an agreement, and were able to secure commitments from hard-line colleagues to “give peace a chance.” In the words of one GAM negotiator, the feeling after so many years of inconclusive fighting was why not try pursuing their goals through nonviolent means? At the time, the costs of a failed dialogue also seemed low enough to both sides to justify the gamble.

- *Desire for legitimacy:* GAM's participation in the negotiations leading to the 2000 humanitarian pause and the 2002 COHA was strongly motivated by a desire for greater international legitimacy. This status was enhanced by the involvement of an international body like HDC as a third party and by the location of various negotiations outside Indonesia (Schulze 2004: 51–54). Outward-looking government officials also appreciated that a negotiated approach to Aceh would help burnish Indonesia's image in the wake of the East Timor debacle. It is also possible that senior TNI commanders were prepared to allow the peace process to go forward with the knowledge that a breakdown attributable to GAM would provide greater legitimacy for further military operations.
- *Personal commitment to the process:* The negotiations would have been unimaginable without the personal commitment of key leaders, particularly President Abdurrahman Wahid in encouraging HDC to become involved in 1999, the principal negotiators for both parties in 2000–2002, and Coordinating Minister for Political and Security Affairs Susilo Bambang Yudhoyono. HDC's staff also showed enormous dedication and tenacity in the course of the process, particularly when confronted with difficulties in the negotiations and on-the-ground implementation of cease-fire efforts.

The remainder of this section outlines the process that HDC pursued in inserting itself into the Aceh conflict, devising a role as a third party between the government and GAM, and sustaining negotiations that led to the December 2002 COHA.³⁰

Gaining Entry

In retrospect, the easiest part for HDC seems to have been getting involved in Aceh in the first place. By late 1999, Aceh appeared amenable to peace efforts. Suharto's demise in May 1998 was followed by the caretaker presidency of B. J. Habibie. Under Habibie, armed forces commander General Wiranto lifted the military's decade-long approach to Aceh as a "military operations area" (known by its Indonesian initials DOM, or Daerah Operasi Militer) and even apologized for the misconduct of "individual soldiers" during this brutal period. It was also Habibie who unleashed the referendum process by which Indonesia violently shed East Timor in August–September 1999. In October 1999, the People's Consultative Assembly, the country's supreme parliamentary body, elected

as president Abdurrahman Wahid, a Muslim cleric known for his dialogue-oriented approach to sectarian conflicts and his reformist impulses, including his desire to rein in the military's political influence. Between September and December, Wahid articulated a confusing array of views on how best to resolve the Aceh conflict, at first espousing a Timor-style referendum and then ultimately advocating a negotiated approach to retaining Aceh as part of Indonesia.³¹ But fundamentally Wahid expressed an unprecedented openness to dialogue as a means for addressing the conflict.

HDC fortuitously happened upon this fluid but promising context in late 1999. Established earlier in 1999, HDC was an independent organization comprising leading humanitarian officials formerly associated with the International Committee of the Red Cross (ICRC) and various UN agencies. It was guided by a simple premise: the best way to protect civilians is to stop the armed conflicts in which they disproportionately suffer casualties, trauma, and displacement. Guided by this "new prevention," HDC's small team cast about for hotspots around the world where combatants could potentially be brought together in a humanitarian dialogue to prevent, or at least minimize, civilian suffering. The East Timor crisis caused HDC in August to dispatch one of its senior staff to the Timorese capital of Dili by way of Jakarta. On reaching Indonesia, the HDC representative determined that East Timor was already oversubscribed by other humanitarian agencies. Widespread speculation about Indonesia's possible breakup prompted HDC to explore needs elsewhere in the archipelago instead. Papua and Maluku were ruled out in favor of Aceh because of the latter's long-running and bloody war, its strategic position astride Southeast Asian sea lanes, and the possibility of working with GAM's exile leadership.³²

An HDC consultant was then deployed in Indonesia in September–October to carry out an in-depth assessment. Various high-ranking government officials and senior parliamentarians were sought out for their views on the situation in Aceh and the potential for—and acceptability of—HDC as a third party. These contacts included a number of ministers (of defense and interior, for example), high-ranking politicians from major parties and religious organizations like Muhammadiyah, and one of the president's daughters (Yenny Wahid) and another of his closest advisers.³³ These latter intermediaries then secured a meeting directly between President Wahid and HDC's director, Martin Griffiths, in November 1999 to explain the organization's interest in Aceh, its ability to

act in a facilitative role, and its desire to submit a formal written proposal for the ways it could help with dialogue.³⁴ Wahid, who had reportedly already made separate overtures to GAM's Stockholm leadership about the possibility of dialogue, was very open to HDC's role as a third party.³⁵

Around this time HDC secured indispensable financial support from the Norwegian government, a source that would not be officially acknowledged till April 2002. Such support fell clearly within one of Norway's stated foreign policy objectives—to assist in peace and conflict resolution efforts wherever possible around the world—but the request was also aided by the personal rapport established between HDC's director and Norway's deputy foreign minister, Raymond Johansen, in charge of this portfolio at the time. In December 1999, before approving any HDC request, the Norwegians sounded out the Indonesian foreign ministry on the government's views about having an outside organization function as a third-party mediator on Aceh. The reply was an emphatic “not interested.” Despite this reaction, Oslo decided to gamble that secret funding for HDC to help bring about a viable peace process was worth provoking Jakarta's displeasure if Norway's role came to light unexpectedly. Norwegian money to HDC started flowing in February 2000.³⁶ (By the end of 2002, total assistance to HDC would amount to \$2.7 million. With the start of the humanitarian pause later in 2000, Norway openly provided some \$1.3 million in additional assistance for monitoring and humanitarian purposes, including the UN Development Programme.)

Despite encouragement from President Wahid it was less clear how much other government agencies welcomed the prospect of foreign “interference” in this highly sensitive realm.³⁷ Senior figures in the foreign ministry were reportedly opposed to HDC's proposed role, prompting the US embassy to prevail upon Minister Alwi Shihab to keep an open mind.³⁸ The TNI's top brass was thought to be even more intransigent. At stake were not only the doctrine and reputation of the military, which had been battling GAM for over twenty years, but also off-budget revenues. The military, which relies on off-budget revenues for an estimated three-quarters of its expenditures, was also known to have deeply vested interests in Aceh's natural gas, logging, and even marijuana production, and the security forces had become accustomed to the province's lucrative opportunities for war-related racketeering and “protection” services (McCulloch 2000).

At this stage HDC did not develop any direct lines of communication to the TNI senior command. HDC did not approach General Wiranto,

Aceh policy was caught up in power struggles between reformers and the old guard

for example, who was Wahid's coordinating minister for political and security affairs despite his deep implication in the earlier East Timor crisis as armed forces chief under Habibie. Instead President Wahid's office reportedly told HDC to leave internal bargaining over Aceh policy to the civilian leadership.³⁹ While perhaps unavoidable, this failure to get the TNI, let alone its hard-liners, directly on board early in the process reinforced divisions within Indonesian officialdom that would later haunt peace efforts during cease-fire efforts in both 2000–2001 and 2002–2003. This dynamic also meant that Aceh policy was caught up in power struggles between reformers and the old guard associated with Suharto's New Order regime.

In the meantime HDC had already begun seeking out contacts with GAM—first through representatives in Indonesia and then directly with the Swedish-based leadership and a Malaysian-based splinter group known as MP-GAM (Majelis Pemerintahan Gerakan Aceh Merdeka, or Free Aceh Movement Government Council). In December 1999 and January 2000, senior HDC staff met both with Hasan di Tiro, GAM's founder and the self-proclaimed Acehnese head of state, and with Malik Mahmud, then minister of state and later selected as prime minister at an international GAM assembly in Norway. Malik Mahmud would also go on to become GAM's principal negotiator during 2000–2003. Seeing the popular momentum gathering within Aceh for a referendum similar to East Timor's, the GAM leadership was reportedly open to nonviolent means for pursuing the struggle. The end of heavy-handed military repression under DOM also seemed to bode well for such an approach. GAM's leaders in exile were intrigued by the first-ever offer of international facilitation in more than two decades of fighting. With GAM's Stockholm leadership, HDC emphasized its staff's long service with agencies of the UN, where Griffiths had risen to the post of assistant secretary-general for humanitarian affairs.⁴⁰

HDC also met with MP-GAM, established in the wake of a power struggle between rival pretenders to replace di Tiro, who had fallen ill. MP-GAM, led by Husaini Hassan, began espousing a nonviolent approach to the independence struggle, but di Tiro loyalists sabotaged HDC's efforts to encourage GAM to forge a unified approach to initial contacts with Indonesian government negotiators. Around the same

time—in November–December 1999—MP-GAM’s Husaini Hassan also entered into contact with the Finnish government about the possibility that Finland would offer its good offices in negotiations between GAM and Jakarta. The Finnish president at the time was Martti Ahtisaari, who had distinguished himself by bringing about a settlement in Kosovo earlier in the year. (The Finnish offer was never realized—in part because HDC-facilitated efforts were already getting off the ground and Finland was overstretched with impending responsibilities for the European Union presidency.)⁴¹

Although it was an unknown NGO, HDC nonetheless had a board and staff with impressive credentials and humanitarian expertise.⁴² GAM agreed to HDC’s role in seeking a humanitarian dialogue with the Government of Indonesia, a decision that was reportedly vetted and supported by GAM field commanders and activists involved in the grassroots effort to call a referendum on Aceh’s status.⁴³ On January 27, 2000, HDC brokered a meeting in Geneva between GAM founder Hasan di Tiro and Indonesian ambassador Hassan Wirajuda, himself personally experienced in similar negotiations from his mid-1990s involvement in talks between the Philippine government and the separatist Moro National Liberation Front (MNLF).⁴⁴ This meeting constituted the first-ever face-to-face contact to explore a possible dialogue between Jakarta and GAM. Remarkably this meeting came less than six months after HDC first began considering Indonesia for its initial efforts at humanitarian dialogue. (Due to objections from GAM-Stockholm, Wirajuda met MP-GAM representatives separately.⁴⁵ Based on estimations about the rivals’ relative strengths, he then encouraged HDC to focus the negotiation process on the faction that had control of the vast majority of fighters in the field, namely the Swedish-based leadership.)⁴⁶

Relatively soon thereafter, the HDC-led dialogue process yielded the May 10 agreement on a humanitarian pause, which held fitfully through the rest of 2000 and into 2001. While the first three months of the humanitarian pause witnessed a noticeable drop in violence, serious incidents started taking place again following Indonesia’s independence day on August 17 (Aspinall and Crouch 2003: 18–19). HDC, which established an office in Banda Aceh to support implementation of the humanitarian pause, also became the subject of intimidation by the security forces. (A member of the monitoring committee for security, an Acehnese human rights lawyer named Tengku Al Kamal, was in fact killed on March

30, 2001, by the security forces. It remains unclear whether the principal reason for the assassination was Kamal's engagement in the HDC-led monitoring efforts or rather his independent advocacy regarding a sensitive case of alleged abduction-and-rape by Brimob, the paramilitary police.)⁴⁷

By early 2001, this effort had fallen apart. Blamed on GAM, attacks against the natural gas production facilities operated by ExxonMobil in North and East Aceh forced their first-ever closure. The TNI claimed that GAM was using the humanitarian pause to recruit fighters, raise money, and strengthen their parallel government at the local level. GAM countered that the Indonesian government was employing a duplicitous strategy of talking peace while waging war. Reinforcements in the form of composite battalions were deployed to Aceh for security duties in an effort to free up more mobile units for battling GAM, including increasing numbers of specially trained Rajawali units as the year 2001 progressed.⁴⁸ Some such deployments were announced by the TNI on the eve of an HDC-brokered meeting between the government and GAM, undermining confidence in the process and ultimately compelling GOI negotiator Wirajuda to announce Jakarta's withdrawal from the humanitarian pause.⁴⁹ By early 2001, the Wahid presidency was deeply embattled. In an effort to shore up political support from the now ascendant military, Wahid relented to TNI demands and in April authorized Presidential Instruction 4/2001. Inpres 4, as the presidential instruction is known in Indonesian, relaunched full-blown military operations against GAM (Sukma 2004: 15–16), though in combination with other nonmilitary means, including economic measures, which were never implemented. In a stark foreshadowing of their fate in the wake of the COHA, GAM's Aceh-based negotiators were arrested in July and charged with rebellion (Aspinall and Crouch 2003: 23).⁵⁰

Mediating Political Dialogue

Paradoxically the unraveling of the humanitarian pause coincided with Wirajuda's push for a political dialogue between his government and GAM. Around August–September 2000, perceived GAM malfeasance prompted the government to demand a precondition for extending the humanitarian pause—an immediate halt to extortion, to intimidation of local government authorities, and to stepped-up recruitment of new GAM fighters. These practices made it clear to the government that the human-

itarian pause was a partial, and therefore flawed, solution: the conflict required a comprehensive negotiating process that engaged GAM on the political issues as well.⁵¹ Meanwhile a small team of government and military officials, led by Wirajuda, traveled secretly to Europe in early December 2000 to sound out GAM leaders on the basis and modalities for a political dialogue.

This trip led to a major turning point in the GOI-GAM dialogue: a meeting in Geneva in January 2001 facilitated by HDC and attended by a number of outside experts. These figures included a member of the British House of Lords, in his private capacity, and two US academics with extensive experience in third-party facilitation and separatist disputes. Convened not as negotiation talks but rather as a “workshop on substantive issues,” the meeting allowed for the active participation of these outside experts and for wide-ranging and candid discussions on alternatives to the armed conflict (Leary 2004). This meeting yielded a provisional understanding between the parties, including four “indicative elements for discussion” at later talks. These elements were the pursuit of a democratic process for Aceh, protection of human rights and humanitarian principles, support for the province’s socioeconomic development, and the need for security arrangements.⁵² Subsequent talks in mid-February were designed to sketch out practical steps to address the first and fourth elements—democratic consultations and security arrangements—but these efforts were derailed by TNI troop increases in Aceh itself.

Much of the rest of 2001 was a write-off. Wahid’s Inpres 4 in April resulted in the resumption of large-scale military operations and a suspension of HDC-led efforts. Jakarta-level political maneuvers finally led to Wahid’s removal from power in July. Megawati’s election as president elevated Wirajuda, till then the senior government negotiator with GAM, to the post of foreign minister. While Megawati’s rise to the presidency was feared to be a setback for Indonesia’s reform process, her administration was nonetheless expected to bring greater stability to the country than Wahid’s erratic governing style. Despite her nationalist rhetoric, she did maintain her predecessor’s commitment to seeking a negotiated solution to the Aceh conflict. One of Megawati’s first acts as president was to sign into law recently passed legislation granting Aceh (and later Papua) “special autonomy” after decades of Jakarta’s official hostility toward such arrangements and two years of parliamentary debate (McGibbon 2004).

Finally, Megawati appointed Maj. Gen. Susilo Bambang Yudhoyono

as coordinating minister for political and security affairs, a post he had held for part of Wahid's short-lived presidency. His experience with UN peacekeeping in Bosnia and his moderate, dialogue-oriented reputation augured well for a negotiated approach to Aceh. Battlefield advances also

*The limits of a purely
military approach were
becoming apparent*

seemed to help. On October 11, Megawati issued Inpres 7/2001, which extended the "comprehensive" but largely military-dominated counterinsurgency approach launched by the TNI under Wahid's faltering government in April. By the end of 2001, the Indonesian security forces had far greater control of Aceh than at the year's start, greatly strengthening the government's hand as it considered renewed negotiations (Aspinall and Crouch 2003: 26). By the same token, the limits of a purely military approach were becoming apparent.

The resumption of negotiations, however, was delayed by the need to appoint a replacement for Wirajuda as chief negotiator. The first nominee under consideration was reportedly "too Javanese" in his outlook.⁵³ A suitable alternate was eventually found in Wiryono Sastrohandoyo, another veteran of Indonesia's involvement as observer of Manila's accord with the MNLF. Wiryono was finally named in January 2002. This set the stage for the intensification of dialogue efforts during the rest of 2002, which reached two major milestones during meetings in Geneva in February and May, respectively. The first meeting did not yield any joint declaration by the parties but rather a summary document prepared by HDC on "Points for Further Consultation," including GAM's acceptance of the autonomy law as a "starting point." This language laid the groundwork for a joint statement following the May talks, which produced agreement on two major points: an all-inclusive dialogue to review changes that might be necessary for the autonomy law; and the need for an effectively monitored cease-fire to allow for such a process. This phrase was heralded by HDC mediators as a significant concession by GAM—tantamount to moderating its independence claim but apparently difficult to sell to its rank and file.⁵⁴ In fact, GAM felt it had not given up any such claim. Indeed it quickly denied that accepting the autonomy law as a starting point entailed relinquishing its independence claim (Schulze 2004: 48–49). Meanwhile the government was at pains to clarify that no cease-fire had been agreed to, only the willingness to negotiate one (Aspinall and Crouch 2003: 28–29).

This phase was marked by an important innovation on the part of

HDC: the involvement of outside experts who could expand both the substantive expertise and the political leverage brought to bear on the negotiations. The initial group of experts had a lower political profile but significant hands-on expertise in providing advice in other separatist conflicts. This group, which debuted with the pivotal January 2001 “workshop on substantive issues,” included conflict resolution specialist William Ury, international lawyer Hurst Hannum, and a member of the British House of Lords and longtime human rights advocate, Eric (Lord) Avebury. While it was remarkable that the Indonesian government permitted their involvement, these outside experts focused on the parameters and process of the dialogue in informal, bilateral discussions with the parties.

Their primary role was “reality-checking” the expectations the parties had about each other and about prospects for success in pursuing alternatives to a negotiated process. They stressed to GAM that foreign intervention on behalf of Acehnese independence would not be forthcoming (Leary 2004: 319) and tried to reassure Jakarta about international support for Indonesia’s territorial integrity while underlining the reputational damage associated with continued military abuses in Aceh. Ury was credited with providing key advice to HDC on the negotiating process in general, and the experts tried to get the parties to examine alternatives to the armed conflict. Ury’s role was described as crucial for prompting GAM participants to engage actively with the idea of pursuing their goals through a democratic process.⁵⁵ Lord Avebury, whose ancestor had protested Dutch suppression of Acehnese aspirations in the 1870s, was well known to GAM leader Hasan di Tiro, whose own forebear was a highly revered colonial-era resistance leader. Lord Avebury’s involvement was thought to reassure GAM that the third party was acting in good faith.⁵⁶

The second group, which came to be known as the “Wise Men,” included former Yugoslav Ambassador to Indonesia Budimir Loncar, former Thai Foreign Minister Surin Pitsuwan, and retired US Marine General Anthony Zinni.⁵⁷ The Wise Men became active in mid-2001 and were then joined by former Swedish diplomat Bengt Soderbergh. Though they teamed up with the earlier outside advisers, the Wise Men clearly had a much higher political and media profile, particularly Zinni, who was concurrently the official US envoy to the Middle East peace process. The Wise Men participated as observers at GOI-GAM talks in Geneva, most significantly in February and May 2002, and traveled at different points to Jakarta, Paris, Singapore, and Stockholm to meet with the parties on a

bilateral basis. These advisers were charged with providing counsel on the negotiating process, particularly on sticking points. They also found themselves suggesting specific language for the COHA text, helping to buffer HDC from the parties' frustrations, and offering assistance on formulating and advocating positions by GAM, the less experienced and often less sophisticated negotiating partner.⁵⁸ GAM clearly valued the international cachet that Zinni and Pitsuwan brought to the negotiations (Schulze 2004: 52–53), and Zinni's involvement, though unofficial, certainly put Jakarta on notice that the US government was keenly watching developments. While it is difficult to ascertain the extent of its impact, the involvement of such international experts seemed to contribute to the COHA process greater gravitas and a more robust third-party capacity to act as a quasi-adjudicator for competing claims by the negotiators.⁵⁹

Helping to Close the Deal

The first half of 2002 saw major advances in the political dialogue, which then set the stage for shuttle diplomacy and last-minute brinkmanship on the details of the COHA. As described earlier, the February and May meetings had yielded agreement on a sequence—a sort of roadmap in the words of one participant—for the steps that could lead to a comprehensive settlement.⁶⁰ This sequence envisioned a cease-fire followed by an all-inclusive dialogue and provincial-level elections; the results of this process would then be formally reviewed with an eye to a more lasting solution to Aceh's situation, namely through potential changes to the autonomy law.⁶¹ Meanwhile GAM reiterated that special autonomy was a starting point but by no means the end of their struggle for independence (Schulze 2004: 48–49).

At the crux of the remaining negotiations leading to the COHA were concerns about the security arrangements for a cease-fire. These concerns included the timetable and process for reverting to defensive positions, establishing demilitarized peace zones, and decommissioning GAM weapons in exchange for the TNI's shift to a defensive, rather than strike, posture. The vast majority of these negotiations did not take place through additional face-to-face meetings between the government and GAM. Instead HDC engaged in intensive shuttling and faxing of draft texts among the key actors in Jakarta, Banda Aceh, and Sweden. GAM-Stockholm took a reportedly hands-off approach to much of the detailed drafting, sticking to broad questions of principle. Wiryono was extremely

active during this phase, however, and Yudhoyono was instrumental in lobbying President Megawati and fellow generals and ministers on key points in the text.⁶² With colleagues in the military and in the government, Yudhoyono pointed repeatedly to the lack of success in military operations launched more than a year earlier in April 2001 as the principal argument for pursuing a political resolution. While he might have been motivated to some extent by his own political ambitions, he was also struck by recent progress in the Philippines where the government was negotiating with the Moro Islamic Liberation Front (MILF) in strife-torn Mindanao.⁶³

Negotiations over the arrangements for the Joint Security Committee (JSC) built on the experience of the commander-to-commander talks pursued during the humanitarian pause. In contrast to the humanitarian pause, HDC recognized that far more robust monitoring would be necessary to resolve the gridlock likely if only TNI-GAM observer teams were fielded.⁶⁴ One government draft for the cease-fire text proposed a “senior third-party personality of high standing agreed upon by both sides.” HDC staff wanted a state to be this third party and in mid-June approached at least one European embassy in Jakarta to sound out its country’s interest in playing such a role. The capital never responded to this proposal, which by September was overtaken by developments in the negotiations.⁶⁵ In the end, the solution crafted for the COHA was to constitute the JSC as a tripartite mechanism involving a neutral third party in the form of unarmed military observers from suitable nearby countries. In HDC’s view, home-government backing for these monitors would also help bolster the international legitimacy of the JSC and raise the reputational costs for cheating by either GAM or the TNI.

Fax and shuttle diplomacy during the second half of 2002 differed sharply from the personal rapport that was possible between the government’s Hassan Wirajuda and GAM’s Malik Mahmud, who met face-to-face on successive occasions during 2000–2001. Mahmud and Wiryono, by contrast, barely met each other directly during the run-up to the COHA.⁶⁶ Most of the final changes to a government-submitted draft in September were made through “indirect negotiations”⁶⁷ facilitated by the HDC and its international advisers through meetings held with one side or the other and through extensive faxes, phone calls, and e-mails. On November 19, HDC announced that an agreement was within reach. Planning for a December 9 signing ceremony commenced.

Indirect pressure on the parties to sign a cease-fire came from various

sources, including an early November delegation of Acehese notables who lobbied GAM. Entreaties with both parties came also from interested governments and from the Wise Men, particularly Zinni. And as we shall see, Japan, with strong US backing, organized a preparatory donor conference on December 3 to make clear the financial benefits of a successful agreement. Direct pressure to conclude the deal resulted from the Indonesian government's August 19 ultimatum that GAM had until the end of Ramadan, expected to fall around December 7, to accept special autonomy as a precondition for dialogue. The alternative was to "face the full brunt of Indonesia's military power," in the words of Jakarta's chief negotiator in a later account of this period (Sastrohandoyo, n.d.). Starting in late October, the TNI started ratcheting up military pressure on the battlefield: for more than a month, troops laid siege to an area around the village of Cot Trieng in an effort, ultimately unsuccessful, to capture GAM's new field commander and his entourage (Aspinall and Crouch 2003: 31).

Why Did the COHA Fail?

The Geneva signing ceremony for the COHA on December 9 ushered in only a brief period of reduced violence in Aceh. By March 2003, the agreement was quickly unraveling and the Joint Security Committee, the mechanism that superseded HDC for dispute resolution, was powerless to halt the accord's collapse. Ultimately the following factors led to the COHA's undoing:

- *Fragile bargaining zone:* It is arguable whether the parties' positions on Aceh's status could allow for a durable agreement. The government's commitment to territorial integrity—supported by the international community—was irreconcilable with GAM's insistence on independence. Both parties regarded special autonomy for Aceh in diametrically opposing ways. The government saw autonomy, perhaps with a few minor adjustments, as the ceiling for Acehese aspirations. GAM's independence aims were much higher than what autonomy would allow. The COHA process glossed over this difference in the hope that a robust cease-fire would engender mutual confidence, open up a broad debate on political issues, and result in a lasting settlement. The "placement" of GAM arms was another highly contentious issue. HDC and the JSC tried to help the parties to resolve these issues, but the basic sequence—confidence building leading to a settlement of

political issues—was flawed. Uncertainty over the outcome of this process only stoked insecurity and led to spoiling.

- *Lack of intraparty cohesion:* Questions of representation and the lack of internal cohesion plagued both parties throughout the process. GAM's legitimacy as "the voice of Aceh" is contested, and differences surfaced between its exile leadership in Sweden, political activists and commanders in the field, and Acehnese "civil society" leaders not directly affiliated with GAM. Fissures on the government side, however, were perhaps more damaging. Though the government delegation in the negotiations leading to the COHA included both senior diplomats and military officials, the executive branch and the security forces as a whole never fully embraced the agreement. Senior parliamentary leaders vocally criticized peace efforts, and the TNI was quickly able to disavow and ultimately torpedo implementation of the COHA. While fully cognizant of these fissures, HDC was able to redress them only in part.
- *Narrowing and acceleration of the negotiation process:* One upshot of the internal divisions within the "Acehnese" and "Indonesian" sides was the narrowing of the negotiations to focus primarily on GAM under the Stockholm-based leadership and a relatively small team from the central government. While sidelining other key constituencies, this dynamic also allowed the government side in particular to accelerate the negotiations during certain periods. Such pressures reduced the time available for generating and reflecting on additional options for creative solutions to negotiating problems, for building greater support among key constituencies not directly involved in the process, and for designing a more effective third-party role in implementing the COHA. Again, HDC was aware of these dynamics but neither pursued effective alternatives nor withdrew from a process it no longer could direct.
- *Suckering and spoilers:* The result of this narrowing was not just the lack of political buy-in by parties implicated but not represented in the COHA negotiations. Implementation of the COHA was imperiled by the very nature of the monitoring mechanism, the Joint Security Committee, which relied excessively on the good-faith participation of the bel-

Most damningly, the parties slid into a game of sucker...

ligerents themselves. Most damningly, the parties slid into a game of sucker in which both sides exploited ambiguities in the COHA to advance their own objectives or undermine those of their opponent. This gamesmanship then facilitated spoiling, by which parties, namely the TNI, sought deliberately to scuttle the entire process. The JSC was unable to halt this downward spiral.

- *Lack of credible security guarantees:* Once the Indonesian security forces and GAM withdrew to defensive military postures, the cease-fire process hit an impasse on implementing elements of the COHA that would expose the parties to greater vulnerability. These points included the establishment of peace zones, other demilitarization measures, and most crucially the imposition of sanctions for truce breaking. The lack of credible third-party guarantees—due to the very structure of the JSC—eroded the parties’ confidence in the process and quickly doomed implementation. The structural weakness of the JSC and its inability to impose convincing sanctions or offer attractive inducements were a reflection of the anemic engagement of the international community in Aceh, a by-product of Indonesian resentment over foreign involvement in the East Timor crisis in 1999.

To varying degrees, HDC staff was aware of the pitfalls that the process was encountering and sought to adjust the third party’s approach. Some of the other options that HDC considered for its approach are reviewed in the next section. The remainder of this section details the breakdown of the cease-fire, particularly in light of the earlier failure of the humanitarian pause. This experience bequeathed HDC and the parties with stark insights into each other’s behavior, yet it did not translate into more effective implementation of the COHA beyond the initial drop in violence. The embattled role of HDC (and the JSC) is examined here: Did the third party have sufficient political clout, ability to mete out rewards and punishments, and effective working methods to act as a guarantor of the implementation process? A robust third party was all the more imperative in light of the belligerents’ strong commitment to mutually exclusive goals: Acehese independence versus Indonesia’s territorial integrity.

Past as Prologue: HDC and the Humanitarian Pause

In many respects, the unraveling of the COHA was a reprise—with more severe consequences—of the breakdown of the humanitarian pause in late 2000 and early 2001. In the eyes of HDC, GAM, and certainly the

Acehnese populace, the humanitarian pause was largely effective. Humanitarian agencies had much greater access to the countryside, violence was reduced, and the number of internally displaced dropped from some 50,000 to about 10,000. Confidence-building measures, however, soon ran aground. Commander-to-commander talks yielded a code of conduct for avoiding provocative or destabilizing actions in the field, and a hotline was established—and used a couple of times—between GAM’s Aceh field commander and the provincial police chief.⁶⁸ But implementation of these measures and the establishment of peace zones in Bireuen and North Aceh faltered in the absence of a comprehensive approach with sufficient political backing.

In the short run, GAM saw the humanitarian pause as a modest but worthwhile beginning that could set the stage for the next phase of dialogue. Ultimately, though, GAM felt suckered by the government’s dual strategy of participating in the HDC-facilitated talks on the one hand and simultaneously pursuing a military strategy on the other, including a naval blockade and additional troop deployments.⁶⁹ In the end, however, it was the central government that felt the most aggrieved by the humanitarian pause. Signing the agreement quickly elicited sharp criticism from parliament, prominent academics, and the military itself for a litany of flaws ranging from the status the pause seemed to accord GAM to its likely contribution to the further internationalization of the conflict. Before long, the humanitarian pause was also seen as a Trojan horse for GAM, allowing it to raise taxes, recruit new members, and establish a parallel local administration while government forces were prohibited from offensive operations (Aspinall and Crouch 2003: 16–17).

Most troubling, however, none of the structures established to implement and monitor the humanitarian pause functioned credibly for more than a couple of months. The humanitarian pause envisioned a joint forum in Geneva—essentially a continuation of the GOI-GAM dialogue to that point—but also set up a pair of joint committees in Aceh (which also led HDC to open an office in Banda Aceh). These bodies included joint committees on security modalities (known as Komite Bersama Modalitas Keamanan) and humanitarian action (Komite Bersama Aksi Kemanusiaan). There was also a monitoring team to evaluate implemen-

Before long, the humanitarian pause was also seen as a Trojan horse for GAM...

tation of security measures and investigate violations. The functioning of these structures, however, quickly got hung up on basic parameters for the cease-fire, including, for example, whether routine patrols by the Indonesian security forces or flying the GAM flag constituted violations or not. In general this lack of credible third-party guarantees encouraged spoiling in the field, and soon “neither side behaved as if it believed the cease-fire would last” (Aspinall and Crouch 2003: 14–15).

One Acehnese participant in the talks leading to the humanitarian pause pinpointed various weaknesses that would dog HDC’s role throughout the dialogue process. Paradoxically, agreement on the humanitarian pause caused initiative to pass from HDC, the original engine of transformation, to the parties themselves, who were able to use this period for their own ends. HDC found itself straitjacketed in a mediation role without sufficient political clout to counter violations. This constrained role became most evident when “HDC was unable to guarantee the security of its partners in the peace process,” as evidenced by the March 30, 2001, killing of HDC monitor Tengku Al Kamal by the security forces (Syamsuddin Ishak 2002). In this case—in part because the Acehnese staff member was said to have been targeted for his independent human rights activities—HDC declined to use its diplomatic connections and international status to protest his killing or threaten withdrawal from the process as such moves were thought likely to be fruitless.⁷⁰ HDC’s approach to this dilemma in humanitarian action underscored what its leadership understood as the organization’s bottom line: avoid being thrown out of Indonesia by the government at all costs.⁷¹ (On two other occasions, in mid-2001 and again in April 2002, HDC staff did lobby government and police officials to expedite the release of arrested GAM negotiators.)⁷² The attacks against the monitoring teams fielded during the humanitarian pause were only harbingers of problems in store for JSC teams during the COHA implementation.

In the run-up to the COHA, HDC clearly made an effort to learn from its vexed experience during the humanitarian pause, including the design of the monitoring mechanism. Official engagement in the COHA process at the level of a cabinet member and senior security officials signaled to HDC that the emerging accord represented a qualitative improvement in the government’s commitment to peace (in contrast to the humanitarian pause, which it had sought to implement only at the level of “colonels and one-star generals”). Jakarta’s willingness to contem-

plate a beefed-up JSC, complete with foreign military observers assigned to “tripartite monitoring teams,” for COHA implementation was further proof of this commitment.⁷³ HDC, however, still fell prey to a fundamental miscalculation about the political authority—and not just mediation skills—required for an effective monitoring mechanism. HDC allowed itself to be persuaded by the Indonesian government and perhaps seduced by its own success in bringing the parties so far along in the negotiations. This led to an overestimation of the JSC’s potential as a monitoring mechanism—and perhaps an underestimation of the impact of spoiling by the parties.

The COHA Unravels

Facilitating the COHA transformed HDC overnight from a small, entrepreneurial NGO into a major international player charged with difficult political and operational tasks in a highly sensitive and fragile context. The increases in staff and the internal retooling required of HDC were daunting. In November 2002, HDC had some half-dozen staff working on Aceh. At year’s end, by contrast, HDC had established a functioning JSC under the command of Maj. Gen. Thanongsuk Tuvinnun of Thailand. By March 2003, the JSC had fielded 148 personnel in tripartite monitoring teams (including GOI and GAM representatives) in eight districts throughout the province. These teams included 48 unarmed military personnel seconded by Thailand and the Philippines. Additional personnel staffed a public information unit and the nucleus of a team that was to help guide the all-inclusive dialogue, a politically fraught process that could result in revisions to Aceh’s autonomy law. The Swedish Rescue Services Agency (SRSA) was contracted by the Swedish government to provide logistical support for what had become a substantial on-the-ground presence including offices, cars, and the like.

The COHA’s initial promise soon proved illusory, but the cease-fire did post some early successes. Violent incidents, which according to HDC figures were claiming more than 200 victims per month before the COHA, dropped off significantly in December–March (Aspinall and Crouch 2003: 34). Indrapuri subdistrict, in Greater Aceh district, was inaugurated as the first demilitarized peace zone on January 25, and similar arrangements were negotiated for six other subdistricts, four of which were inaugurated in early March. The beginning of February also saw the extremely tentative start to the demilitarization process with the

announcement of 32 sites for placing GAM weapons but a monthlong delay until placement would start. GAM was then to deposit 20 percent of its arms in these sites at monthly intervals—in tandem with visible progress by the government in relocating troops and reformulating the role of the widely hated Brimob (ICG 2003a: 11).

In general, however, the COHA came to be characterized by spoiling behavior from the parties, intensifying disputes between them, paralysis within the JSC, and then deliberate targeting of the very party intended to guarantee the cease-fire. Initial spoiling by GAM sought to test the limits of the cease-fire while also pushing its independence goals. The TNI soon aimed at scuttling the accord in its entirety.⁷⁴ On January 14, a GAM ambush in Lokop—the first major truce violation—resulted in the death of a soldier. By the end of January, General Thanongsuk reported that the JSC had received close to 500 allegations of COHA violations, of which his monitoring teams deemed 35 serious enough to investigate. To investigate these incidents and sanction violators, the JSC employed a system distinguishing between “serious” and “very serious” violations.⁷⁵ A major blow to the JSC’s authority came with the February announcement of its findings in a second round of investigations. Despite the participation of an official Indonesian representative in the JSC, the TNI contested two of three findings against the government side. Once these findings were retracted, GAM followed suit in rejecting the results of the JSC investigations (Aspinall and Crouch 2003: 39).

Further damage to the JSC’s authority resulted from its inability to deal effectively with suckering—exploitative behavior by a party that is not explicitly prohibited but nonetheless erodes the other party’s trust. Taking advantage of the relative openness of the initial COHA period for pro-independence agitation, suckering by GAM also suggested to the TNI and the Indonesian state that GAM had in no way relinquished or even moderated its ultimate goals. The JSC’s effectiveness in curtailing such moves was hampered by two factors: the first was ambiguities in the COHA text that allowed parties to advance self-serving interpretations of behavior arguably counter to the spirit of the agreement; the second was the JSC’s very structure, which grouped representatives of the government, GAM, and the third party on an equal footing without ready recourse to a higher authority or rewards and punishments to shape behavior. The JSC was faced with difficult interpretative questions inherent in the demilitarization process: the placement of GAM arms; relocation and change in the

posture of government forces; and reformulation of Brimob's role into that of a standard police force. Disputes also erupted over the question of direct provincial elections in 2004 (mentioned in the COHA text but not provided for under Indonesian law) and over the description of the NAD law as a "starting point" (Aspinall and Crouch 2003: 37).

The JSC was therefore powerless in the face of other attempts by the parties to exploit ambiguities in the COHA in their favor. Fundraising by GAM, referred to by GAM as collection of state taxes (*pajak nanggroe*) but seen by others as extortion, took very open and egregious forms, especially against well-paid Acehnese civilians such as those working for ExxonMobil.⁷⁶ GAM increased its pro-independence agitation and established parallel authorities at the local level (Aspinall and Crouch 2003: 35–36), yet the JSC was able to sanction neither the extortion nor other provocative behavior. (The COHA's preamble explicitly cites extortion as an "offensive and criminal action" but specifies no procedure for investigating or punishing it. Before the COHA's collapse, the JSC was working internally to develop a mechanism to investigate and punish extortion in February–March 2004.)⁷⁷ The government side was hardly blameless either. The security forces, for example, interpreted routine patrolling from preexisting and even newly established posts as satisfying cease-fire requirements, rather than the garrisoning of government troops at limited locations, as GAM argued (Aspinall and Crouch 2003: 38–39). Aside from requesting in its preamble that "no party undertake any action which is inconsistent with this Agreement," the COHA was silent on most such ambiguities.

As a result, JSC functioning quickly degenerated into day-to-day bickering and hardball negotiations over the minutiae of COHA implementation. This reality contrasted starkly with HDC's expectation that greater mutual familiarity would allow the TNI and GAM to find more durable and amicable solutions.⁷⁸ The JSC could only laboriously hammer out a technical plan for demilitarization. But this process and certainly the other more "political" ambiguities required stronger guidance, if not resolution, by a higher-level authority, nominally the Joint Council under which the COHA was negotiated and signed. By late January, Coordinating Minister Yudhoyono issued a warning "that the JSC take professional steps and be more active in going into the field to conduct investigations"; by mid-February, Armed Forces Commander Sutarto was openly questioning the professionalism of the JSC.⁷⁹ Given TNI representation in the JSC struc-

***Officially the end came
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and martial law was
declared***

ture, these statements appeared as deliberate sabotaging of its credibility. Attacks against JSC monitors from early March till early April, carried out

by local residents with the backing of the security forces, signaled a sea change in the government's attitude and soon brought COHA implementation to a standstill. JSC teams were pulled from the field by April 10. Officially the end came in May, when the second Tokyo meeting imploded and martial law was declared (Aspinall and Crouch 2003: 40–41, 44).

HDC and JSC as Third-Party Guarantors

Despite the extraordinary energy and skill of its staff, HDC still lacked the basic tools available to UN peacekeeping operations or transitional authorities in similar settings. The most important of these tools was the authority of, and implicit recourse to, the UN Security Council and key member states to reward good behavior or punish cheating, whether black-and-white violations of COHA's terms or affronts to the spirit of the agreement. In this connection, credible third-party guarantees (as well as explicit power-sharing arrangements) seem to be the indispensable ingredients for the success of peace settlements elsewhere (Walter 2002). These guarantees involve setting and maintaining norms for the parties to follow in disengaging from conflict and cooperating on substantive issues. The third party is required to offset spoiling in order to secure the accord's viability—whether by buying off or redressing the more modest needs of “limited” spoilers or neutralizing “total” spoilers that seek to overturn the entire accord. In the context of the COHA, which was a cease-fire and not a comprehensive accord, the third party's role was even more crucial for success, and the armistice and confidence-building provisions would have to be followed quickly and convincingly with the move toward a stable resolution of the conflict. The JSC had the further challenge of dealing with parties whose behavior quickly approached and soon constituted total spoiling with the aim of ending the COHA entirely.

HDC committed considerable energy and resources to make the COHA hold, and at the working level the JSC's tripartite monitoring teams were an unparalleled experiment in the Indonesian context. Substantial camaraderie was generated between GAM, the TNI, and foreign members. A telling example was the assistance afforded by a TNI monitor to his

GAM colleague when the JSC office in Takengkon was attacked on March 3. Deeper structural problems, however, took hold. HDC and the JSC soon found themselves paralyzed and regarded as an international presence divorced from GAM and government ownership of the peace process. Though agreed to in the context of JSC decision making, for example, the inauguration of peace zones came to be identified with the efforts of international HDC staff and foreign members of the JSC to implement the COHA. TNI-GAM buy-in soon appeared minimal.⁸⁰

This perception is ironic given that fundamentally the experience of HDC and the JSC during COHA implementation pointed to the profound, if not irreconcilable, mismatch between their daunting responsibilities as guarantors for the cease-fire and the limited tools at their disposal. The very structure of the JSC—regrouping the belligerents and neutral monitors in a single mechanism—aimed to build confidence and relied on the goodwill of the parties (and the facilitation skills of the neutrals). In practice, however, a veto system reigned. All three parties had to provide their signature for a formal procedure to be fulfilled or a decision to be reached. This applied even to vetting initial reports of alleged COHA violations, of which the JSC received more than 1,000 covering some hundreds of potential incidents. The threat of one party's veto introduced hard bargaining between GAM and TNI representatives into discussions over which cases to refer onward for formal investigation. The result was that GAM and TNI members, tasked merely with reviewing the admissibility of cases, would misrepresent incidents implicating their forces or, alternatively, engage in horse-trading to agree to discard the most egregious cases. Sensitive issues engendered game playing. And increasingly, international JSC members were left trying to hold the process together with less and less support from the parties themselves.⁸¹

For the delicate tasks of ensuring effective implementation, however, the JSC could only issue findings and assign responsibility but not impose sanctions; these were left to the government and GAM, respectively, to enforce (ICG 2003a: 11). Furthermore, as noted earlier, the parties could simultaneously participate in JSC investigations resulting in common findings about responsibility for violations and yet reject the validity of those findings—effectively paralyzing the body. There was also a lack of direct command-and-control authority between the JSC's military representatives and the troops in the field (less a problem with GAM than with the TNI). This snarl created some perverse situations in which, for exam-

ple, a TNI member of the JSC would need to call a senior commander in Jakarta to have an illegal roadblock in Aceh removed, rather than being able to order its removal directly (or at least inform the Aceh-level commander of the need for its removal).⁸² The JSC could also try to highlight exploitative behavior that was undermining faith in the COHA—illegal levies and extortion by government security forces on the main roads, for example, and GAM “tax raising”—but it had no power to stop such practices (ICG 2003a: 14). Some issues, like the content and sequencing of demilitarization measures, eluded successful resolution through the JSC. And clearly other issues like moderating GAM’s political activities required high-level attention beyond the authority of the JSC.

The underlying failure, however, was the incorrect diagnosis and design for what the third party would require—not only a more penetrating understanding of the motivations and capacities that could transform signatories (and others) into spoilers but also the ability to devise and

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11, 2001, attacks
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implement appropriate strategies to counter the particular type of spoiling at issue. For COHA implementation, HDC had the benefit of its troubled experience and the parties’ behavior during the humanitarian pause. The principal adversaries, GAM and the Indonesian government as embodied by the military, remained largely set on pursuing mutually exclusive goals, and the government believed that special autonomy

already involved generous concessions. Following the September 11, 2001, attacks against the United States, sympathy shifted away from GAM, as the weaker party, to the government side. Armed insurrection became further delegitimized internationally, and Jakarta’s value as a Western partner against al-Qaeda increased dramatically.

Lessons

It is impossible to evaluate this failed peace effort without addressing HDC’s own capacities and motivations as a third party—including its leadership’s interest in making a name for the organization as a successful agent in conflict resolution. This section outlines HDC’s general approach in Aceh and then examines in greater detail how the organization handled a number of questions. Thoughts on HDC’s alternatives are offered on each of these questions. What emerged over the course of 1999–2003 was a

highly improvised approach to devising and managing HDC's role as a third party. In general, HDC relied more on political instincts and tactical adjustments than on a preordained strategy. Although HDC called its general strategy "humanitarian mediation,"⁸³ the actual process in Aceh was driven more by entrepreneurship, improvisation, and learning through trial and error. Over four years, HDC developed an approach that used humanitarian issues as a point of entry, focused on efforts at confidence building through face-to-face dialogue and on-the-ground cooperation, and eventually attempted the political dialogue that produced the COHA.

At the very start of HDC's involvement in late 1999, two forms of intervention were under consideration: either strengthening civil society as a venue for peaceful dialogue and an alternative to the violence perpetrated by the TNI and GAM or promoting direct mediation between the belligerents. While not mutually exclusive, these approaches nonetheless competed for legitimacy and limited energy and resources within HDC. Developing civil society's capacity to address the Aceh conflict was also beset by strategic and operational difficulties. In the end, the civil society approach was not prioritized. Instead the pursuit of a dialogue between the belligerents won out. A cease-fire—or at least a mutually agreed pause in hostilities to allow for humanitarian access—appeared to HDC's senior staff as the best way to alleviate civilian suffering in the short run.⁸⁴ This approach was also thought of as "sexier"—more likely to attract media and donor interest if successful. Meanwhile those in the organization thought it lacked the capacity to work at both levels simultaneously⁸⁵ or that such efforts were "mutually exclusive" due to the politicized, pro-referendum orientation of some civil society groupings.⁸⁶

Direct talks between the combatants initially constituted a "humanitarian dialogue" that focused on questions of access for humanitarian agencies, greater freedom of movement for civilians, and a monitored halt to the fighting known as the humanitarian pause. At first, HDC resisted the August 2000 request of the government's chief negotiator to mediate a political dialogue with GAM. Convinced that others were better placed to facilitate such a process, HDC sounded out more experienced mediators like Lakhdar Brahimi, former Algerian foreign minister and longtime UN special representative for Afghanistan. HDC, however, was encouraged by Indonesian government officials to take on the role itself, and its leadership was then keen to see how far the organization could push the peace process. HDC's board was at first similarly divided about the orga-

nization's role in implementing the COHA,⁸⁷ especially given HDC's troubled experience during the humanitarian pause (when its staff in the field actually became the subject of threats and even a fatal assault by the security forces). Ultimately, however, HDC acquiesced to Jakarta's entreaties and accepted these tasks. Two years later HDC reached another crossroads. In June 2002, even before the COHA was signed, HDC realized it would face enormous challenges in monitoring implementation of any accord. It began looking for a state to act as the third party, or at least as the linchpin, for the implementation phase, but even its primary funder, Norway, did not rise to this role.⁸⁸

Throughout this process, then, HDC faced crucial questions—and decisions—on the strategies it would pursue as a third party attempting to facilitate political talks between hardened adversaries. These questions include the following:

- What issues should the parties focus on, and how should they be sequenced?
- How should HDC structure the parties' representation in the dialogue and help them manage problems of internal coherence?
- How could HDC best involve civil society in what soon developed into two-party talks between the belligerents?
- How should HDC manage the pace of the negotiations?
- How could HDC harness the support of key outsiders, namely interested countries and intergovernmental organizations?
- How should HDC work with the parties and key outsiders to devise an effective third-party role during implementation of any accord?

These questions—and how HDC decided to handle them, whether explicitly or not—will be addressed in turn. Each theme is followed by a brief reflection on HDC's alternatives or what can be learned from HDC's approach. Taken together, they raise a deeper question about a mediator's efforts—during the negotiation process itself—to understand the underlying dynamics of the conflict, motivations and interests of the parties, obstacles to resolution, and the effectiveness of its own role. Such analysis and reflection would be expected, with some time lag, to lead to learning and midcourse adjustments in HDC's approach, especially at crucial junctures in the process. Here, however, the picture is mixed.

Learning from Experience

As a brand-new organization, HDC made its role as a third party more complicated by its inexperience in Indonesia, let alone Aceh. HDC director Martin Griffiths openly recognized this paucity of country knowledge.⁸⁹ But the deficiency was construed instead by HDC's leadership as a virtue: the organization's impartiality was enhanced by the absence of any foregoing history with the parties that could be perceived as compromising.⁹⁰ Certainly HDC soon redressed this handicap through its own involvement in the conflict. In late 1999 and early 2000, HDC contracted a consultant with extensive Southeast Asian experience to conduct its initial stakeholder analysis and establish relations with a wide range of in-country contacts. Other staff found themselves on a steep learning curve at the start of the process. With the setup of an HDC office in Banda Aceh for implementation of the humanitarian pause, the organization's knowledge of Aceh and familiarity with local players grew exponentially. The office was headed by a succession of expatriate staff (from the UK, Switzerland, and Norway), and HDC's coordinator for humanitarian assistance during the humanitarian pause, David Gorman, stayed on in Banda Aceh through 2000–2003 and played a key role in the negotiation process leading to the COHA and its initial implementation.

Though steeped in humanitarian action, including experience in negotiating with belligerents on behalf of the UN and ICRC, senior HDC staff did not at the start of the Aceh process have expertise as a third party in the resolution of political disputes. Again, this weakness was acknowledged by senior HDC staff and redressed by bringing into the process renowned negotiators as advisers.⁹¹ HDC staff visited the Carter Center and sought out other sources of expertise. In January 2001—on the eve of what would be a real turning point in the dialogue process—HDC decided that the opportunity for taking the lead in facilitating GOI-GAM talks was too attractive to hand over to another organization. Interorganizational rivalries therefore meant that established conflict resolution expertise with a substantial political profile, such as that of the Carter Center, was not harnessed on an institutional basis.⁹² Instead HDC attempted to hire outside expertise to support its role in the dialogue process. By early 2001, Harvard University's William Ury and other experts had been enlisted. Later in 2002 HDC added the team of Wise Men. Retired General Anthony Zinni's military credentials and the involvement of HDC adviser Sir Rupert Smith, himself a former deputy

NATO commander with extensive Balkan experience, helped to redress earlier technical deficiencies in HDC's capacity. (For example, HDC's initial draft of the agreement on the humanitarian pause in 2000 was thoroughly reworked by government negotiators.)⁹³

In 2000–2001, HDC commissioned two separate reviews of its work in order to report independent findings to its board and to mine lessons from its experience in Aceh for possible application elsewhere (namely Myanmar, which has since become one of various countries where HDC has launched new initiatives). HDC also wished to develop a general policy document for public relations and fund-raising purposes. The first review was undertaken by a team from the University of York's Reconstruction and Development Unit. It involved field visits to Aceh and analysis of secondary sources and yielded an internal document, the conclusions of which were reportedly not satisfactory to HDC. An independent peace researcher was then contracted in late 2001 to carry out a second review, completed in 2002, in the hope that its findings would be more acceptable to HDC. Its first draft was rejected outright, and the final report remains an internal document.⁹⁴

The evaluations cited a number of weaknesses in HDC's approach before and during the humanitarian pause. There was a mismatch between relying on techniques for jumpstarting short-term service delivery—the premise behind the humanitarian pause—and launching political negotiations to resolve an armed conflict involving deep-seated grievances and parties that have hitherto rejected dialogue in favor of violence. Problems were also noted in how agreements reached in Geneva were translated into

The evaluations cited a number of weaknesses in HDC's approach

practical implementation in Aceh, including HDC's uncertain role during the humanitarian pause and the politicization of humanitarian assistance in this period. In short, these reviews questioned whether an outside organization like HDC could effectively use dialogue to bring about an equitable solution to the conflict.

Shortcomings with in-house political analysis may have caused HDC to underestimate the impact of lingering East Timor trauma in official circles, particularly in the military. HDC was also criticized for being naive about GAM's intentions. A former Acehnese staff member, for example, characterized expatriate HDC and JSC staff as insufficiently interested in understanding GAM motivations and intra-Acehnese dynamics during

COHA implementation.⁹⁵ HDC commissioned no in-depth analyses of specific obstacles encountered during the humanitarian pause, such as spoiler problems, strategic misuse of cease-fires by parties, or the role of third parties in implementation. In general, internal HDC discussions during the Aceh process were largely focused on handling tactical issues rather than reflecting on strategic choices.⁹⁶ By 2002, Aceh was only one of various conflict areas, including Burundi and Myanmar, where HDC was attempting to bring about important transformations in relations between disputants; these other project countries competed for the time and energy of senior staff.

Lessons/Alternatives: It is a truism to note that organizations devote insufficient resources to analyzing, on an ongoing basis, their strategic environment, changes in that environment, and the important choices they face. Even when parts of an organization are mandated to reflect critically on such issues, various institutional and cognitive barriers prevent the effective, timely integration of learning. In the context of fast-paced, complex activities like mediation in a high-stakes dispute, time pressures on parties further crowd out the impulse and capacity to step back from the fray, identify viable alternatives, and make necessary course changes. Key organizational patrons, such as donors, have their own expectations, whether stated or not, that an organization will demonstrate concrete results (often within unrealistically short time periods). In a field like conflict resolution—where the risks of failure sometimes carry grave costs for civilians—it is all the more imperative for organizations to develop capacities for institutional learning, integrate lessons from experience, and become what one writer has called the “reflective practitioner.”⁹⁷

Identifying, Framing, and Sequencing the Issues

As soon as HDC gained entry into the Aceh conflict, the organization faced questions of what issues the parties should focus on and in which order. Identifying, framing, and sequencing issues was a function of the parties' own agendas, and this process was deeply influenced by the preferences of the parties, namely the government and GAM, that ultimately entered into negotiations. As a mediator, HDC nonetheless had opportunities to shape this process and help parties reframe issues in ways that made them easier to tackle during negotiations. HDC also had to contend with the ways in which external dynamics—particularly ongoing parliamentary debates on special autonomy for Aceh—set the parameters for

how certain issues could be discussed. Ultimately the selection of issues and sequencing of how they would be resolved contributed to the COHA's fragility—an outcome that HDC saw emerging but thought could be redressed during implementation, particularly during the proposed all-inclusive dialogue. Because of its limited leverage over the parties, HDC largely followed their lead in identifying and construing the issues. GAM's desire for a cease-fire, for example, prompted HDC to pursue the idea of a humanitarian pause. Jakarta's frustrations with the ineffectiveness of the humanitarian pause caused government negotiator Hassan Wirajuda to propose the search for a definitive resolution instead.⁹⁸ Moreover, the early focus on confidence building through the humanitarian pause shaped the subsequent selection, framing, and sequencing of issues.

In many respects, the bargaining zone for negotiable issues was set outside the HDC-led dialogue effort, namely by the legislative process within Indonesia's national parliament, the DPR, regarding special autonomy for Aceh. In essence the two initiatives followed separate tracks but had some points of intersection. The special autonomy law was negotiated within the DPR and passed with input from Acehnese quarters, but fundamentally it remained the state's initiative. It was largely distinct from the HDC effort and served as Jakarta's principal proposal for reworking Aceh's status within the country's public administration. Although it was aimed in part at undercutting popular support for GAM's independence goals, it was not used explicitly as a carrot to induce GAM to moderate these aims in a *quid pro quo*.

HDC's initiative, by contrast, was focused on dialogue between the belligerents to bring a halt to violence in the hope that ingrained political issues—like governance within Aceh and the content of special autonomy—could be resolved constructively in a peaceful atmosphere. The major carrot for GAM was the internationalization of the conflict through the involvement of HDC and the JSC (Schulze 2004: 51–54). The COHA's main *quid pro quo* was an end of fighting and the start of confidence building in exchange for tinkering with the details of the NAD law. HDC-facilitated negotiations did not affect the autonomy legislation as such but rather situated mid-to-long-term resolution within this legal framework. Primarily USAID-sponsored initiatives attempted to bridge this divide within Aceh and between central and provincial authorities by funding public debates, workshops for decision makers, and technical law-drafting sessions on autonomy provisions. The timing of the autonomy

legislation—proposed in 1999 before HDC’s active involvement and passed in 2001 at a low point in the dialogue effort—also undercut its usefulness as an inducement in the HDC-led negotiation process.⁹⁹ Aceh was granted special autonomy whether or not GAM agreed to modify its goals and behavior. The Indonesian government thought the autonomy offer was already generous and was extremely loath to agree to more concessions in the context of the COHA.

HDC’s efforts at identifying, framing, and sequencing the negotiable issues, though shaped by the autonomy debate, proceeded along a separate track. Once HDC elected to promote a humanitarian dialogue between the belligerents themselves, the issue of access for humanitarian agencies to conflict-affected areas was taken up in the context of talks in January and May 2000 that led to the humanitarian pause in July. By August–September 2000, Indonesian negotiator Wirajuda broached the idea of a political dialogue on substantive issues in reaction to the inconclusive results of the humanitarian pause. This compressed prenegotiation phase—in contrast to other settings where “talks about the talks” can last months or even years—resulted in HDC’s effort to use confidence building between GOI and GAM to generate agreement on more difficult substantive issues. The idea was to build upon the momentum and substance of the humanitarian pause and cause a sort of snowballing effect that could lead to a definitive resolution.¹⁰⁰

Critical in this regard was the January 2001 workshop on substantive issues, which yielded a set of “indicative elements for discussion.” Taking autonomy as the implicit framework, these elements included pursuing a democratic process for Aceh, protecting human rights and humanitarian principles, supporting the province’s socioeconomic development, and devising security arrangements that could deescalate combat operations. By including in the workshop experts and discussions on political alternatives to violent separatism, HDC aligned itself with the government’s view of the issues under negotiation. The independence option was clearly not on the table, and HDC’s more or less explicit goal was to help wean GAM from armed insurrection by developing its interest in, and capacity for, political representation along the lines of Northern Ireland’s Sinn Féin, the parliamentary wing of the Irish Republican Army.¹⁰¹

The results of the January 2001 workshop, however, were not considered binding as such but exploratory in nature. The February 2002 talks therefore saw the issues under negotiation recast as a four-part sequence.

Over the next ten months, negotiations would seek to specify further these incremental steps, which were then articulated in the COHA: (1) a cease-fire followed by (2) confidence-building measures in the military-security realm and (3) an all-inclusive dialogue followed by (4) provincial elections as a process for addressing political issues. In the end, it was through these latter issues that HDC struggled to connect the COHA to the implementation of special autonomy. Between early 2001 and early 2002, human rights protection and economic development were dropped from the formal agenda; democratic consultations and all-inclusive dialogue were construed as the vehicle for dealing with issues ranging from accountability and compensation for past abuses to modalities for enhancing economic development, religious observance, and Acehnese cultural identity through autonomy, perhaps with some revisions to the NAD law. After January 2001, HDC convened working groups within the approved democratic consultations to begin elaborating elements for holding provincial-level elections, strengthening rule of law, and promoting economic, cultural, and social development. Though captured on paper in the form of summary documents of the working groups, these notions did not appear in the COHA. (Instead they were expected to be picked up again in the context of the all-inclusive dialogue.)¹⁰²

As a result, HDC focused on the design of the overall process envisioned in the COHA rather than having certain issues of contention themselves addressed in the text. Aceh's economic development, the management of its natural resources, and control of the provincial budget were issues that constituted major prizes for the parties in any eventual agreement.¹⁰³ In the short-to-medium run, the so-called peace dividend was not anticipated to materialize through management of the province's resources and the growth of the local economy. Instead international donors were expected to contribute funds for the "much needed socio-economic and humanitarian assistance" cited in the COHA's preamble, funds that ended up not with the people of Aceh but probably in the pockets of local politicians and contractors.¹⁰⁴ (In the final analysis, such humanitarian assistance, when disbursed through local authorities without effective monitoring, became less of a peace dividend and more of a blank check for corruption.)

More troubling, the proposed sequence was the reverse of what would pacify the conflict—that is, a political settlement which parties could accept *followed by* security arrangements requiring GAM to give up its

arms. HDC staff did not delve into understanding the structural failure of the humanitarian pause, for example, by commissioning an evaluation of spoiler problems or a review of the literature critical of the sustainability of cease-fires.¹⁰⁵ Nonetheless, they thought the COHA posed a difficult but plausible bargain for the parties to maintain: a cease-fire now in exchange for a process that would resolve the underlying dispute sometime in the future. To use the description of one of the mediators,¹⁰⁶ the basic deal was itself “opaque” in its formulation. HDC did not see this ambiguity as good in itself; rather it was a necessary expediency in the short run to advance the process that could yield a more stable agreement in the long run. An armistice would defer the need for violence in the meantime—a sleight of hand central to a war settlement that proposes a transitional period followed by a new constitution, elections, and the consolidation of peace.

The COHA achieved this sleight of hand by giving both sides enough room for self-serving expectations about what the COHA meant for Aceh’s eventual status and what the scope was for provincial elections. For the government, Aceh’s secession was nonnegotiable. A critical question therefore dogged the COHA’s language: What did it mean that GAM accepted the autonomy law as “a starting point”? GAM averred that signing the COHA did not preclude further efforts to seek independence, yet all-inclusive dialogue and provincial elections could readily leave autonomy more or less intact and GAM’s political allies solidly in opposition. GAM leaders claimed to be prepared to accept such eventualities,¹⁰⁷ and HDC mediators were confident that this pledge would be credible to the Indonesian government.¹⁰⁸ The TNI’s insistence on scuttling the COHA in the face of open GAM agitation for independence was to prove the underlying deal untenable.

Lessons/Alternatives: This sequence—cease-fire followed by settlement—placed overwhelming pressure on the confidence-building process itself, which the third party then lacked the authority to see through. In HDC’s view, the sequence also deferred further deliberations over remaining substantive issues to the AID process, such as concerns over autonomy, human rights, economic development, and governance.¹⁰⁹ In the meantime, in the absence of any comprehensive agreement resolving these underlying issues of contention, the COHA was asking GAM to relin-

More troubling, the proposed sequence was the reverse of what would pacify the conflict

quish its one major source of power throughout the insurgency: the use of arms to contest the TNI for military control of Aceh. The process envisioned disengagement from active fighting, incremental demilitarization, and a shift in the TNI's overall posture in exchange for the "placement" of GAM arms. (Under this heavily watered-down version of arms cantonment, GAM was to locate its arms at sites known only to HDC and could not remove them without HDC's agreement. These sites would be subject to no-notice HDC inspections at the request of the Indonesian government.)¹¹⁰ Given a quarter-century of hostilities, these steps were too daunting for the parties to undertake, particularly in the absence of an overarching political accord and a robust third party.

Problems with the sequence notwithstanding, HDC could have tried to focus the COHA on devising short-term improvements to special autonomy even before the all-inclusive dialogue was launched. These improvements could have helped increase popular confidence in autonomy arrangements, given more moderate GAM allies a direct stake in the COHA's viability, and thereby undercut the appeal of GAM's independence bid. Such devices could have included a formula for power sharing, whether through the appointment of a mutually agreeable caretaker provincial government under the COHA or a provision for a subnational political vehicle that could allow GAM to contest provincial elections in Aceh.

Solutions involving a caretaker provincial government or political representation for GAM would have required the rebels' approval as well as broader buy-in and more effective coordination with national-level political entities, such as the government cabinet, the parliament, and key political parties. National decision makers such as the president and her interior minister would need to act to replace Aceh's provincial leadership. Devising a means for GAM's subnational political representation, which runs counter to Indonesia's nationalist ideology, would require parliamentary changes in the laws on political parties and elections, an arrangement with existing political parties, or both.¹¹¹ Such initiatives at the national level point to the need for the HDC-mediated process to encompass a wider swath of Indonesian officialdom, a problem discussed in greater detail in the following section.

Handling Representation and Internal Cohesion

From the start, HDC faced problems inherent in most if not all complex negotiations: Who was negotiating on whose behalf and under what authority? Whom should HDC attempt to invite to each successive round

of negotiations? On what basis should specific constituencies be included—or excluded—from certain meetings? How should HDC help the parties work with important constituencies not directly included in the meetings to generate requisite support for any eventual accord? This challenge was compounded by the confidentiality—and at times secrecy—sought by the negotiators and HDC to insulate talks from public scrutiny at crucial moments. Problems of representation related directly to those of internal cohesion. The negotiation process was marred by missed opportunities for HDC to help parties woo important internal constituencies for the dialogue process or at least for neutralizing potential naysayers. Such opportunities were closed off by Indonesia's own limited experience with democracy, civilian control of the military, and the capacity of independent voices to articulate their aspirations through civil society.

Once HDC jettisoned an approach to peacebuilding via civil society in favor of dialogue between the belligerents, it had to determine who could best represent each party—or defer to the party's own preferences. On the assumption that the original GAM held sway over the greatest number of fighters in the field, the Indonesian government asked HDC to prioritize the Swedish-based leadership rather than the Malaysian-based MP-GAM. GAM-Stockholm threatened not to cooperate with HDC's dialogue efforts if MP-GAM were involved.¹¹² In time a similar dynamic developed regarding the involvement of other non-GAM Acehnese in talks. The negotiations were more and more construed as a two-party process involving, on the one hand, a small team of government officials acting on behalf of the Indonesian state and, on the other, GAM members as a negotiating partner (and in their own eyes also an agent representing all of Acehnese society). This structure, perhaps necessary during certain phases of the negotiations, nonetheless belied the complexity of interactions among multiple players at various levels: within Aceh, within Jakarta and Indonesia, and at the international level.

Major cleavages surfaced continually within the Indonesian side, most damagingly between hard-liners and more moderate elements in the security forces and political establishment. The security forces themselves were generally critical of the peace process; only retired General Yudhoyono was cast as an advocate for dialogue and therefore increasingly disconnected from mainstream military opinion as a result. Others like Army Chief of Staff Gen. Ryamizard Ryacudu and provincial-level police and military commanders publicly opposed the dialogue (Aspinall and Crouch 2003:

29) as did other senior officers (Sukma 2004: 19). In fact, the government's engagement became increasingly concentrated around Coordinating Minister Yudhoyono and the foreign ministry officials who staffed the negotiating team in 2002. At critical moments it was Yudhoyono himself who involved Gen. Endriartono Sutarto, the armed

The security forces themselves were generally critical of the peace process

forces commander, and Gen. Da'i Bachtiar, national police chief, with HDC's encouragement.¹¹³ The TNI's member of the government negotiating team was RADM Yoost Mengko, who reported directly to the military chief, first A. S. Widodo and then his replacement Sutarto. But it was not clear whether he had the clout or

inclination to champion the dialogue process within the security forces, especially given his background as a Christian Manadoese navy officer in the army-dominated military of a Muslim-majority country. Ultimately HDC overestimated the credibility and capacity of three of the country's senior security officials—Coordinating Minister Yudhoyono, TNI Commander Sutarto, and Police Chief Bachtiar—to control lower-ranking officers and troops and prevent spoiling of peace efforts by hidden hands.¹¹⁴

Beyond the security forces, the Indonesian state had its own internal contradictions and struggles with forging greater coherence, an arena where HDC did not try to intervene much if at all. The national parliament, dominated by nationalists and more conservative forces associated with the military and the Suharto regime, was not inclined to make substantial concessions to Aceh beyond provisions included in the special autonomy law accorded in 2001 but never fully implemented. Furthermore, the executive and legislative branches were embroiled in a struggle over the post-Suharto separation of powers, as evidenced by Wahid's removal from power in 2001. It was hardly routine practice for the executive branch to consult with, or even simply advise, the national parliament about progress in negotiations. Broad discussion within Indonesian society was not pursued as a matter of course. Indonesia's principal negotiator in 2002, Ambassador Wiryono, notes that even with regard to establishing the humanitarian pause in 2000, "parliament was not consulted on this matter, nor was there any discussion in the press or anywhere else in which experts and academics could have contributed their views" (Sastrohandoyo, n.d.). Problems of cohesion extended to the

president's office. Despite her December 17–18 visit to Banda Aceh immediately following the COHA's signing, President Megawati did not go directly to the Indonesian public, media, or especially national parliamentary bodies to sell the peace process or even the COHA itself.¹¹⁵

More numerous cleavages appear once interactions within Aceh and between Aceh and Jakarta are considered. Divisions within GAM, which draws its support from the hardest-line elements in Aceh, were perhaps relatively small (Aspinall and Crouch 2003: 4; Schulze 2004: 19–24).¹¹⁶ Moreover, GAM leaders both in Sweden and in the field realized that part of Jakarta's strategy was to hive off Aceh-based support for GAM from its reliance on the exile leadership. GAM's field commander actively resisted such efforts on at least two occasions (Aspinall and Crouch 2003: 14, 27). Nevertheless, rifts did emerge between GAM-Stockholm and field commanders and between GAM and Acehnese civilians themselves, who most often bore the brunt of the conflict. During an HDC-sponsored visit to Geneva in November 2002, for example, the head of Muhammadiyah in Aceh, Imam Suja', was credited with helping to sway GAM's Stockholm-based leadership in favor of pursuing COHA negotiations rather than allowing a full-blown war to resume (Aspinall and Crouch 2003: 30).¹¹⁷ This incident raises questions of GAM's legitimacy as a genuine spokesperson for Aceh and an effective internal decision-making process for expressing Acehnese aspirations. Although GAM's leadership abroad convened a large international meeting in Norway in 2002, for example, it has no established means for internal democracy and only an informal mechanism for consulting with field commanders and political activists in Aceh by phone and e-mail.¹¹⁸

Particularly debilitating was the ineffective—at times even counterproductive—role of Aceh's provincial authorities during peace efforts, both in terms of supporting implementation of specific measures and in terms of fostering constructive political development under autonomy. (GAM dismissed provincial politicians as “figureheads” with no legitimate role in the negotiations.)¹¹⁹ While the vice-governor was credited with responding effectively to the population's humanitarian needs, Governor Abdullah Puteh was not only seen as deeply corrupt but also characterized as a major obstacle to peace and better governance. HDC tried to redress this lack of provincial-level buy-in by involving the governor and vice-governor in the February 2002 talks in Geneva, but not much came of their participation.¹²⁰ Aceh's own parliament pursued a largely self-serving

course, as well, eschewing direct engagement on questions of the peace process. (Within Aceh itself, there were at least a half-dozen political players or significant constituencies that participated only sporadically or marginally in the negotiations leading to the COHA. This final category within Aceh—to be analyzed next under “Working with Civil Society”—comprised nonofficial but respected leaders among religious authorities, social activists, academics, students, and businesspeople.)

Lessons/Alternatives: HDC recognized but failed to overcome most of these problems of representation and internal cohesion. The organization focused excessively on dialogue between the belligerent parties and implementation of accords at the Aceh level. The humanitarian pause witnessed one approach to difficulties in translating Geneva-level agreements into concrete field-level improvements in the security situation. Meetings between GAM and TNI field commanders in Aceh were accompanied by efforts at “vertical integration”—building support up and down the forces’ respective chains of command for small-scale agreements reached at the working level.¹²¹ But this approach quickly ran into obstacles: despite the blessing of the provincial-level police commander, plans to establish peace zones in Bireuen and North Aceh in early 2001 encountered resistance at the local level and were never implemented.¹²² With the launch of negotiations in 2002 involving the highest levels of officialdom, HDC staff felt that the COHA constituted qualitative progress in achieving greater coherence within the Indonesian side. Instead of the “colonels and one-star generals” they were working with during the humanitarian pause, the COHA negotiations involved the government’s senior security minister and top commanders directly.¹²³ In the end, the level of their interlocutors was no safeguard against TNI spoiling when the COHA came to implementation.

Moreover, dialogue was fostered between GAM’s foreign leadership and Acehnese civilians through visits of civil society representatives to Europe. In addition, GAM required sustained outside attention and assistance to begin transforming itself into a viable force for nonviolent political representation and not just armed conflict. While this idea was broached as early as the January 2001 workshop on substantive issues, it received no real follow-up.¹²⁴ With its focus on Banda Aceh, HDC was also inattentive to national-level political dynamics that would influence Aceh. HDC was never able to induce the government to sell the process inter-

nally, neither with the military nor with the parliament, and the organization itself failed to set up a Jakarta office to facilitate such efforts or at least reach out to national media and opinion leaders.¹²⁵ Such efforts would have been essential for devising arrangements for GAM's political allies to develop province-level representation, whether through a subnational political grouping or under the aegis of a national party. An informal version of a strategy used elsewhere—asking important constituencies to ratify or vet an emergent agreement being made on their behalf—would also have shown HDC the limits of public tolerance for a negotiated approach at an earlier stage.

HDC was never able to induce the government to sell the process internally

Working with Civil Society

Questions of inclusion, representation, and cohesion within the parties were highlighted continually by the on-again/off-again role for civil society in the HDC process. This was especially noticeable in the case of the “Acehnese” side, which became pared down primarily to consist of GAM, particularly its exile leadership. But civil society's fragile role is also underscored by a perhaps more debilitating handicap for peace in Aceh: the lack of strong public opinion within the rest of Indonesia in favor of a nonviolent resolution of the conflict. Given the largely embryonic state of civil society in Indonesia, however, it is questionable whether its involvement would be sufficiently influential to moderate the behavior of belligerents. A more general question concerns the expected contribution of civil society to peace efforts.¹²⁶ At best, civil society's role in a conflict zone like Aceh is to provide a space where popular aspirations can be channeled and articulated free from manipulation and co-optation by government or insurgents. This arena can serve as a place to identify issues—or ideas for their resolution—to be considered by negotiators in official or quasi-official negotiations. It can also lend moral authority to civilians' desire for peace and thereby pressure combatants to negotiate in good faith.

Such a space has been used creatively—and with some impact on belligerents—in similar (but not identical) contexts. Colombia and the Philippines have experienced some attempts at community-based “peace zones” in certain conflict areas, and Colombia has even seen massive self-styled “referendums on peace” organized to press the government and insurgents to negotiate. The Philippines also benefited from a presiden-

tially appointed but independent National Unity Commission to bolster official peace efforts in the early 1990s. Most relevant for Aceh, perhaps, is the experience of Guatemala in the late 1980s and early 1990s, when a broad cross section of popular associations (including business groups and not just NGO activists) launched a Grand National Dialogue, carried out a series of meetings known as the Oslo consultations, and formed a Civil Society Assembly in an effort to push government and rebels to negotiate an end to civil war. These processes helped to articulate a popular desire for peace, build bridges between social groups that would not normally communicate, lobby key decision makers, and frame issues in constructive ways that could be picked up in negotiations.¹²⁷

HDC first pursued but then abandoned an initial strategy foregrounding the role of civil society in the peace process. In late 1999—with the DOM lifted and the referendum campaign in full swing—there was still considerable space for engaging in intra-Acehnese dialogue and airing views that differed from GAM's insistence on independence. HDC's idea was to catalyze a broadly inclusive, bottom-up consultation process that would bring together key constituencies, clarify popular views, build wider representation for the Acehnese, and eventually link them with opinion leaders in Jakarta. The minister of state for human rights, Hasballah Saad, a reform-minded Acehnese who had a personal interest in the peace effort, was looked to in this role. A memorandum of understanding was drafted for his office to take the lead in organizing discussions on governance and dialogue, a bland and innocuous label for what in fact would be not only elite discussions but broad public debates on constructive approaches to resolving the Aceh conflict. (In the end his small office lacked the resources to conclude a cooperation agreement with HDC.)¹²⁸ At the start of this process, HDC also identified four or five major constituencies, in addition to GAM, that should be involved, and a small-scale consultation of Acehnese leaders was initiated in Banda Aceh in late November. A Palestinian-born conflict resolution specialist based in the UK was contracted to further facilitate the Aceh-level effort, but this modified Track II approach was dropped on the eve of its launch. HDC began focusing primarily on direct mediation between the belligerents in the context of a humanitarian dialogue.¹²⁹

The second revival came in early 2001 following Geneva-level meetings between the government and GAM that agreed on “democratic consultations” for Aceh. This process envisioned broadening the scope of

Acehnese involvement in peace efforts beyond GAM, but it was stillborn for a variety of reasons. Aceh's governor Abdullah Puteh, assigned by Jakarta to manage this process, did nothing to advance what were supposed to be broad-based discussions on civilian affairs and development issues in the province. By the time Inpres 4/2001 was issued in April, it is probable that the military itself or civilian allies in Jakarta countermanded the government's support for this process.¹³⁰ Nonetheless, the civil society track was resuscitated for a third time in October 2001 when American University in Washington, DC, held a three-day conference to develop "an all-inclusive Acehnese Civil Society Task Force" (which remained stillborn despite some follow-up meetings in Aceh). The fourth revival followed in mid-2002 when the May talks between GAM and the government yielded the breakthrough statement envisioning a review of the autonomy law through an all-inclusive dialogue and in conjunction with a cease-fire. Perhaps prematurely, HDC convened noteworthy nongovernmental representatives in preparation for such a dialogue but quickly found these efforts backfiring. Regional military and police commanders went so far as to publicly criticize HDC for conspiring behind the government's back (Aspinall and Crouch 2003: 29).

Less than a half-year later, the process once again faced the question of how to involve a broad cross section of Acehnese society in the all-inclusive dialogue mandated by the COHA. In addition to the confidence-building measures between the belligerents, COHA's long-term success itself was largely premised on an effective AID.¹³¹ The rapid failure of COHA's confidence-building measures rendered the AID moot. It is an open question, however, whether either the government or GAM would have wanted the AID to proceed if security conditions had permitted it. In the view of one observer, the political environment was already so polarized that the AID would never have worked.¹³²

Lessons/Alternatives: HDC clearly grappled with the need for involving civil society in a broad-based process to bring about peace in Aceh, particularly after intensive periods of GOI-GAM negotiations. The humanitarian and nongovernmental background of most of the HDC staff made them sympathetic to a significant role for non-GAM and non-GOI voices. The challenge was how to make such a role operational. It was relatively straightforward to begin establishing a forum for socially influential or politically significant voices in Aceh. It was more difficult to pinpoint

Acehnese civil society's counterparts in the rest of Indonesia and link them to formal government institutions or structures in a way that could generate dialogue and bring about a halt to fighting.

In the end, civil society became deeply politicized. And whenever HDC tried to reintroduce the concept, both GAM and the government insisted on controlling appointments of participants in these Track II efforts, thereby reproducing the parties' polarized relationship. Under the COHA, the all-inclusive dialogue was understood by HDC, if not by the government, as a way to loosen GAM's monopoly on political representation for the Acehnese. Such moves, including an earlier proposal to establish an Aceh People's Congress, predictably elicited the hostility of GAM and other pro-independence forces. Meanwhile the Indonesian military deeply mistrusted nascent popular organizations—whether in Aceh or elsewhere in Indonesia—which attempted to speak out. Brutal repression of such voices often followed. Working through civil society to build a positive peace for Aceh was clearly a far more complicated and time-consuming process than seeking a cease-fire between belligerents in the short run.

One goal would be to catalyze a “public peace process” of activist citizens to urge combatants to negotiate in good faith and provide substantive inputs for desired changes along the lines of the Colombian and Guatemalan examples mentioned earlier. Here alternatives to HDC's approach were limited. USAID was already funding various initiatives in this realm, and considerable informal coordination existed between its subcontractor Development Alternatives, Inc. (DAI) and HDC. A more ambitious approach might have provoked greater backlash but could have extended more systematically to Jakarta-based elites and national media if GAM were credibly seen as moderating its behavior.

Managing the Pace of Negotiations

The two-party structure of the negotiations also enabled the government side to accelerate their pace in 2002—particularly in August–December when Coordinating Minister Yudhoyono made the final push to conclude COHA around the end of Ramadan. In a rapid-fire sequence, the government called for successive meetings through HDC and tried to set deadlines for GAM responses to changes in the text that was to become the COHA. This strategy was reportedly the practical application of lessons learned by the government from observing negotiations between the Philippine government and the MNLF; the latter is said to have exploited

the lack of deadlines to drag out haggling with Manila.¹³³ In practice, however, this strategy shortened the time for reflection, closed off opportunities for parties to broaden internal support for the emerging agreement, and reinforced a lopsided dynamic between the government and GAM. Government ultimatums were pushing GAM toward last-minute concessions but also undermining confidence in its goodwill. In a classic move away from the negotiating table that put more pressure on GAM to agree to the COHA, the TNI simultaneously laid siege to the village of Cot Trieng, where senior GAM field commanders were hiding.

Time pressures also reduced opportunities for the parties and HDC to deliberate over the elements necessary for successful implementation of a cease-fire agreement. Although HDC largely acceded to this pace set by the government in the final months, its staff did acknowledge its deleterious impact. At the time two motivations conspired to cause HDC to ride the process's momentum to its conclusion—and, as a result, to accept the role as third party for COHA implementation despite earlier misgivings. First, HDC was strongly motivated by the prospect of international recognition for bringing about a formal cease-fire agreement. Second, HDC was consistently—and perhaps uncritically—responsive to any signs of openness that the government side showed toward the negotiation process. (Moreover, HDC scrupulously avoided moves that could antagonize the government, such as speaking out against egregious abuses by the TNI.)¹³⁴ This meant that HDC did not push back on the government-set pace to the negotiations.

Lessons/Alternatives: By October–November, HDC's small team was swamped by simultaneous, complex negotiations with the parties and discussions with donor countries on various aspects of the hoped-for COHA. Last-minute textual changes, a search for appropriate countries to contribute military observers, and logistical concerns about staffing for COHA implementation crowded out political considerations—including whether HDC itself was best suited for supporting the JSC's monitoring role.¹³⁵

This lesson emerges more clearly with hindsight, especially in the wake of the COHA's failure. One approach, not always possible in practice, is for a mediator to work with parties to use deadlines to move nego-

In a rapid-fire sequence, the government called for successive meetings and tried to set deadlines for GAM responses

tiations forward without sacrificing maneuverability. At the time, the alternative for HDC was more complicated. It would have required HDC, with the backing of donor countries, to use political capital with the government to make the final bargaining push more manageable. The Ramadan deadline for the negotiations could also have been put off a month or two, and the donors' December conference could have been delayed. (A January 2003 meeting of the Consultative Group for Indonesia was already on the schedule, however, and Aceh was competing with the aftermath of the Bali bombings for donors' attention.) This extra time could have been used to review the nature, political backing, and staffing of the third-party guarantor proposed for the implementation period, a key issue examined more closely in the following two sections.

Harnessing the International Community

On the whole, HDC faced a difficult environment in which most international players were loath to seek visible engagement in the Aceh conflict. The UN and Australia were hamstrung by their recent involvement in the East Timor crisis, which Jakarta and the TNI in particular viewed with utter resentment. In fact, fear of any sort of replay of the 1999 intervention in East Timor strongly conditioned the Indonesian government against high-profile international involvement.

Afraid of provoking Jakarta's sensitivities, the UN restrained itself from any public diplomacy aimed at encouraging dialogue but did regularly exchange information with HDC on progress in the peace efforts. At various points in 2000–2003, UN staff in New York prepared for senior

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officials, including the undersecretary-general, memoranda outlining options for the UN to promote GOI-GAM dialogue. Concerns that Jakarta would reject any direct overtures of UN involvement meant that primarily working-level channels were used to encourage Jakarta to pursue this dialogue. Despite the UN's restrained public role, staff did regularly communicate and coordinate with HDC on such initiatives in an effort to bol-

ster the latter's mediation efforts.¹³⁶ Otherwise the UN's role was limited to the provision of humanitarian and development assistance in Aceh—to varying degrees based on security considerations and government limitations—via agencies like UNICEF, the World Health Organization, and

the UN Development Programme.

Moreover, no individual state came forth as a third party during the peace process—as South Africa has done in Burundi or Norway in Sri Lanka—despite at least one mid-2002 attempt by HDC to enlist a government in such a role. Instead Norway, the United States, Japan, and other donor countries lent behind-the-scenes support to the HDC effort and then emerged as public cheerleaders at key points. Norway secretly contributed initial funding to HDC's dialogue initiative (and openly gave additional money for humanitarian purposes). Independent of HDC's efforts, US policy urged central authorities to consider nonmilitary options in addition to the use of force, but Washington was credited with providing political or financial support for important elements of the HDC's approach, such as supporting logistics costs during the humanitarian pause and partially funding the participation of the Wise Men.¹³⁷ US leadership also spurred the Japanese into public action around the time of the first (pre-COHA) donor conference in December 2002. Once its credibility was engaged, Tokyo then became a highly visible supporter of the peace efforts.¹³⁸ Leadership for international support to the COHA process has since coalesced around key donors—known informally as the Tokyo Four—including Japan, the United States, the European Union, and the World Bank, which lent technical expertise in orchestrating initial reconstruction assistance in early 2003.

Aside from seeking funding from certain donor countries, however, HDC did not assertively forge a political partnership with interested outside governments, at least until the COHA was about to be signed. For much of its involvement in Aceh—and certainly in 2000–2001—HDC was reticent about appearing too closely aligned with or beholden to countries with significant political interests or potential influence in Indonesia. During this period, HDC did not seek strategic advice from outside governments but did solicit occasional political support on tactical issues. With the start of the humanitarian pause in mid-2000, HDC discreetly channeled information on a regular basis to key embassies in Jakarta, such as those of Norway, Switzerland, the United States, the UK, Japan, and the European Union. HDC's hope was to enlist these embassies as go-betweens in encouraging the Indonesian government to remain engaged in the dialogue process in good faith. Some of these embassies would informally convey such messages to government counterparts, but most adopted a wait-and-see attitude. Only the US embassy took an energetic

approach to lobbying government and military officials for more action during this period.¹³⁹

This approach changed in 2001 with the involvement of the Wise Men. By June 2002, HDC approached at least one government to take the lead in monitoring whatever accord might be struck. With no country willing to take on this role, however, HDC focused instead on devising a monitoring mechanism that could improve on the deficiencies encountered during the humanitarian pause. As a new cease-fire agreement appeared within reach in late 2002, HDC then worked with the Indonesian government to approach key donors like the United States and Japan to organize the Tokyo donor conference and solicit contributions of military observers from Thailand and the Philippines. What motivations prompted these states' muted involvement, and how did HDC make use of their support? What more—or what else—could HDC have done to harness greater international support for the peace process? The balance of this section considers the roles of Norway, the United States, and Japan in turn.

Norway's Role: Crucial financial support for HDC's initial dialogue efforts came from the government of Norway, which did not formally admit this contribution until April 2002. In the end, Norway contributed a total of \$2.7 million for directly financing the negotiations over the three-year period from early 2000 till the end of 2002. This support also included openly acknowledged contributions of personnel and funds for monitoring the humanitarian pause and the COHA once these agreements were concluded.

With the promotion of “peace, reconciliation, and democracy” as an explicit element of Oslo's foreign policy, Norwegian diplomats were constantly on the lookout for promising new opportunities for supporting peace initiatives. Since Norway's central role in brokering the Palestinian-Israeli accord in 1994, one of the country's three deputy foreign ministers carried a portfolio that included support to peace efforts among a broad set of political affairs. The deputy minister in this role at the start of HDC's involvement in Aceh, Raymond Johansen, had a keen interest in Indonesia in particular and developed a solid relationship with HDC's head, Martin Griffiths.

This commitment continued with Johansen's successor, Vidar Helgesen, who took over with a change in government in late 2001, but it was limited almost entirely to funding HDC and straightforward human-

itarian assistance to the province. (Norway also seconded a military officer to serve as one of the foreign members—the only non-Thai and non-Filipino—on the JSC.) Remarkably Norway did not pursue direct, systematic efforts to influence Jakarta's policies on Aceh—for example, through a campaign of bilateral contacts between Norwegian diplomats and Indonesian government officials. Norway regularly sponsors a broad human rights dialogue with Indonesia at the government-to-government level, but it is not focused on Aceh. With its tiny embassy staff and only loose coordination with other Western countries (Norway is not an EU member), Norwegian diplomacy did not seek to lobby the Indonesian government on specific issues concerning Aceh or assume a hands-on role in the peace process.¹⁴⁰

The US Role: The United States, by contrast, was more activist in its approach, starting as early as the humanitarian pause, but ultimately it too sidestepped direct involvement. Before the start of the HDC-led efforts in early 2000, the United States was already focusing on Aceh as one of the key “transition” issues in Indonesia, along with the 1999 elections, broad democratic consolidation, and economic restructuring and recovery. US policy has been directly influenced by the keen interest of some US legislators in Indonesia in general and in Aceh in particular. In 2000, Congress authorized a \$5 million “earmark,” or specially designated contribution, for humanitarian purposes in Aceh. This was renewed with an additional \$10 million in early 2003. US policy is affected by ExxonMobil's presence in North Aceh, where it operates natural gas production facilities.¹⁴¹

Mindful of East Timor-related sensitivities, the United States avoided any direct advocacy of specific policies concerning Aceh. Instead a series of seminars was funded by USAID for politicians, military commanders, and senior civil servants on alternatives to an exclusively military-focused approach to dealing with Acehese grievances, given the largely counter-productive effects of previous military efforts against GAM. The embassy also pushed for popular participation in the debate on Aceh's new autonomy law and encouraged the central authorities to handle Aceh's natural wealth with greater transparency and accountability as a way to undercut corruption and Acehese discontent with Jakarta.¹⁴² USAID funded an extensive series of workshops, public debates, and technical drafting sessions for the autonomy law and related measures at the provincial level. In the wake of the East Timor crisis, which prompted suspension of US mil-

itary assistance to Indonesia, there was relatively little US leverage regarding the Indonesian security forces. (Following 9/11, Washington turned to Jakarta for help in its global efforts against al-Qaeda, softening its critical approach to the Indonesian security forces.)

The United States took a lower-profile but no less purposeful approach to GAM. The basic aim was to improve the attractiveness of a favorable autonomy offer by reducing the viability of GAM's independence bid (including moves outside the HDC-led effort). With Jakarta's knowledge and Washington's approval, one US ambassador traveled to Singapore to meet with senior GAM leaders to underscore US opposition to Acehnese independence. While resisting Jakarta's requests to have Washington list GAM as a "foreign terrorist organization" under US law, the embassy did at one point recommend stringent measures to press GAM to moderate its goals and actions. Washington, however, did not accept the proposed measures, which could have included selective travel bans and bank account freezes against GAM leaders. The Indonesian government was also encouraged by the US embassy to approach Sweden directly to pressure the exile leadership, a step that Jakarta pursued only belatedly in 2003.¹⁴³

During HDC's efforts from 2000 onward, US support for the peace process was characterized by one mediator as "proactive, energetic, creative" in lobbying the parties for constructive steps toward agreement. In

US support for the peace process was characterized by one mediator as "proactive, energetic, creative"

the gathering momentum for the COHA, US embassy and USAID personnel in Jakarta were working on an almost daily basis to advise HDC staff on operational arrangements and planning for a cease-fire. This intensive collaboration extended to preparations for the Tokyo donor conference as well. USAID began funding part of HDC's operational costs during the humanitarian pause, and some \$1.2 million from the congressional earmarks was pledged—and about \$675,000 disbursed—for funding the involvement of the Wise Men and supporting HDC's operations during COHA implementation.

Japan's Role: Together with the United States, Japan eventually emerged as a noteworthy player in the concentric rings of "interested outsiders" that surrounded the main parties to the conflict. Like bookends to the COHA

itself, Japan hosted the preparatory donor conference in early December 2002, just days before the signing of the agreement in Geneva—and six months later, in May 2003, Tokyo was also the site of an ill-fated effort by the donors to urge the parties to revive the moribund cease-fire. But Japan's contribution was deeper and more complex than merely presiding over donor conferences. Through efforts in both Tokyo and Jakarta, Japan communicated a willingness to engage with the more political dimensions of peacebuilding, and its diplomats worked closely with those of other states, particularly from the United States and the EU, to encourage HDC and the parties to pursue dialogue.

This newfound role as peacebuilder represents a significant shift in Japan's image of itself and in its use of influence in the region. Japan's fledgling efforts at peacebuilding were first articulated by Prime Minister Junichiro Koizumi in a May 2002 speech in Canberra, Australia. He declared that in support of international efforts to address "regional conflicts arising from religious and ethnic causes . . . Japan will consider how to increase our international role by providing an added pillar for the consolidation of peace and nation building." Subtle as the phrasing might be, this speech signaled a sea change for Japanese foreign policy. For decades Japan's international role had been self-consciously apolitical, focused on economic issues and epitomized in the region by the unflinching provision of official development assistance (ODA) primarily for heavy infrastructure projects like roads, bridges, and dams. After years of domestic economic stagnation, Japan's ODA levels have begun to decrease just as China's economic influence and political assertiveness have become more marked in Asia.

Japan has cautiously involved itself in peacebuilding efforts, mainly as a donor, in places ranging from Afghanistan to East Timor. Japan's nascent efforts at peacebuilding have also found expression in Indonesia. This involvement has been motivated not only by Japan's regionwide aspirations but also by concerns about security in the Malacca Straits, through which the bulk of eastbound shipping to Japan passes. (Energy concerns regarding Acehnese LNG have now become secondary. Though Japan is the largest importer of LNG in East Asia and relies on Indonesia for about a third of these imports, its earlier dependence on Acehnese LNG is now largely offset by greater imports from Qatar and other producers.)¹⁴⁴

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While Japanese influence over GAM is nil, Japanese engagement did press the government for continued dialogue, generally in coordination with other interested countries, and did lead to two donor conferences in Tokyo.¹⁴⁵ In mid-November 2002, the proposed cease-fire plan was on the table but not yet fully accepted by the parties. Various interested governments, particularly the United States and Japan, began to worry that GAM intransigence on certain issues, particularly decommissioning arms, would render the COHA stillborn. Designed as an effort to prompt GAM's concurrence with the cease-fire, the idea was floated of a preparatory donor conference to make visible the windfall from a successful agreement. Tokyo was settled upon as an ideal location: within the region but also the capital of a government supportive of the process and likely to contribute financially to its success.¹⁴⁶ GAM, which had argued for having the donor conference in Geneva rather than Tokyo, overcame its lingering hesitations about the draft agreement, and the COHA was formally signed on December 9 in Geneva.

Lessons/Alternatives: With hindsight it is possible to underscore how HDC and the dialogue process missed out on greater support from interested, well-resourced states that were concerned about Indonesia's future and Aceh's role in it. One diplomat faulted HDC's ambivalence about excessively close relations with third-country governments, including the United States, as needlessly limiting the organization's political clout. In this view, HDC was caught in a dilemma between maintaining its political independence—an operational prerogative of most humanitarian organizations—and building the necessary alliances with governments to bolster compliance by the parties.¹⁴⁷ Such an alliance was all the more essential since one of the most incisive analysts of peace implementation notes that the “common denominator among the successful cases of spoiler management is unity and coordination among external parties in defining the problem, establishing legitimacy for the strategy, and applying the strategy” (Stedman 2000: 217).

Fundamentally, however, the open involvement of states in conflict resolution was more difficult when Aceh's troubles were remote from their vital interests. Interested states had other—perhaps overriding—bilateral issues at stake with Jakarta. Fearing a reprise of East Timor, the Indonesian government also discouraged outside engagement. (With much at stake as the largest foreign investor in Aceh, ExxonMobil pursued a studiously

apolitical approach to its presence in the strife-torn province and remained consistently mindful of the government's sensitivities, particularly in avoiding any contacts with GAM whatsoever.)¹⁴⁸ It is therefore hard to pinpoint specific ways in which HDC could have been more proactive about recruiting greater international support, especially when its role as mediator depended on Jakarta's continued acquiescence.

Nevertheless, more states could have been encouraged—including Finland (which briefly opened up back-channel contacts with the break-away MP-GAM faction) and Switzerland (which seconded staff during the humanitarian pause). Sweden, which made a significant contribution to COHA implementation by funding the JSC's logistical component through the Swedish Rescue Services Agency (SRSA), might have been enlisted in a more political role as well. Malaysia too has had a mixed role in the Aceh conflict—on the one hand serving as a refuge and home for many Acehnese, including GAM fighters in the 1990s (Schulze 2004: 5), and on the other hand maintaining close relations with Jakarta on many issues. While the Malaysian human rights commissioner (and former deputy prime minister), Tan Sri Musa bin Hitam, was briefly appointed to the team of Wise Men, his participation was not received positively by GAM and soon discontinued.¹⁴⁹

Certain intergovernmental organizations have a membership base or legitimacy that might make them appropriate vehicles for state-based engagement as a third party. The involvement of the Organization of the Islamic Conference (OIC) in the Mindanao conflict in the Philippines was one example familiar to the Indonesians themselves, and former President Wahid belatedly proposed such engagement in 2003. Perhaps an ad hoc group of countries functioning as “friends” of the peace efforts could have been constituted, or the Association of Southeast Asian Nations (ASEAN) might perhaps have been considered, though the Indonesian government clearly balked at taking this route. (Even when it came to recruiting military observers for the COHA, Jakarta did not enlist ASEAN directly. Instead armed forces chief General Sutarto directly approached his counterparts in Bangkok and Manila to contribute monitors from Thailand and the Philippines respectively.)¹⁵⁰ Otherwise HDC's responsibility might have lain not in helping the parties conclude the COHA but rather in withdrawing from negotiations until Jakarta—perhaps with support from donor countries—could agree to an alternative. (On at least one occasion, following the difficulties of the humanitarian pause in 2001, HDC con-

ducted internal deliberations about suspending its involvement. In March and again in June–July 2001, senior GAM and GOI interlocutors reiterated to HDC their support for the process after HDC had threatened to pull out, and in the end, HDC decided that the value of continued engagement outweighed the risks of a potentially fruitless process.)¹⁵¹ In this context, HDC’s tireless efforts served as a proxy but no full-blooded substitute for engagement by concerned and influential outsiders.

Strengthening the Third-Party Guarantor

Clearly a convincing and politically committed third party is necessary for successful peace implementation—not just to verify compliance with the terms of the truce but also to protect parties against excessive exploitation. The issue is not the numbers and types of personnel associated with the

Perhaps the central task of the third party is to guard against spoiling in its various guises

third-party guarantor but more importantly the political authority they have behind them. Perhaps the central task of the third party is to guard against spoiling in its various guises, including “limited,” “greedy,” and “total” spoilers. The performance of the third party under the COHA suffered from various debilitating deficiencies, however, including (1) an incomplete diagnosis of the potential for spoilers and how to handle them, (2) no coercive capacity against them, (3) little capacity for positive inducements, and (4) ability only to set norms and procedures that could help with socialization of the cooperation envisioned for the parties. HDC and the JSC were particularly impotent in the face of spoilers like the TNI, which was intent on sinking the accord once GAM suckering, particularly agitation for independence, became a political embarrassment for Jakarta-level politicians. (The JSC did propose that GAM negotiator Tengku Muhammad bin Usman visit rebel strongholds to discourage open displays of GAM flags, but he was only able to make one “cooling-down” trip through Pidie, Bireuen, and North Aceh in February 2003 before the COHA was scuttled.)¹⁵²

Since the JSC had no military recourse to block GAM’s political mobilization or the TNI’s reaction (directed against the third party itself), the only option for dealing with this spoiling would have been to use the “departing train” approach cited earlier (Stedman 2000). Through the immediate launch of the AID process and provincial elections, described as a “locking mechanism” by one mediator, the third party could have set

into motion a process that could have excluded GAM politically for failing to moderate its behavior.¹⁵³ The problem was that GAM had little interest in tinkering with special autonomy through the all-inclusive dialogue or in competing for a small political payoff from elections (which was not made any more attractive by the lack of a party for the rebels to use as their vehicle). This approach to dealing with GAM spoiling appears in retrospect more like the departure of a toy train, and the third party's leverage over government behavior was virtually nonexistent.

Here HDC faced a real bind. The one other comparable accord brokered by an NGO—the Community of Sant'Egidio's successful mediation of a peace deal in Mozambique in 1992—benefited from much closer coordination with certain states and resulted in the establishment of a full-fledged UN peacekeeping operation, ONUMOZ, under Security Council authority.¹⁵⁴ An internationally mandated peacekeeping operation, as various failures attest, is hardly an automatic guarantee of successful peace implementation. Moreover, UN involvement in Indonesia was a non-starter for various reasons, most significantly the organization's role in East Timor. Even the presence of unarmed military from Thailand and the Philippines as part of the JSC's monitoring teams was presented as a major concession on the part of the government and the TNI in particular.

But this still leaves open the questions of a more robust basis for the third party's political authority and a more effective structure for its role. In mid-2002, when it appeared that an agreement might be within reach, HDC itself briefly sought a country that could serve as the third party during the implementation phase. Whether discouraged by the lack of viable options or resigned to shoulder this role directly, HDC did not insist to governments, whether Indonesia's or its own donors, that a more robust third party was required during implementation. Instead it attempted to improvise an enhanced role for the JSC in the hope that foreign military observers could lend greater credibility to the effort. Events soon proved their hopes ill placed. (Moreover, it is debatable whether some unarmed 150 monitors, even if properly constituted and equipped, could have effectively handled verification tasks in a war-torn and often inaccessible province of some 4 million inhabitants. In addition, it was estimated that at the time government security forces numbered some 28,000 and GAM fighters some 3,000–5,000.)

Putting Aceh in Perspective

HDC's unprecedented efforts to broker a breakthrough in Aceh's long-running conflict ultimately ended in failure. The experience nonetheless bears close scrutiny for future initiatives or similar processes elsewhere, particularly those involving nonstate institutions as mediators. Three broad themes emerge from this analysis. The first concerns ripeness. Its foremost theorist (Zartman 2000: 229) characterizes ripeness as a necessary but not sufficient condition for conflict resolution: "If the (two) parties to a conflict (a) perceive themselves to be in a hurting stalemate and (b) perceive the possibility of a negotiated solution (a way out), the conflict is ripe for resolution (i.e., for negotiations toward resolution to begin)." Was late 1999 and early 2000 a ripe moment in Aceh's troubled history for HDC to attempt to mediate a resolution? Did conditions remain ripe throughout 2001–2002 and into 2003, when the COHA was negotiated, concluded, and launched for initial implementation?

The second theme concerns the character of HDC as a nongovernmental mediator intervening in Aceh. Regardless of the commitment, experience, and skills of its staff, was HDC a sufficiently credible mediator to help the parties overcome barriers to resolution? The record of HDC's involvement suggests it needed increasingly to rely on the influence of concerned states, mostly Western donor countries that had their own complex and sometimes vexed relations with the Indonesian government. Both HDC and the COHA's principal international boosters developed considerable cooperation by late 2002, but in the end the unofficial mediation process was never handed off formally to states—in contrast to the way that Mozambique's peace accord, brokered by the Catholic Church-affiliated Community of Sant'Egidio, gave way to a UN peacekeeping operation with Security Council authorization and the full backing of donor countries.

The third theme follows directly from questions about HDC's character as a nongovernmental organization mediating in a place—and in certain ways—generally reserved only for states. This final theme is an examination of the choices that HDC faced—and made—over the course of more than three years of inserting itself into Aceh's conflict and attempting to bring about a durable accord. The highlights of these choices—and some unexplored or underexplored alternatives—are summarized here according to the four phases of the process that HDC helped to shepherd: in the prenegotiation phase, during the negotiations, in the agreement itself, and during its implementation.

The Prenegotiation Phase

Though HDC in 1999–2000 was itself inexperienced in conflict resolution, its staff made key decisions that in many respects set the organization's course through 2002—including the decision to focus on dialogue between the belligerents and not on grassroots peacebuilding—and established HDC's primary counterparts: GAM's leadership in exile and a small team of government negotiators. This period also resulted in the selection and framing of the issues under negotiation. Despite efforts by HDC to widen the framework, the bargaining zone between GAM and the Indonesian state was largely shaped by the debate and passage of the autonomy law, which the government saw as more or less its maximum offer. The formula that underpinned the humanitarian pause—the breakthrough cease-fire to allow humanitarian access and increase confidence between the parties in 2000—also had a strong effect on how issues under discussion for the COHA were framed and sequenced.

This period offers telling examples of how HDC was unable to perform the robust trust-building role generally expected of state-based mediators. With little leverage at its disposal, HDC was largely incapable of heading off conflictual moves by the parties—as when, for example, the senior GAM field commander was assassinated by government security forces or new military operations were launched in April 2001. (In mid-2001 and April 2002—but not since May 2003—the organization showed greater success in lobbying government and police officials for the early release of GAM negotiators arrested after their participation in HDC-sponsored meetings.) HDC was equally passive in the face of GAM's use of the humanitarian pause to expand its political networks at the local level and intensify its campaign for independence. HDC's experience during this period did, however, underscore the need for a monitoring mechanism with more teeth for the later COHA effort. The humanitarian pause also schooled HDC in developing informal alliances with the Jakarta-based embassies of key donor countries to try to exert indirect influence over the negotiating parties, particularly the Indonesian government.

During the Negotiations

This feature remained present during the negotiations, when HDC lacked significant sources of mediator power (Touval and Zartman 2001) to shape their course. With few resources at its own disposal, HDC could only try indirectly to offer parties material promises of a brighter future

without conflict, rewards for moderating behavior, or punishments for recalcitrance through the implied backing of certain states in the process. HDC was also unable to extract significant concessions from both parties—neither a credible GAM renunciation of independence, for example, nor a concrete proposal from Jakarta to improve Aceh’s autonomy deal or install more acceptable provincial leadership. HDC was loath to use its main source of leverage—the threat to withdraw its services as mediator—out of a conviction, echoed by HDC’s donors, that its role was valuable and would be difficult to replace.

During this period, HDC may have missed some limited opportunities to bolster civil society and encourage GAM to prepare for mainstream political life. At the technical level, greater outreach to key constituencies such as the Indonesian parliament, top military brass, and opinion leaders could have helped to expand elite support for a negotiated solution. Debates among influential elites or within the media *outside* the conflict zone, for example, can help lay the groundwork for an overall agreement as well as specific elements such as adjustments in the political system. In Aceh’s case, allowing provincial elections on a schedule different from the rest of the country or enabling province-level political forces (namely those allied with GAM) to form a subnational party or affiliate themselves with a national one were probably necessary but certainly unorthodox ideas for Indonesia’s political establishment.

Lobbying in Jakarta could also have provided a useful reality check that might have discouraged HDC’s further involvement in an increasingly quixotic cause, certainly after the military’s hand was strengthened following President Megawati’s rise to power and the World Trade Center attacks in 2001. Instead a path dependency developed in the negotiations through which certain elements (such as accountability for human rights abuses or Aceh’s economic development) were pared away, leaving a thinner and more brittle basis for the COHA—namely the now-familiar sequence: (1) cease-fire, (2) confidence-building measures, (3) all-inclusive dialogue possibly leading to revisions to the autonomy law, and (4) provincial elections. This dynamic echoed one analyst’s observation that “the whole process of multilateral conflict resolution can be considered as one of eliminating alternatives, until only one solution remains” (Zartman 1989: 246).

The Agreement

It is not clear if the COHA actually promised anything dramatically new

to the parties. GAM did not have its substantive goal of independence satisfied; nor was Aceh offered a better autonomy deal. And HDC, with donor backing, did not deliver the government any major concessions from GAM, such as a definitive renunciation of independence or violence. In the absence of a robust political settlement, the COHA was set up for the parties to ignore, take advantage of, or simply to be undermined. A “transitional government” might be imagined in similar contexts, even at a provincial or other subnational level, where local leadership perceived as inept, illegitimate, or corrupt is replaced during a critical period with a better-suited team to help restore popular confidence pending new elections. In Aceh’s case, such a formula would have been facilitated by the fact that the governor in 2002 was serving at Jakarta’s pleasure and not yet elected by popular mandate as envisioned under the special autonomy law. He, therefore, could have been replaced by a carefully chosen caretaker administrator also acceptable to a broad cross section of Acehnese society.

Moreover the COHA—or similar agreements by analogy—could be strengthened through better sequencing of security and political measures. COHA implementation, for example, quickly became consumed by the overwhelming security orientation of confidence-building measures: withdrawal to defensive positions, investigating possible cease-fire violations, and the decommissioning of GAM arms. It is arguable whether a rebel force would incur the increased vulnerability of disarmament without the clear prospect of a political settlement, which in the case of the COHA was left for the all-inclusive dialogue and provincial elections to provide. Establishing a transitional government or quickly initiating other political processes might help to channel some of these aspirations and offset spoilers bent on sabotaging a peace agreement by creating a “departing train.”¹⁵⁵ (Missing such a key event is too costly for the spoiler’s political future to be risked.) It is also worthwhile asking whether issues like corruption, transparent management of revenues from natural wealth, accountability for human rights abuses, and other governance issues should be explicitly considered in peace agreements and whether mechanisms for tackling such problems should be envisaged and implemented alongside traditional security and political measures.

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During Implementation

The COHA's undoing points to the importance of a politically empowered and well-resourced third party to assist implementation. The acid test for the third party is its ability to counter spoilers, reduce violence in the short run, and establish conditions for a durable peace. Here the Aceh case is instructive. No neighboring state was poised to make trouble, and only modest resources are available locally to finance continued GAM insurrection. Outside political backing for the accord and an appropriate implementation strategy, however, appear lacking when the JSC is compared to third-party guarantors in other civil war settlements. The parties themselves were left to pursue a cooperative and voluntary implementation process without much outside pressure. On questions related to shows of GAM political strength and support for independence, one observer argues that recourse to an authoritative third party, such as a reconstituted forum of Wise Men, would have been indispensable.¹⁵⁶

More robust alternatives were probably not available at the time, given various political constraints. A UN mission would not have been politically acceptable to Jakarta due to nationalist sentiment, especially among the TNI's high command, following the East Timor crisis. The United States, for example, was more interested in rekindling close cooperation with the Indonesian security forces in counterterrorism efforts than pressing Jakarta to restrain from violence in Aceh or consider a UN-led peace-

A UN mission would not have been politically acceptable to Jakarta...following the East Timor crisis

keeping force. It is nevertheless worth considering whether a formalized coalition of states, as "friends of Indonesia," or an established intergovernmental body like OIC or ASEAN could have provided greater political authority for the COHA. An alternative course would be to examine cases like South Africa or Northern Ireland, where ethnonationalist disputes have been settled through negotiations and implemented effectively

in the absence of an outside guarantor.¹⁵⁷ In contrast to these success stories, however, Indonesia's political establishment and the military in particular are not experiencing significant pressure for change. Since the end of 2001 (and arguably even earlier), they have had no external patron exerting leverage, no domestic power base prepared to shift allegiances, and no internal institutional changes that promise to bring new, more visionary leadership to power.

Here a brief comparison with Norway's recent role as a self-described "facilitator" in Sri Lanka's civil war is instructive. The long-standing commitment of the Liberation Tigers of Tamil Eelam (LTTE) to a separate Tamil state, the brutality of the military's counterinsurgency efforts, and deep ethnopolitical polarization bear broad similarities with the Acehnese case. The differences between the cases are significant, however. Sri Lanka's North-East has spawned a far more violent, sustained insurgency that has not only threatened the state through LTTE's effective control of territory but has also included LTTE attacks against targets in the South and the systematic liquidation of Tamil opponents. A further set of differences lies in conflict management efforts. Although Sri Lanka has already seen earlier peace initiatives fail, Norway's facilitation efforts since the parties' early-2002 cease-fire generated a measured, incremental dialogue process until talks were temporarily suspended in mid-2003. The cease-fire has nonetheless continued to hold. (The peace process also proposed the establishment of four joint subcommittees on issues ranging from political and security matters to humanitarian and gender concerns, though only the latter three functioned fitfully until the suspension of talks.)

This process, which most observers still consider viable, has reduced violence, opened up the North-East for greater humanitarian access, and yielded agreement that a final settlement could be founded within a federal framework for a united Sri Lanka (Ferdinands et al. 2004; Hattotuwa 2003; Rupesinghe 2003). In addition to its facilitation between the belligerents, Norway has led the functioning of a Sri Lanka Monitoring Mission encompassing observers from fellow Nordic countries (though it has played this dual role reluctantly, prompted largely by the parties' insistence). In light of HDC's role as a nonstate-based mediator in Aceh, it is worth asking whether the character of the third party in Sri Lanka—the Norwegian government with its greater potential to influence the parties and organize outside support for the peace process—makes a significant difference. In fact, Norway has assiduously avoided the role of a power-based mediator and has not actively sought to influence the parties on substantive issues or mobilize international pressure on them. Perhaps other factors will ultimately affect the outcome of Norway's efforts, including a sequence that envisions the present cease-fire leading to an interim administration and eventually a final settlement. Finally, it is also debatable whether the parties' nonviolent alternatives, especially the LTTE's, truly appear more attractive than continued conflict, despite civilian suffering in

the largely Tamil North-East and the pressures on insurgent groups to avoid being stigmatized by the United States and its allies as a “foreign terrorist organization” in the wake of September 11, 2001.

This contrast brings the story back to the wider issue of ripeness. In late 1999 and early 2000, parties in Aceh were not suffering from the hurt-

was HDC really a mid-wife to a breakthrough agreement or simply an unwitting handmaiden to disappointment?

ing stalemate that the ripeness definition stipulates. Indeed Indonesia’s political system was passing through a brief period of liberalization following Suharto’s fall in 1998, and the military’s role suddenly became more uncertain in terms of the institution’s political power and its autonomy in prosecuting a war unencumbered by civilian oversight. GAM’s fortunes waxed concurrently with this liberalization. Both GAM’s

freedom of maneuver and the TNI’s constraints were reversed by 2001, when Wahid’s presidency ended in disgrace, Megawati rose to power, and the United States and allies launched worldwide counterterrorism efforts. While Indonesia wished to appear in the international eye to be making every effort for peace in Aceh in 2002, the TNI remained steadfast in its opposition to a negotiated deal. In this context, was HDC really a mid-wife to a breakthrough agreement or simply an unwitting handmaiden to disappointment?

Endnotes

1. The official name of the rebel movement is the Aceh-Sumatra National Liberation Front, but it is almost universally referred to simply as GAM, the Indonesian acronym for Free Aceh Movement (Gerakan Aceh Merdeka). For more background on GAM, see Schulze (2004).
2. The organization took its original name, the Henry Dunant Centre for Humanitarian Dialogue, from that of the founder of the Red Cross movement. The studiously apolitical and discreet International Committee of the Red Cross, however, developed misgivings about HDC's high-profile involvement in Aceh and elsewhere. This prompted the organization in 2002 to change its name to simply the Centre for Humanitarian Dialogue. For reasons of convenience, the earlier and still widely used acronym HDC is retained throughout the text.
3. See Agence France-Presse, "Government Troops Have Killed Almost 2,000 Rebels a Year into Aceh Offensive," May 5, 2004. The TNI also acknowledged hundreds of violations by soldiers, including rape. See Tiarna Siboro and Nani Farida, "TNI Admits to Wrongdoings in Aceh," *Jakarta Post*, May 6, 2004.
4. The lack of access to Aceh for independent observers made it impossible to verify the true extent of martial law's impact on Acehnese civilians, however. See, for example, Human Rights Watch (2003).
5. See, for example, Edward N. Luttwack, "The Curse of Inclusive Intervention" (Crocker et al. 2001: 262–75).
6. The most comprehensive examination of how peace agreements are implemented (Stedman et al. 2002) notes that Angola in 1992 and Rwanda in 1994 both experienced the worst levels of violence *following* a failed accord. The extremely violent breakdown of the Israeli-Palestinian peace process since 2000 also fits this pattern.
7. Interview, HDC staff, July 2, 2004.

8. See Martin Griffiths, "Ahead of Ramadhan, Return to Dialog in Aceh," *Jakarta Post*, October 24, 2003, in which he notes the following: "The recent convictions of several former negotiators to the talks send a strong signal. Indeed, if the convictions are linked to the negotiators' activities they carried out as key actors in the peace process, then this will have negative implications for opportunities for dialog in Aceh and elsewhere, dissuading individuals from coming forward to negotiate and resolve conflict through dialog." On October 21, HDC issued a press release expressing a similar concern.
9. See, for example, Susskind and Cruikshank (1987: chap. 5) and Moore (2001). In common practice, the distinction between facilitation and mediation is often blurred and the terms are often used interchangeably or in tandem.
10. For an early description of this approach by some of its pioneers see Kelman and Cohen (1976).
11. For more on a four-part typology ranging from realist to social-psychological approaches to third-party intervention see Fen Osler Hampson, "Parent, Midwife, or Accidental Executioner? The Role of Third-Parties in Ending Conflict," in Crocker et al. (2001: 387–406).
12. In addition to the other volumes cited here see Bercovitch (2003), Crocker et al. (1999), Zartman and Rasmussen (1997), and other titles from the US Institute of Peace.
13. The recommended strategies for countering total spoilers consist of military defeat or setting into motion an irrevocable process—such as an election—that will leave it fatally sidelined if it fails to get on board this "departing train." Greedy spoilers require a careful mix of norm setting, inducements, and coercion.
14. Another key study (Walter 2002) notes that only about a third of all negotiations in civil wars between 1940 and 1992 yielded successful peace implementation. In the failed deals where there was no third party, combatants themselves quickly encountered difficulties to credibly guarantee the terms of agreement during implementation in the field. According to this research, assistance by a third party almost always results in successful implementation. The second indispensable success factor uncovered through this analysis is a power-sharing deal between combatants.
15. See Barakat et al. (2002) citing John Groom and Keith Webb, "Injustice, Empowerment, and Facilitation in Conflict," *International Interactions* 13(3): 263–80.
16. This section is largely a summary of ICG (2001a: 2–5).
17. Technically there was no such legal designation for the military's operations during the 1990–98 period, but the label has stuck.
18. This section draws heavily on Ross (2003).
19. In addition to weak civilian control of the military, the armed forces suffer from lack of financial accountability. Only a quarter of the operating costs of Indonesia's security forces are estimated to come from the state budget; the rest is raised through numerous businesses, both legal and illegal, run by the various services (ICG 2001c).
20. Interview, energy company executive, October 24, 2003.

21. Further shipments, primarily to customers in East Asia, are contracted till 2018, but greater diversion of the natural gas to local production of fertilizers and other uses, instead of LNG production for export, could extend the lifetime of the gas fields beyond that date. Meanwhile an area in East Aceh known as Block A, adjacent to existing fields, has not been brought online by operator ConocoPhillips in part out of fears that establishing gas production could be hampered by the ongoing conflict. Interview, energy company executive, October 24, 2003.
22. Natural gas earnings would likely yield the Acehnese a per capita GNP of less than a tenth of an average income in the oil-rich sultanate on nearby Borneo (Ross 2003: 27).
23. ExxonMobil, formed in December 1999 through the merger of the two firms to create the world's largest private energy company, retained Mobil's preexisting operations in Aceh.
24. Interview, energy company executive, October 24, 2003.
25. It appears, nevertheless, that during the 2000–2001 humanitarian pause, the US embassy took the initiative, behind the scenes, to propose to HDC that a new “peace zone” be established in North Aceh adjacent to the LNG facilities. This suggestion was conveyed to HDC in a letter faxed from the US embassy in Jakarta. (Interview, former HDC consultant, April 22, 2004.) Its success would have not only bolstered the flagging humanitarian pause but also improved operational security for ExxonMobil and its Indonesian partners, namely state-owned Pertamina. HDC's plans for peace zones in Bireuen and North Aceh, however, were rendered moot by the collapse of the humanitarian pause and the launch of the government's integrated operations in April.
26. On most substantive issues, there was already considerable concurrence in their views: in 2002 and again in 2003, the US government expressed its opposition to a civil lawsuit claiming damages against ExxonMobil for its alleged complicity in abuses by the Indonesian security forces. See the letter from William H. Taft IV, legal adviser, US Department of State, and the amicus brief submitted to the US District Court for the District of Columbia, available at www.laborrights.org under “Current Projects” and “Exxon/Mobil Abuses in Aceh, Indonesia.”
27. In late 1999, first the lower and then the upper houses of parliament passed measures granting some limited powers and recognizing the need for “special autonomy” for Aceh (and Papua). The actual law that formally regulates autonomy, however, was not fully negotiated and passed until July 2001 and was not signed by President Megawati until August. For a detailed examination of both of these autonomy laws and their implementation (or lack thereof) see McGibbon (2004).
28. Interview, former diplomat, December 22, 2003.
29. Instead, expanding the amount of revenues under Banda Aceh's control might have increased incentives for poaching at the provincial level, particularly by the military, which has since revived the former regional command separate from Medan, North Sumatra, to coincide with Aceh's borders. Other observers have pointed to elaborate accounting games by Jakarta to avoid sending additional revenues to Banda Aceh. One notes that the state-owned oil company Pertamina wants to route some future “Acehnese” gas shipments to facilities in East Kalimantan to avoid having the full value of the gas tallied in Banda Aceh's favor. In addition, Jakarta applies the 70–30 split not to gross but to net revenues—esti-

- mated at only a fifth of the original total—remaining after Pertamina, ExxonMobil, and central government authorities take their cuts. (Interview, energy company executive, October 24, 2003.) Another observer points out that increases in revenues accruing to provincial authorities from natural gas production have been offset by corresponding reductions in other funds from the central government. In addition, central authorities reportedly blocked ExxonMobil from opening up its books to facilitate more transparent revenue accounting by provincial officials. (Interview, former diplomat, December 22, 2003.)
30. For a detailed chronological account of the entire process see Aspinall and Crouch (2003). In addition to the author's own interviews with participants in the process, the remainder of this study draws substantially from their excellent account.
 31. For more on the 1998–99 period, see Aspinall and Crouch (2003: 5–9).
 32. Interview, HDC staff, October 30, 2003.
 33. HDC consultant Guy Jansen reportedly secured his first appointment with Yenny Wahid by staking out her office in vain one day. As a sort of calling card, he left behind a copy of his recent book on Asian values, for which he had interviewed Abdurrahman Wahid before his election to the presidency. Her favorable reaction to the book prompted her to call Jansen back. See HDC director Martin Griffiths as quoted in Leary (2004: 316).
 34. Interview, former HDC staff, September 24, 2003.
 35. Interview, former HDC staff, April 13, 2004.
 36. Interview, diplomat, March 29, 2004.
 37. At least one senior civilian minister in charge of human settlement and regional development, Erna Witolaer, was openly skeptical about the value that HDC could bring to the Aceh conflict. Interview, former HDC staff, September 24, 2003.
 38. Interview, former diplomat, December 22, 2003.
 39. Interview, former HDC staff, September 24, 2003.
 40. Interview, former HDC staff, April 13, 2003.
 41. E-mail communication with an external adviser to the Finnish president's office on file with the author, February 12, 2004. For more on the split between MP-GAM and the original GAM under Hasan di Tiro's leadership see Van Klinken (1999) and Schulze (2004: 21–22).
 42. Between them, HDC head Griffiths and the program director at the time, Louisa Chan Boegli, had decades of experience with UN agencies, ICRC, and other organizations, including negotiating with belligerents over access to conflict zones for humanitarian groups. They had no expertise on Indonesia, however, and no previous experience in facilitating the sort of political dialogue that would emerge from GOI-GAM contacts.
 43. Interview, GAM negotiator, December 11, 2003.
 44. At the time of his selection, Wirajuda was Indonesia's ambassador to the UN in Geneva; previously he was head of the foreign ministry's department for international organizations. HDC was very pleased with Wirajuda's selection, given his experience as part of Indonesia's team of observers to the Manila-MNLF talks in

- the mid-1990s under the auspices of the Organization of Islamic Countries led by Libya. Interview, HDC staff, October 30, 2003.
45. Interview, former HDC staff, April 13, 2004.
 46. Interview, HDC staff, October 30, 2003.
 47. HDC provided assistance to Kamal's family but decided against any public denunciation of his murder, given the unclear reasons for which he might have been targeted. (Interview, HDC staff, July 2, 2004.) Some observers see his death as a clear signal that those directly involved in peace efforts were highly vulnerable and that HDC was powerless to assure their safety. (Interview, former HDC consultant, April 22, 2004.) See also Syamsuddin Ishak (2002). At the least, such a case underscores the need for rigorous screening of—and a clear code of conduct for—civilian observers to ensure their impartiality and avoid potentially life-threatening conflicts of interest.
 48. Interview, energy company executive, October 24, 2003. See also Schulze (2001).
 49. Interview, GAM negotiator, December 11, 2003.
 50. In contrast to the draconian sentences handed down in October 2003, the GAM negotiators were soon released following their arrests in 2001 (and 2002) and not prosecuted at the time—due also to HDC's behind-the-scenes lobbying efforts. Interview, HDC staff, July 2, 2004.
 51. Interview, government negotiator, August 22, 2003.
 52. Interview, government negotiator, August 22, 2003.
 53. Interview, government negotiator, August 22, 2003.
 54. Interview, HDC expert, December 29, 2003.
 55. HDC director Martin Griffiths as quoted in Leary (2004: 321).
 56. Interview, HDC expert, September 25, 2003.
 57. Zinni was asked by the White House and US Department of State to participate as a private citizen. His military background was thought to be highly valued by the Indonesian side—both in terms of his ability to understand military aspects of the proposed cease-fire and his capacity to relate to senior Indonesian military commanders as a fellow soldier. (Interview, HDC expert, December 29, 2003.) It was also helpful that Pitsuwan, a skilled diplomat from the region, is Muslim and well regarded in Southeast Asia. Loncar was said to know—and be trusted by—President Megawati as a result of his long association with Indonesia dating back to his earlier posting in the region as a young Yugoslav diplomat when both countries were active in the Non-Aligned Movement. The group also briefly included Malaysian human rights commissioner and former deputy prime minister Tan Sri Musa bin Hitam, but his continued involvement was opposed by GAM. (Interview, HDC staff, July 2, 2004.)
 58. Interview, HDC expert, December 29, 2003.
 59. One participant in the COHA negotiations argues that its implementation was quickly imperiled by the lack of a credible, impartial adjudicator distinct from the JSC. This is a role that could have been played by the Wise Men, whose formal involvement ended with the December 2002 signing of the COHA and did not extend into 2003. Interview, HDC expert, December 29, 2003.
 60. Interview, former HDC staff, October 7, 2003.

61. Interview, HDC staff, July 22, 2003.
62. Interview, HDC staff, July 22, 2003.
63. Interview, HDC staff, July 22, 2003.
64. Interview, HDC staff, July 22, 2003.
65. Interview, diplomat, March 29, 2004.
66. Interview, HDC staff, October 30, 2003.
67. This is the phrase of the government's principal negotiator. See Sastrohandoyo (n.d.).
68. Interview, HDC staff, July 22, 2003.
69. Interview, GAM negotiator, December 11, 2003.
70. In the wake of the troubled humanitarian pause, HDC did in fact convene internal discussions about the advisability of remaining as a third party but ultimately decided that its role and expertise were still valuable, especially given the lack of ready alternatives. Interview, HDC staff, July 2, 2004.
71. Interview, former HDC staff, April 13, 2004.
72. Interview, HDC staff, July 2, 2004.
73. Interview, HDC staff, July 2, 2004.
74. For more on spoiling and strategies for "peace custodians" to counter such behavior see Stedman (2000).
75. A "serious" violation was deemed likely to impede the peace process and cause significant harm to either party or to civilians; a "very serious" violation could endanger the peace agreement and "may also cause serious injury, death, permanent disfigurement (or) the destruction of property to either party including civilians," according to the JSC's typology. See Agence France-Presse, "Aceh Truce Violators to Face Wide Range of Penalties," January 16, 2003.
76. Interview, energy company executive, October 24, 2003.
77. E-mail communication, HDC staff, July 2, 2004.
78. Interview, HDC staff, July 22, 2003.
79. See Agence France-Presse, "Indonesia Urges Aceh Truce Monitors to Probe Violations," January 20, 2003, and Agence France-Presse, "Indonesian Military Chief Seeks 'Professional' Report on Aceh Truce," February 17, 2003, respectively.
80. Interview, JSC member, April 8, 2004.
81. Interview, JSC member, April 8, 2004.
82. Interview, JSC member, April 8, 2004.
83. Interview, HDC staff, October 30, 2003. For a brief articulation of this concept of "humanitarian mediation" see HDC's website at www.hdcentre.org/About/strategy.htm.
84. Interview, HDC staff, October 30, 2003.
85. Interview, former HDC staff, April 13, 2004.
86. E-mail communication, HDC staff, July 2, 2004.
87. Interview, HDC staff, October 30, 2003.
88. Interview, diplomat, March 29, 2004.

89. As quoted in Leary (2004: 316).
90. Interview, former HDC consultant, April 22, 2004.
91. See HDC director Martin Griffiths as quoted in Leary (2004: 316–17).
92. Interview, former HDC staff, April 13, 2004.
93. Interview, former HDC staff, April 13, 2004.
94. Interview, former HDC consultant, April 22, 2004. The evaluators, who conducted their initial reviews independently, later teamed up to summarize their main findings in Barakat et al. (2002).
95. Interview, former HDC staff, January 13, 2004.
96. Interview, former HDC staff, April 13, 2004. In June 2003—in the wake of the COHA’s collapse—HDC brought together staff involved in various aspects of the Aceh process to reflect further on lessons learned. (Interview, JSC member, April 8, 2004.)
97. See Donald Schon, *The Reflective Practitioner: How Professionals Think in Action* (New York: Basic Books, 1983).
98. Interview, former HDC staff, May 31, 2004.
99. I am indebted to Arun Swamy of the East-West Center, Honolulu, for pointing this out.
100. Interview, former HDC staff, May 31, 2004.
101. Interview, former HDC staff, May 31, 2004.
102. Interview, HDC staff, July 2, 2004; summary documents from 2001 working groups within the democratic consultations on file with the author.
103. Post-COHA moves to buy off individual GAM leaders, whether authorized by the government or not, were ill considered and not likely to be accepted by key exile figures (ICG 2003b: 4–5). If successful, such deals would be likely only to generate more demands—either for more money or from those left out of these arrangements with a capacity for further spoiling.
104. Most notorious was the case of some Rp. 700 billion (approximately \$80 million) in education funds reported missing in early 2003 (ICG 2003a: 5, 14).
105. Interview, former HDC staff, May 31, 2004. Views differ as to whether cease-fires are irredeemably unstable or simply a costly gamble. Pursuing a cease-fire to save lives in the short run versus pushing parties toward a definitive settlement while hostilities continue to claim civilians is characterized as a key ethical dilemma facing mediators (Touval and Zartman 2001).
106. Interview, HDC staff, October 30, 2003.
107. Interviews, HDC staff, October 30, and GAM negotiator, December 11, 2003.
108. Interview, HDC staff, October 30, 2003.
109. Interview, HDC staff, July 2, 2004.
110. During the final negotiations leading to the COHA, GAM had fought hard to avoid a stringent regime that would amount to genuine decommissioning of their arms. “Cantonment” or “storage” was rejected in favor of “placement.” In addition, GAM refused the initially proposed “triple-lock” system under which all three parties to the COHA, including the Government of Indonesia, would know

the location of the arms depots. Instead GAM secured something closer to a “single-lock-plus” arrangement under which HDC would know the placement locations and arms could not be withdrawn without HDC’s agreement. Under the “triple-lock” system, GAM feared the TNI’s ability to block GAM from reclaiming their weapons in the event of a resumption of fighting. More worrisome yet from GAM’s perspective was the prospect that the TNI could preemptively confiscate their arms from the depots and render the rebel force instantly impotent. Interviews, former diplomat, October 16, and HDC staff, October 30, 2003, for questions about “placement” and the “triple-lock” system. See also ICG (2003a: 9).

111. On the record, government officials would only acknowledge the right of GAM members or sympathizers to affiliate themselves on an individual basis with registered national parties. Interview, HDC staff, July 2, 2004.
112. Interview, former HDC staff, April 13, 2003.
113. Interview, HDC staff, October 30, 2003. At a meeting in Bogor in October 2002, for example, Yudhoyono and HDC successfully sought support from Sutarto and Bachtiar for a monitoring mechanism during COHA implementation that would include unarmed active military from nearby countries as cease-fire observers. (Interview, HDC staff, July 2, 2004.)
114. Interview, HDC staff, July 2, 2004.
115. Tellingly the central government did not authorize any additional funds for implementing provisions related to the cease-fire and waited instead for promises of donor support. (Interview, HDC staff, July 22, 2003.) Once the COHA started fraying, Megawati distanced herself from the accord and allowed cabinet-level deliberations in March–April 2003 to be used by hard-liners not for rescuing but for torpedoing COHA implementation and preparing for a new offensive. The turning point reportedly came at a screening of TNI footage for President Megawati and other cabinet members that showed GAM supporters openly displaying arms, flags, and slogans in support of independence.
116. As mentioned earlier, GAM has seen one major faction splinter off and constitute itself as MP-GAM based in Malaysia (Schulze 2004: 21–22). Nonetheless, GAM efforts to retain a monopoly over the Acehese independence movement had effectively neutralized MP-GAM by the time of the COHA negotiations.
117. Such a dynamic also underscores doubts about whether GAM was consistently negotiating in the best interests of Aceh’s own residents.
118. Interview, GAM negotiator, December 11, 2003.
119. Interview, GAM negotiator, December 11, 2003.
120. Despite an explicit tasking by Jakarta, Puteh failed to organize the democratic consultations within Aceh stipulated by the January 2001 talks. During one eight-month period, HDC’s representative in Banda Aceh was able to meet with Puteh only once and even then without any substantive outcome. Interview, HDC staff, July 22, 2003.
121. Interview, government negotiator, August 22, 2003.
122. Interview, HDC staff, July 22, 2003.
123. Interview, HDC staff, July 2, 2004.
124. Interview, former HDC staff, May 31, 2004.

125. Interview, HDC staff, October 30, 2003.
126. A keen observer of civil society has defined it in generic terms as “an intermediate associational realm between state and family populated by organizations which are separate from the state, enjoy autonomy in relation to the state and are formed voluntarily by members of the society to protect or extend their interests or values.” See White (1994: 379).
127. See Conciliation Resources, “Owning the Process: Public Participation in Peacemaking,” *Accord* 13 (2002), available at www.c-r.org/accord/peace/accord13/index.shtml.
128. Interview, former HDC staff, April 13, 2004.
129. Interview, former HDC staff, September 24, 2003.
130. Interview, HDC staff, July 22, 2003.
131. With the COHA’s signing, HDC began elaborating plans for the all-inclusive dialogue, which faced tricky problems of composition, representation, and agenda setting of similar complexity and import as the foregoing negotiation process. Undated HDC manuscript, “All-Inclusive Dialogue,” on file with the author.
132. Interview, former HDC staff, October 7, 2003.
133. Interview, HDC staff, October 30, 2003.
134. Interview, former HDC staff, April 13, 2004.
135. Interview, diplomat, March 29, 2004. For a brief period the US embassy was reportedly championing the International Organization for Migration (IOM), with its substantial logistical capacities, as the best mechanism for supporting the JSC’s monitoring role.
136. Interview, UN official, June 29, 2004.
137. Interview, HDC staff, October 30, 2003.
138. Interview, HDC staff, October 30, 2003.
139. E-mail communication, former HDC staff, May 26, 2004.
140. Interview, diplomat, March 29, 2004.
141. For example, one observer stated that the appointment of retired US Marine Corps General Zinni as an international adviser to HDC was orchestrated by the White House in response to ExxonMobil’s closure of its LNG plant in March 2001. Another asserted that such an appointment was wholly consistent with already close contacts between the US embassy and ExxonMobil in Indonesia and with heightened concerns about Aceh among US policymakers at the time. Interviews, former HDC staff, October 7, and former diplomat, December 22, 2003.
142. Interview, former diplomat, December 22, 2003.
143. Interview, former diplomat, December 22, 2003.
144. See Bill Guerin, “Indonesia’s Natural Gas Dilemma,” *Asia Times Online*, July 23, 2003, available at www.atimes.com/atimes/Southeast_Asia/EG22Ae03.html. While the Arun LNG complex was built under supply contracts to Japan in the late 1970s, the majority of Indonesian LNG destined for Japan now comes from Bontang, Kalimantan, which currently fills approximately 25 percent of Asia’s demand. Only Tohoku Electric has been consuming Arun’s LNG in any substan-

tial quantities as part of the roughly 3 million tons per year it imports from Indonesian sources. In July 2003, this amount was further reduced to 800,000 tons per year, and Tohoku Electric shortened its contractual obligations with Indonesia's Pertamina in an effort to diversify its LNG sources.

145. A Japanese appointment to the Wise Men was also reportedly contemplated, but it is not clear why this idea was not realized (Syamsuddin Ishak 2002).
146. Over the objections of officials leery of Japan's "risky" identification with something as political as a peace process, Vice-Minister Yukio Takeuchi and the ambassador to Indonesia, Yutaka Imura, won out in the internal Japanese policy debate and Tokyo was offered as the site of the proposed donor conference. Interview, former diplomat, October 16, 2003.
147. Interview, former diplomat, December 22, 2003.
148. Interview, energy company executive, October 24, 2003.
149. Interview, HDC staff, July 2, 2004.
150. Interview, HDC staff, October 30, 2003.
151. Interview, HDC staff, July 2, 2004; email correspondence, HDC staff, July 8, 2004.
152. Interview, HDC staff, July 2, 2004.
153. Under this locking mechanism, improvements in the security situation, through the JSC's efforts, would automatically be accompanied by a political process, namely the all-inclusive dialogue, to channel popular aspirations constructively and undercut agitation by more militant Acehnese elements. Interview, HDC staff, July 22, 2003.
154. These states were Italy, France, Portugal, the UK, and United States, which then helped mandate, fund, and staff the UN's mission; see Hume (1994). For more on Sant'Egidio and ONUMOZ see www.santegidio.org/en/pace/pace3.htm and www.un.org/Depts/dpko/dpko/co_mission/onumoz.htm, respectively.
155. One facilitator of the COHA process argues that progress in implementing security measures needed a locking mechanism through the immediate start of political processes like the all-inclusive dialogue. Interview, HDC staff, July 22, 2003.
156. Interview, HDC expert, December 29, 2003.
157. I am grateful to an anonymous reviewer for pointing out the relevance of these cases.

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Background of the Aceh Conflict

Aceh is the site of one of Asia's longest-running internal conflicts. Since 1976, Indonesian sovereignty over the territory has been contested by an armed insurgency led by the Free Aceh Movement (GAM). A range of local grievances—especially those concerning allocation of natural resource revenues and human rights abuses—have contributed to the conflict.

Aceh, with an estimated population of about 4.2 million, is Indonesia's westernmost province. Almost all Acehnese are Muslims, and they have a reputation for Islamic piety. Most of the population is employed in agriculture, though Aceh is also rich in natural resources, especially natural gas and oil. ExxonMobil Indonesia, which operates in the Arun gas fields, is a major contributor to national revenues.

Unlike East Timor, which had been a Portuguese colony, but like other parts of Indonesia, Aceh was part of the Dutch East Indies prior to World War II. It came into the Dutch colonial empire relatively late, however. For centuries, the Acehnese sultanate had been a powerful Islamic state, reaching its apogee during the seventeenth century. The Dutch launched an assault in 1873, but only managed to subdue the territory (arguably never completely) after three decades of bitter warfare.

Aceh's leaders, many of who were *ulama* (religious scholars), mostly supported the struggle for Indonesian independence in 1945-49. Many, however, soon became disillusioned with the central government. In 1953, they launched a revolt as part of the Darul Islam (Abode of Islam) movement, which joined several regional Islamic rebellions in a struggle to form an Indonesian Islamic state. The rebellion in Aceh was eventually resolved by negotiations leading to the province's nominal recognition as a "special territory."

The current separatist conflict began in 1976 when Hasan di Tiro, a supporter of Darul Islam living in the United States, returned to Aceh to form GAM and make a "redeclaration" of Acehnese independence. Initially the movement was small and Indonesian security forces soon defeated it. In 1989, a more serious outbreak of rebellion by GAM resulted in a brutal counterinsurgency operation claiming several thousand civilian lives.

In late 1998, following the resignation of President Suharto and the collapse of his authoritarian regime, conflict erupted on an even greater

scale. A large student-led protest movement called for a referendum on independence similar to that granted in 1999 for East Timor. The GAM insurgency reemerged-greatly expanding the range of its operations and attacking security forces and other targets. By mid-1999, large parts of the territory were under the movement's control.

The Indonesian government responded with a mix of concessions and military action. Negotiations between the government and GAM produced two cease-fires, in June 2000 and December 2002, although neither held. In 2001, the national parliament passed a Special Autonomy Law giving Aceh considerable authority to manage its own affairs and greater share of its natural resource revenues. Security operations continued, however, and the death toll in fighting and among civilians was considerable. Eventually, in May 2003, the peace process broke down, a "military emergency" was declared, and security forces launched a large-scale offensive.



Map of Aceh, Indonesia

INDIAN OCEAN

Medan

SUMATERA UTARA [NORTH SUMATRA]

SIMEULUE



0 25 50 100 Kilometers



● Provincial Capital

● Other Towns

⚡ District Boundaries

Note: Simeulue, Sabang, Lhokseumawe, and Langsa all have district status.

Note: Map boundaries and locations are approximate. Geographic features and their names do not imply official endorsement or recognition by the UN.

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Project Information

The Dynamics and Management of Internal Conflicts in Asia

Project Rationale, Purpose and Outline

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 Christopher Collier (southern Philippines)
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Rationale

Internal conflicts have been a prominent feature of the Asian political landscape since 1945. Asia has witnessed numerous civil wars, armed insurgencies, coups d'état, regional rebellions, and revolutions. Many have been protracted; several have far reaching domestic and international consequences. The civil war in Pakistan led to the break up of that country in 1971; separatist struggles challenge the political and territorial integrity of China, India, Indonesia, Burma, the Philippines, Thailand, and Sri Lanka; political uprisings in Thailand (1973 and 1991), the Philippines (1986), South Korea (1986), Taiwan, Bangladesh (1991), and Indonesia (1998) resulted in dramatic political change in those countries; although the political uprisings in Burma (1988) and China (1989) were suppressed, the political systems in these countries as well as in Vietnam continue to confront problems of political legitimacy that could become acute; and radical Islam poses serious challenges to stability in Pakistan, Indonesia, Malaysia, and India. In all, millions of people have been killed in the internal conflicts, and tens of millions have been displaced. And the involvement of external powers in a competitive manner (especially during the Cold War) in several of these conflicts had negative consequences for domestic and regional security.

Internal conflicts in Asia (as elsewhere) can be traced to three issues—national identity, political legitimacy (the title to rule), and distributive justice—that are often interconnected. With the bankruptcy of the socialist model and the transitions to democracy in several countries, the number of internal conflicts over the legitimacy of political system has declined in Asia. However, political legitimacy of certain governments continues to be contested from time to time and the legitimacy of the remaining communist and authoritarian systems is likely to confront challenges in due course. The project deals with internal conflicts arising from the process of

constructing national identity with specific focus on conflicts rooted in the relationship of minority communities to the nation-state. Here too many Asian states have made considerable progress in constructing national communities but several states including some major ones still confront serious problems that have degenerated into violent conflict. By affecting the political and territorial integrity of the state as well as the physical, cultural, economic, and political security of individuals and groups, these conflicts have great potential to affect domestic and international stability.

Purpose

The project investigates the dynamics and management of five key internal conflicts in Asia—Aceh and Papua in Indonesia, the Moro conflict in the southern Philippines, and the conflicts pertaining to Tibet and Xinjiang in China. Specifically it investigates the following:

1. Why (on what basis), how (in what form), and when does group differentiation and political consciousness emerge?
2. What are the specific issues of contention in such conflicts? Are these of the instrumental or cognitive type? If both, what is the relationship between them? Have the issues of contention altered over time? Are the conflicts likely to undergo further redefinition?
3. When, why, and under what circumstances can such contentions lead to violent conflict? Under what circumstances have they not led to violent conflict?
4. How can the conflicts be managed, settled, and eventually resolved? What are policy choices? Do options such as national self-determination, autonomy, federalism, electoral design, and consociationalism exhaust the list of choices available to meet the aspirations of minority communities? Are there innovative ways of thinking about identity and sovereignty that can meet the aspirations of the minority communities without creating new sovereign nation-states?
5. What is the role of the regional and international communities in the protection of minority communities?
6. How and when does a policy choice become relevant?

Design

A study group has been organized for each of the five conflicts investigated in the study. With a principal researcher each, the study groups com-

prise practitioners and scholars from the respective Asian countries including the region or province that is the focus of the conflict, the United States, and Australia. For composition of study groups please see the participants list.

All five study-groups met jointly for the first time in Washington, D.C. from September 29 through October 3, 2002. Over a period of four days, participants engaged in intensive discussion of a wide range of issues pertaining to the five conflicts investigated in the project. In addition to identifying key issues for research and publication, the meeting facilitated the development of cross country perspectives and interaction among scholars who had not previously worked together. Based on discussion at the meeting five research monograph length studies (one per conflict) and twenty policy papers (four per conflict) were commissioned.

Study groups met separately for the second meeting. The Aceh and Papua study group meetings were held in Bali on June 16–17, the southern Philippines study group met in Manila on June 23, and the Tibet and Xinjiang study groups were held in Honolulu on August 20–22, 2003. The third meeting of all study groups was held in Washington, D.C. from February 28 to March 2, 2004. These meetings reviewed recent developments relating to the conflicts, critically reviewed the first drafts of the policy papers prepared for the project, reviewed the book proposals by the principal researchers, and identified new topics for research.

Publications

The project will result in five research monographs (book length studies) and about twenty policy papers.

Research Monographs. To be authored by the principal researchers, these monographs present a book-length study of the key issues pertaining to each of the five conflicts. Subject to satisfactory peer review, the monographs will appear in the East-West Center Washington series *Asian Security*, and the East-West Center series *Contemporary Issues in the Asia Pacific*, both published by the Stanford University Press.

Policy Papers. The policy papers provide a detailed study of particular aspects of each conflict. Subject to satisfactory peer review, these 10,000- to 25,000-word essays will be published in the East-West Center Washington *Policy Studies* series, and be circulated widely to key personnel and institutions in the policy and intellectual communities and the media

in the respective Asian countries, United States, and other relevant countries.

Public Forums

To engage the informed public and to disseminate the findings of the project to a wide audience, public forums have been organized in conjunction with study group meetings.

Two public forums were organized in Washington, D.C. in conjunction with the first study group meeting. The first forum, cosponsored by the United States-Indonesia Society, discussed the Aceh and Papua conflicts. The second forum, cosponsored by the United States Institute of Peace, the Asia Program of the Woodrow Wilson International Center, and the Sigur Center of the George Washington University, discussed the Tibet and Xinjiang conflicts.

Public forums were also organized in Jakarta and Manila in conjunction with the second study group meetings. The Jakarta public forum on Aceh and Papua, cosponsored by the Center for Strategic and International Studies in Jakarta, and the southern Philippines public forum cosponsored by the Policy Center of the Asian Institute of Management attracted key persons from government, media, think tanks, activist groups, diplomatic community, and the public.

In conjunction with the third study group meetings, also held in Washington, D.C., three public forums were offered. The first forum, cosponsored by the United States-Indonesia Society, addressed the conflicts in Aceh and Papua. The second forum, cosponsored by the Sigur Center of The George Washington University, discussed the conflicts in Tibet and Xinjiang. A third forum was held to discuss the conflict in the southern Philippines. This forum was cosponsored by the United States Institute of Peace.

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About this Issue

What lessons can be learned from the experience of third-party mediation in a failed peace process? This study examines the unprecedented role played by a nongovernmental organization, the Henry Dunant Centre for Humanitarian Dialogue (HDC), in brokering negotiations and implementing an agreement reached between the Indonesian government and the armed Acehese separatist movement GAM. The negotiations led in 2000 to a cease-fire, known as the “humanitarian pause,” that held fitfully into 2001. The major breakthrough, however, came in December 2002 when the parties signed the Cessation of Hostilities Agreement (COHA). This pact envisioned a cease-fire followed by demilitarization measures and an “all-inclusive dialogue” on autonomy provisions followed by provincial elections in Aceh. Within months, however, this agreement had broken down and Indonesian security forces had launched their largest-ever military operations in the restive province. Based on interviews and review of the literature on third-party facilitation and mediation roles in internal conflicts, this analysis tries to understand what caused the breakdown by looking at the strengths and weaknesses of a nongovernmental institution like HDC in mediating and then attempting to guide implementation of complex, risk-prone accords between battle-hardened adversaries. In Aceh’s case, was the conflict ripe for resolution? And if so, what could HDC, or any nongovernmental organization lacking formal power, do to bring about a successful accord? Analyzed in depth are the choices that HDC faced in its third-party role—and some possible lessons that might be learned about the sequencing of negotiation issues, dealing with fractious parties, and ensuring that a third party has sufficient political authority for peace implementation.

About the Author

In 2003–2004, Konrad Huber was an International Affairs Fellow of the Council on Foreign Relations in New York, where he researched and wrote this study. Previously he served as UNICEF’s program manager for peacebuilding in Indonesia in 2001–2003. He can be contacted at konradhuber@yahoo.com.

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