An Evolving Model for Conflict Transformation And Peacebuilding in Aceh

Analysis of the Aceh Peace Process from an Acehnese Perspective

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About the Author

Wiratmadinata is a native of Aceh. He is currently serving as the Secretary General of Forum LSM Aceh, a network of 60 local civil society organizations in Aceh. Mr. Wiratmadinata is a leading activist on human rights issues and the peace process in Aceh. He was also The Asia Foundation's 2008 William P. Fuller Fellow in Conflict Resolution, which brought him to the United States for a 6 month fellowship and speaking engagements in Thailand and the Philippines. During his six months in the U.S., he was a Visiting Fellow at the University of Maryland's Center for International Development and Conflict Management, and the John Hopkins School for Advanced International Studies.

Mr. Wiratmadinata is also a member of the advisory body to the Aceh Peace and Reintegration Agency (BRA), representing Aceh civil society. He has experience as a journalist, working in print media since 1989, and regularly contributes to Indonesian newspapers. He has published poetry and essays in Indonesia, and received an award from the Ministry of Cultural and Educational Affairs for his work on behalf of the arts in Aceh. He has a Bachelor's degree from Muhammadiyah University, and has completed some post-graduate studies in law at Syiah Kuala University in Aceh.

Map of Aceh, Indonesia

SABANG

Banda Aceh

Sigli

Lhokseumawe

ACEH BESAR

PIDIE

BIREUEN

ACEH UTARA
[NORTH ACEH]

ACEH JAYA

ACEH TENGAH
[CENTRAL ACEH]

ACEH TIMUR
[EAST ACEH]

ACEH BARAT
[WEST ACEH]

Takengon

Langsa

NAGAN RAYA

ACEH
TAMIANG

Meulaboh

GAYO LUES

INDIAN
OCEAN

ACEH
BARAT DAYA
[SOUTHWEST ACEH]

Medan

ACEH
TENGGARA
[SOUTHEAST ACEH]

Tapaktuan

ACEH
SELATAN
[SOUTH ACEH]

SUMATERA
UTARA
[NORTH SUMATRA]

SIMEULUE

ACEH
SINGKIL

0 25 50 100 Kilometers

INDONESIA

● Provincial Capital

● Other Towns

N 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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Acronyms

AMM	Aceh Monitoring Mission
ABAS	Aceh Barat-Selatan (South and West Aceh)
ALA	Aceh Leuser-Antara (Aceh Highland)
BRA	Badan Reintegrasi Aceh (Aceh Reintegration and Peace Agency
CoHA	Ceassion of Hostitlities
CoSA	Commission of Security Arranggement
CoSPA	Commission of Sustaining Peace
CMI	Conflict Management Initiative
CSO	Civil Society Organization
DDR	Disarmament, Demobilization and Reintegration
DPRA	Dewan Perwakilan Rakyat Aceh (Aceh House of Representative)
Forbes Damai	Forum Bersama (Joint Forum to Support Peace)
FKK	Forum Komunikasi dan Koordinasti (Coordination and Communication Forum)
GAM	Gerakan Aceh Merdeka (Aceh Independent Movement/ or ASNLFAceh Sumatera National Liberation Movement)
GoI	Government of Indonesia/ RI-Republik Indonesian.
HDC	Hendry Dunant Centre
JoU	Joint of Understanding on Humanitarian Pause
JSC	Joint Security Committee
KIP	Komite Independent Pemilihan (KIP)
KPA	Komite Peralihan Aceh (Aceh Transitional Committee)
LoGA	Law on Governing Aceh
NGO	Non-Governmental Organization
Pilkada	Direct General Election in Aceh (one man one vote system)
RI	Republic of Indonesia
TNI	Tentara Nasional Indonesia (Indonesian National Army)

Executive Summary

The Helsinki Accord, signed on August 15, 2005, was a historic turning point for the Acehnese Peace Process, marking the end of an almost thirty year conflict between the Free Aceh Movement (GAM) and the Indonesian Armed Forces (TNI). The Memorandum of Understanding (MoU) signed between the two parties is undoubtedly an important tool in the peace process. However, more has yet do be done to assure that sustainable peace, the ultimate goal of the Helsinki Accord, can be fully realized.

The arrangements emerging from the Helsinki Accord can be grouped into three categories; the special autonomy arrangement, security arrangements and arrangements involving the legal, political, economic and social environment in Aceh. This study focuses on analyzing each segment of the peace process. For a lasting peace in Aceh there will need to be success in every phase of the conflict transformation process.

Considering the relevance of theoretical frameworks of conflict resolution to Aceh, this study applies some of these frameworks to assess which areas of the peace process need improvement. The concept of multi-track diplomacy is specifically applicable as it reminds us to focus on a variety of issues that go beyond security and politics. Considering the peace process from this theoretical background the author identifies the successes and failures of the peace process in Aceh. Referring back to the three elements of the peace process, this study concludes that while the special autonomy arrangement was well negotiated and effectively applied, the short term vision of the security arrangements and failures to address broader legal, economic and social issues have created obstacles on the path to sustainable peace in Aceh.

Aceh's special autonomy arrangement was implemented through the Law on Governing Aceh and the 59 Special Regulations that provided a legal basis for the peace negotiated in Helsinki. The Acehnese government was the main implementing body and while some specific provisions have not yet been acted upon, thus far the autonomy arrangements have helped the peace process move forward.

Security arrangements emerging from Helsinki were coordinated around the Aceh Monitoring Mission (AMM). This institution involved a variety of actors including the CMI, EU, GAM and the Government of Indonesia. AMM focused on DDR efforts while monitoring the effective functioning of mediation bodies. AMM's mandate ended after only 18 months, leading to a significant reduction in the role of the international community. AMM not only was short lived, it also had not created an effective exist strategy before it left.

Following the end of AMM's work there was a void in DDR and reintegration efforts. This void eventually led to the creation of the Reintegration and Peace Fund (BRA). BRA started mostly as a civil society initiative, but it was eventually co-opted by the government. BRA has been involved in new DDR efforts first through the Coordination and Communication Forum (FKK) and now through a new body called the Commission on the Sustainability of Peace in Aceh (CoSAP). The BRA has also attempted to extend the peace process in order to address the social, political, legal and economic legacy of the conflict. The BRA has addressed the economic legacy of conflict by providing financial support to former combatants and conflict victims, but has not created any other programs to support the peace process. In general the BRA has failed to evolve into an institution that can do more than just distribute funds.

It should be noted that each of these three processes have been implemented by different actors. This reality has led to questionable linkages between the different elements and poor coordination of peace-building efforts. This problem of coordination has contributed to the weaknesses demonstrated by certain aspects of the peace process. These shortcomings have contributed to the development of serious problems now facing the Acehnese including:

- The growth of the "Komite Peralihan Aceh" (KPA) or the Aceh Transitional Committee. This body grew out of GAM informally and purported exists to ensure the proper treatment of former GAM combatants. Recently the KPA has been linked to violent criminal acts and political intimidation;
- Internal friction within the ranks of the GAM;
- The Acehnese government's inability to deliver basic services;
- BRA's failure to construct a long term peace building plan;
- Lack of inclusion of civil society organizations (CSOs) in the peace process;
- Failure to coordinate the efforts on actors from the international community;
- The push by the regional government of the Barat-Selatan (ABAS) Provinces to separate from the existing province of Aceh.

The study makes a series of recommendations on how to revive the peace process and ensure its success. In order to effectively move the process on to the stage of peace building the author suggest the following actions are taken:

1. BRA must be re-evaluated to ensure that it is not merely a disbursement agency. It must lead the progression of reconciliation, reintegration, and sustainability of a peace program.

2. Aceh needs a comprehensive strategy to combat serious crime.

3. The role of KPA needs to be made clear. KPA needs to be removed from politics and either disbanded or reformed into a genuine civil society organization.

4. The role of international actors needs to be studied in more depth and their efforts fit into a cohesive, unitary peace process.

5. Local civil society organizations need to be more integrated into the peace process by the BRA, international donors, the Indonesian Government, and the GAM/KPA to ensure that the local communities have a voice in the transition to peace.

Chapter 1: Unfinished Peace-building in Aceh

The Helsinki Accord, signed on 15 August 2005, was the culmination of a peace process in Aceh that had been pursued through various means in an extremely long, complex, bitter and tiring journey. Considering this entire process and its achievements, the Helsinki Accord is undeniably a work of genius, unique among all peace building and conflict resolution efforts ever undertaken anywhere. In terms of conflict transformation, the Helsinki Accord has proven a potent tool for conflict resolution, since it ended the armed conflict between the Free Aceh Movement (GAM) and the Indonesian Armed Forces (TNI) that had gone on for around 30 years.[1]

The conflict in Aceh began in 1976. The beginning of the armed conflict coincided wiith the start of operations of PT. Mobil Oil Indonesia (now ExxonMobil) and the birth of the Free Aceh Movement (Gerakan Aceh Merdeka, GAM) or ANSLF (Aceh National Liberation Front) led by Hasan Tiro. After 30 years or armed conflict, there was a breakthrough in peace talks after tough negotiations among the political elite, and the conflict that had persisted for so long was comprehensively resolved. The results of these negotiations succeeded in halting the armed conflict and opened up opportunities to implement a long-term peace building process.

In the subsequent stages, however, the peace building process entered a new and highly critical phase: how to achieve compliance with all the matters agreed as set forth in the Helsinki Accord. While it is true that political processes were undertaken before the Helsinki Accord was agreed, these processes were in fact the most substantial aspect of the peace agreement. The ideals of peace expressed in the Accord need to be achieved in reality and truly experienced. Otherwise, the peace process in Aceh could well fall into a situation where the entire process reverts to the starting point.

In many historical records of conflict resolution, we find evidence of political elites failing to realize the results of their negotiations on a practical level. For example, ceasefires are not properly maintained, and new violence breaks out as a manifestation of continuing frustration. Recent examples include the cases of Nepal[2] and Timor Leste.[3] Extensive references regarding the history of world conflicts suggest that the first five years following a peace agreement are the most critical period; serious and effective post-conflict management during these first five years is essential.

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[1] The Helsinki Accord is the peace agreement concluded between the Indonesian government and the Free Aceh Movement (GAM), which was facilitated by the Crisis Management Initiative (CMI) from Finland, chaired by Martii Ahtisaari, former President of Finland. Through this accord, the war between GAM and the Indonesian armed forces (Tentara Nasional Indonesia, TNI) was permanently ended. The peace and integration process was then enacted and regulated through Law Number 11 of 2006, by the Aceh Government Law (Undang-Undang Pemerintahan Aceh, UUPA).

[2] Summary of Expert Roundtable on Violent conflict and state fragility in Asia. The Asia Foundation, San Francisco, p. 26, February 2008.

[3] For various violent incidents that led to the fall of Prime Minister Alkatiri and the shooting of Ramos Horta, see Serambi Indonesia, 12 February 2008.

Second Track Diplomacy and Local Initiatives

From the experiences of peace building processes in other places, we learn that activities at the implementation level comprise the heart of the peace building process. The "second track" is just as important as the first track; both are needed to "pull the train" of peace. The second track serves to follow up on the normative and general agreements set forth in the peace accord. Through the second track, the accord is enabled to address the roots of the problems, the conflicting interests of various parties that gave rise to the conflict, such as cultural identity issues, economic problems, political animosities, and injustice of all kinds. According to Herbert C. Kelman:

> "… the goal of conflict resolution is to shape new political and social arrangements that will empower the parties, meet their vital needs for identity and security, and lay the foundation for a stable, cooperative relationship consistent with the welfare and development of each party. Such changes imply some redistribution of power, as well as the gradual creation of a new culture shared by the former adversaries…"[4]

In the context of Aceh, this work at the implementation level has been described by Edy Kaufman (discussion with Edy Kaufman, 14 February 2008) as the "second track" of conflict resolution. This phase is seen as critical because the implementation requires the full participation of various interest groups, particularly elements of civil society such as traditional communities, the educated elite, business groups, women, religious figures, conflict victims, and the general public. The importance of the second track as the true basis of the peace process relates to the status of the "first track," which often tends to be merely formal and ceremonial and involves only the bureaucratic elite, the military, legislators, the government, and official intergovernmental organizations such as the European Union, Embassies, or the United Nations.[5]

In many conflict resolution methods to date, this second track concept has been treated as a relatively strategic and most important part of "multi-track diplomacy". In fact, this concept is truly fundamental and therefore interesting to study, given its critical role in the overall peace process in Aceh.

In Aceh, these second track practices in some extent can be seen in the track record starting from the establishment of the Joint Forum to Support Peace (Forum Bersama/ Forbes Damai). From the Forbes was born the Aceh Peace and Reintegration Agency (Badan Reintegrasi-Damai Aceh, BRA), which was mandated to implement the Helsinki Agreement especially regarding to the Peace and Reintegration issues, while at the same time the Law on Aceh Government (UUPA, Undang-Undang Pemerintahan Aceh, Law Number 11 of 2006, will be implemented to realizing the special autonomy status for Aceh.

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[4] Dennis J.D. Sandole and Hugo van der Merwe (editors) Conflict Resolution Theory and Practice: Integration and Application, Manchester University Press, 1992.

[5] Edy Kaufman and John Davies (editors) Second Track/Citizens' Diplomacy: Concept and techniques for conflict transformation; Rowman and Littlefield Publisher, Maryland, 2002.

Law on Government of Aceh (LoGA) and Elements in the Aceh Peace Process

As a political product, the Helsinki Accord created a philosophical, moral and political commitment to a peace agreement in Aceh, but could not be implemented without some further regulation in the form of a national Law; the spirit of the Accord needed to be set forth in the form of legally binding positive law. To this end, Law Number 11 of 2006 was enacted, and the Helsinki Accord was cited as one of its legal bases. This Law is the legal product needed as the legal basis to institutionalize the points of the Helsinki Accord. Without such a Law, in the perspective of state administrative law, the Helsinki Accord would have no legal force committing the government of the Republic of Indonesia and GAM to actually implement peace in Aceh. The Law also serves as the legal basis for a broader autonomous status for Aceh, in line with the Helsinki Accord. The Law stipulates the limits of the authorities, rights, and obligations of the central government of Indonesia in the Governance of Aceh.

In historical terms, the LoGA did not simply appear by itself. It is the legal product of a protracted process that involved many parties, not limited to the political elite. The process entailed extensive discussions that fairly accommodated as many stakeholders as possible. Before the LoGA was formulated, both sides were well aware of the need for a transitional institution, since the process of drafting the Law would take quite a long time, while the peace agreement between GAM and the Indonesian government needed to be implemented immediately. This transitional institution was important primarily to fill the gap in regulations to be used as the provisional legal basis for legal actions until the emergence of a positive law binding the state to deliver on its commitments for the broader autonomy to be granted to Aceh, as well as the other obligations set forth in the peace agreement.

Establishment of Key Institutions

With the facilitation of the European Union, the two sides agreed to establish the Aceh Monitoring Mission (AMM). This mission comprised representatives of Southeast Asian countries (Thailand and Malaysia) as observers, as well as the parties to the conflict: the Indonesian government and representatives of GAM. Although several parties were involved, this process can still be considered part of the "track one" diplomacy, as the parties involved were still at the elite level.

The AMM's basic duties were to undertake the crucial initial steps following the Accord. The AMM's mandate was referred to as DDR (Demobilization, Disarmament and Reintegration). Its duties included demobilizing both sides involved in the conflict (demobilization), ensuring a ceasefire and an end to violence (disarmament), establishing intensive communication between the two sides in the field, and working together to uphold the peace agreement (reintegration). Through this process, former GAM combatants were gradually reintegrated into their communities. And in line with the Helsinki Accord, former GAM (Free Aceh National Army, Tentara Nasional Aceh Merdeka/ TNA) fighters could even be incorporated into the regular armed forces.

As part of the demobilization, the Indonesian government withdrew around 250,000 "non-organic" TNI troops (those not based in the province), while the GAM side froze its troops in place and surrendered weapons to be destroyed. By official count, 843 GAM weapons were surrendered and destroyed. The two sides also agreed to establish a coordination forum to

prevent misunderstandings in the field and to ensure that all the matters agreed in the Accord would be implemented, through the CoSA (Commission on Security Arrangements) mechanism that monitored the cessation of hostilities. This process went quite smoothly, and continued for a year and a half. All problems that arose during this time were discussed in the CoSA. While there were sporadic incidents indicating continuing hostility, overall the forum is considered to have functioned effectively to overcome the various distortions in the field.[6] Many feel that what was achieved between the signing of the Accord on 15 August 2006 and the end of the AMM's term of duty was an extraordinary accomplishment for a peace process, particularly when compared with similar processes in other countries that have ended in failure. In those cases, the peace process was set forth in a peace agreement document, but anyhow some small clashes continued in the field albeit not necessarily as the part of conflicts instead some misunderstanding. So the success of this phase of the Aceh peace process can be seen as a good model for conflict resolution elsewhere in the world.

When the AMM's term of duty ended, questions began to emerge regarding the next stage of the peace process, as the Law that would formally commit the Indonesian government to fulfill its obligations to implement the Accord was still being drafted. One important step that should be mentioned here is the establishment by the Aceh provincial government of the Joint Forum to Support Peace (Forbes Damai) in December 2006, with the task of continuing the AMM's social roles. The Forbes was the embryo from which the Aceh Reintegration Agency (Badan Reintegrasi Aceh, BRA) was later born.

All observers of Aceh are well aware that the road to peace in Aceh is not a smooth one. The conflict in Aceh has very deep roots, dating back well before the most recent conflict: the Aceh wars during the Dutch colonial era, the struggles of Aceh's people in the war for Indonesian independence, the dissatisfaction with Javanese hegemony during the Soekarno era that gave rise to the DII/TII movement under Daud Beureuh and Hasan Tiro, and finally the Soeharto regime's neglect of political and economic justice for Aceh during the "era of development".

Given this background, it is logical that the Aceh peace process was considerably at risk when the central government gave the green light for direct elections of district heads and the Governor of Aceh. Aceh's people, the central government, and GAM were all put to the test in this political event – a gamble on everything achieved since the Helsinki Accord. Everyone was asking whether the peace process could be maintained with the direct election of local executives, held simultaneously at both the district level (in all 23 regencies and cities) and the provincial level.

This phase was critical, as one of the necessary instruments of conflict resolution. It related to the demands for clean government, for the conduct of democratic local elections, and for autonomy and self-determination. In terms of the theory of conflict resolution, this phase falls into the realm of distribution of power/ power sharing.

The establishment of the BRA was a unique process and can be considered a blessing in disguise. Originally, the negotiation teams in Helsinki had never considered establishing an agency such as the BRA. The reach of the Helsinki Accord only extended to the establishment of AMM and CoSA, the drafting of the LoGA, and the conduct of the local direct elections. The initiative to establish BRA came from components of civil society and

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[6] See AMM reports and Aceh Magazine.

the Aceh provincial government (then still under Governor Azwar Abubakar), with assistance from USAID. The overall map for the peace process in Aceh contained a gap that created great vulnerability but was not recognized in the concepts of the Helsinki Accord – the transition and the involvement of civil society in the peace process. To fill this gap, the Forbes was established, which later became the BRA. This design, although it came about later, can be included in the overall map of the Aceh peace building concept. Essentially, it is fair to say that this was inserted into a process that was already under way, and not "by design". Yet this "insert" has turned out to be very useful indeed for the overall peace process; the inter-relationship it created has led naturally to a more positive situation.[7]

This can be proven, for example, by the fact that the AMM never had a clear exit strategy to end its eighteen-month term of duty. In many discussions with civil society components in Aceh, the AMM was urged to prepare a "road map" for its departure and the period thereafter, but such an exit strategy never appeared. And in fact, the AMM was never intended to work with civil society, but rather with formal institutions. Its monitoring program was elitist by nature, comprising elements from the government (both civilian and military), GAM, several ASEAN countries, and the European Union. The problem was that when the AMM ended, there would be a vacuum in the process, such that there might be no further progress in transforming the conflict, while the Law on Aceh Governance had still not been enacted.

Fortunately, a local initiative emerged with a very creative response to this gap in the peace process – the birth of Forbes. Forbes Damai, and later BRA, is a multi-stakeholder institution comprising four important elements: the Government, NGOs, civil society, and GAM. Forbes became a continuing forum to follow through on the processes already under way. The Joint Forum and BRA were not originally intended to serve as a forum for dialogue between the main parties to the conflict (GAM and the Indonesian government); these two parties already had a separate forum for this, the CoSA Meetings. But because the CoSA was part of the AMM, it would technically have to be disbanded with the expiration of the AMM.

It must be acknowledged that Forbes Damai/BRA is the first open space for Aceh's civil society components to be formally involved in the Aceh peace process. However, this is not to deny the other civilian initiatives that attempted to become involved in various stages of the negotiations as early as 2000, such as the JoU (Humanitarian Pause), CoHA (Cessation of Hostilities Agreement) stages I and II, the planned but failed Tokyo meeting, and finally the Helsinki Accord.

Exclusion of Civil Society and Implementation Breakdowns

From the Helsinki Accord negotiations to the end of the AMM's tour of duty, the role of civil society was essentially neglected. Civilians were viewed as passive participants, mere beneficiaries of the overall process. Thus, if there are questions about the involvement of

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[7] See document on the birth of the Joint Forum (*Forbes Damai*) and interview with Yarmen Dinamika, journalist and information manager of the Aceh Joint Forum for Peace Secretariat (*Sekretariat Forbes Damai Aceh*). Azwar Abubakar, a former Deputy Governor of Aceh, was acting Governor of Aceh during the Helsinki negotiations and initiator of the Joint Forum (Forbes Damai). After serving as acting governor, Azwar served as Advisor to the Chairman of the Executive Committee of BRA, Nur Djuli, formerly a member of the GAM negotiation team in Helsinki.

Aceh's civil society in the Aceh peace process, the illustration above provides a comprehensive answer.

While the political process at the elite level was considered complete with the signing of the Accord, the far more challenging work in the field was just beginning – realizing the outcome of the political negotiations at the practical level. As Aceh peace activist Dr Humam Hamid puts it, with the completion of the political process at the elite level, "Aceh was just on the threshold of peace, but had not yet really entered it." Genuine peace can only be realized when the government succeeds in utilizing the existing social capital as a means to build prosperity for Aceh's people in the future. Sustainable peace, according to Humam, will be determined by the success of Aceh's government in realizing the "dreams" of Helsinki and the LoGA.[8]

This stage could be difficult, because the actors who were involved in the peace process may not be adequately prepared; many lack the capacity for the development work needed to meet the social, economic, political, and other demands agreed in the Helsinki Accord and the LoGA. These difficulties relate to organizational management, funding support, service systems, social impacts, compensation for conflict victims, the availability of capital and new job opportunities for former combatants, as well as housing and the like. This all refers to the tremendous impact of the conflict: loss of sources of and facilities for employment, destruction of public facilities, homes and schools burnt down, physical damage, and so on.[9]

And as it happened, these fears about weak capabilities in the areas of reconstruction and rehabilitation were justified. Many problems have arisen with the role of BRA as the institution mandated to carry out the reintegration and peace process, based on the Helsinki Accord and the LoGA. Various complaints have emerged, and even demonstrations against BRA by conflict victims, some of which tended toward quite serious anarchic behaviour. And among the GAM contingent, there have been disputes over the social assistance received for former GAM fighters.[10]

The confusion surrounding the implementation programs conducted by the government through BRA has several causes, including the inappropriateness of the program approach model, a shortage of valid and reliable data, weaknesses in coordination and administration, lack of financial support, ineffective management and, equally important, weak coordination with and among donor agencies.

Seen from the process described above, in institutional terms the conflict resolution in the Aceh case has gone through phases that have accommodated a gradual reduction in tension and created opportunities for the stage of stability.[11] From this foundation, it is hoped that a transformation can occur leading to a situation more conducive to a normal and peaceful daily life.

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[8] Dr. Humam Hamid is Director of the Aceh Human Rights Concern Foundation (Yayasan Peduli HAM Aceh), Executive Director of the Aceh Recovery Forum, and a Lecturer at Syiah Kuala University in Banda Aceh. His initiative to collect data on victims of human rights abuses in 1998 grew into a major campaign regarding past human rights violations in Aceh.

[9] See reports on impact of the conflict in Aceh (Kontras, Aceh Magazine, or BRA)

[10] See reports on demonstrations by conflict victims, complaints by GAM, and increasing crime rates.

[11] The stages have included the following: 1) Mediation and political negotiation (the Helsinki Accord and LoGA); 2) Ceasefire and cessation of hostilities (AMM and CoSA); 3) Delivery of aid to meet critical needs, including establishment of BRA, with its social, economic, legal and political programs; 4) Power-sharing through local direct elections.

As mentioned earlier, although the process and conditions described above did not occur linearly and by design, the manoeuvres of the various actors directly or indirectly involved have turned out to be mutually supportive and reinforcing. One important example is the creation of opportunities for involvement of civil society through BRA and its predecessor, Forbes Damai, which have functioned as a "multi-stakeholder forum," an advisory and think-tank through which the public can be actively involved in designing, overseeing, and providing input on all peace building and reintegration programs and activities conducted by the government.[12]

Thus, through the modalities described above, civil society groups have had to create opportunities for their own participation, though they have had to work extra hard to press for their ideas to be accommodated in the system unilaterally set up by the government. This role has been carried out primarily by the Aceh NGO Forum (Forum LSM Aceh), the Aceh Recovery Forum, ACSTF, and the Aceh Human Rights NGO Coalition (Koalisi NGO HAM Aceh).[13] Both the Aceh NGO Forum and the Human Rights NGO Coalition have representatives in Forbes Damai/BRA.

It is in this stage that what Kaufman calls the "second track" must fully operate. The government must start to work together with civil community groups, including NGOs, community organizations, religious groups, community figures, universities, and traditional leaders, through more egalitarian power relations. This is necessary to ensure that the needs of grassroots groups, most of whom are direct victims of the conflict, are properly recognized.

But who can properly bridge the gap between the "first track" and "second track" processes described above? This is where intervention by donor agencies and other committed members of the international community is required. In other words, the role of "conflict manager" is needed to engage in "program intervention". One example of such a role is what The Asia Foundation (TAF) has done through its programs to support and strengthen local Civil Society Organizations in regions that have experienced protracted conflict, such as Afghanistan, Timor Leste, Nepal, the Philippines, Sri Lanka and Thailand, as well as Indonesia (Aceh). The examples of cases handled in these countries clearly illustrate how a "citizen diplomacy" approach, starting from below, respecting the genius of local programs, and not forcing its own wishes, creates far greater potential for achieving the desired goal of long-lasting peace.[14]

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[12] See composition of Forbes membership.

[13] The Aceh NGO Forum (Forum LSM Aceh) is a network of NGOs established in 1990 with 59 anggota that has been a driving force in the movement for governmental change and in building the role of civil society for peace. The Aceh Recovery Forum was founded in 2006 to monitor the Aceh reconstruction and rehabilitation process, but since then has also extensively monitored the peace building process. ACSTF is a network established in 2000 to promote the peace process since 1998, and the Human Rights NGO Coalition (Koalisi NGO HAM) is a network of human rights defense activists established in 1998 to campaign against human rights violations in Aceh.

[14] Summary of Experts Roundtable on Violent Conflict and State Fragility in Asia, 10-11 January 2008, San Francisco, edited by Ben Oppenheim.

Challenges Following the Conflict

The greatest challenge for any long-term reintegration and peace building process is an inability to maintain the processes that went before it. This typically takes the form of inability to meet the high expectations of the public and of the various parties involved.

The main need following the conflict, apart from ending the conflict itself and stopping the violence, is to overcome the consequences of the conflict – the damage to social, economic, political, and legal structures, among other aspects. Often, however, violence re-erupts, not because of a lack of efforts to rebuild these structures, but rather because other divisive forces are stronger, while the government's capacity remains weak. Post-conflict needs relate mostly to the issues of development and of how to maintain commitments.

It is important to analyze the Aceh peace process in the framework of conflict resolution, conflict transformation, and peace building. The objective of this is to determine whether the processes now in place are truly in line with the problems and needs. The biggest question is this: Will the institutions that have been established be able to deliver all the needs of all parties concerned, including conflict victims?

The answer to the questions above should be able to bring us to a new and specifically Acehnese realm of conceptual creativity. In turn, it is hoped that this will provide solutions for the remaining problems in the current process at the peace implementation level, especially by making any necessary refinements to the stages that have already been institutionalized.

The revisions and improvements needed relate to the capability of the government – the central government, the Government of Aceh, and institutions such as BRA – to design social cohesion processes and effective mechanisms to ensure that reintegration is achieved. This also entails providing wider opportunities for public participation to contribute to the peace building process.

Purpose of This Study

This study is intended to provide an analysis of the following questions:
- What are Aceh's strengths and weaknesses in conflict resolution, compared with other conflict regions?
- In theoretical terms, can the model and process of conflict resolution in use in Aceh be justified or not?
- Are there any new ideas or methods that could further refine the process and model currently being applied, as new tools for the Aceh model of conflict resolution?

It is hoped that these efforts to refine the model and approach to conflict resolution for peace and reintegration in Aceh will reinforce the efforts of civil society to push for genuine acceleration of the peace building process, especially for BRA as the institution with the social, legal, and political mandate to bring about reintegration and peace.

Furthermore, the conflict resolution efforts must also direct the peace process toward the issues of development, bringing about a transformation from conflict to a shared framework

for achieving economic and social welfare. In this way, repetition of the cycle of conflict in the form of political violence can be avoided, and sustainable peace can be achieved.

It is hoped that the conceptual framework above will direct the writing of this research paper to be a type of new creativity in contributing concrete ideas, properly conceived and defensible, to implement a sustainable peace process in Aceh.

The current process in Aceh is far from complete, since the Helsinki Accord was reached only two and a half years ago; we are only halfway through the critical period. Many changes could occur in the weeks or months ahead. But with an in-depth examination of the current process, the spirit that has been discovered, and the trends that are developing, we can at least guess at the direction that the Aceh peace process will take. We must never be too convinced that the current process has accommodated all the needs of conflict resolution. The most recent example is the violence aimed at the two leaders of Timor Leste, a country that has been independent since 1999.

The main question is: are we on the right track?

Chapter 2: Applying Key Concepts in Conflict Management Theory

The purpose of this chapter is to analyze the theoretical frameworks used to understand "Conflict Resolution" or "Conflict Management" in the context of peace in Aceh. The major milestones in the peace process include the establishment of Forbes Damai and BRA, the direct elections for heads of regions, and the enactment of Law No. 11 of 2006 on the Government of Aceh (UUPA). The post-conflict peace program was able to proceed because of the success of the various elements in combining two approaches to peace – a formal one and an informal one, known as the "first and second track approaches".

This study draws on some of the major theoretical frameworks in conflict management literature to construct an analytical foundation to understand and analyze how these two approaches operate. More importantly, as a participant coming from an activist background, I would like to see this experience contribute directly to similar Conflict Resolution and/or Conflict Management efforts elsewhere. My great hope is that this theoretical framework can contribute to peacemaking efforts in the various conflicts currently occurring in Indonesia, even though their characteristics differ from those in Aceh.[15]

The theoretical framework includes the following components:
- Definition of conflict terminology;
- Theories of conflict;
- Multi-track diplomacy in conflict resolution and second track diplomacy in conflict resolution;
- The role of civil society in conflict resolution;
- Conflict resolution lessons from post-conflict areas (Davies and Gurr).

This theoretical framework is used as a tool to observe, understand, and analyze the entire peace process that has taken and is taking place in Aceh. The basic questions are how the conflict in Aceh can be understood in terms of the existing theoretical framework; whether the peace processes in Aceh can serve as a model that can be applied as social engineering in peace efforts, both where the pattern of conflict is similar (military against citizens or against separatist groups) and in cases of horizontal conflict between groups in society. From the conflict and the peace efforts in Aceh, can we map which elements are prerequisites for peace being achieved, and which of these prerequisites are primary and essential for any peace efforts and which are secondary? What exactly is needed to refine this process so that it can become a model that can be used as a reference for conflict management in other regions? If the experience of Aceh cannot provide such a model, what other ideas might be generated so that peace processes can be achieved through new, more applicable ideas?

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[15] While both types have a negative impact on the community, the conflicts currently occurring in Indonesia would seem to be mostly horizontal, such as conflict between tribes/ ethnic groups, between religious groups, or between supporters of political parties/ candidates. Though the authorities may not be directly involved, the state has allowed these conflicts to occur; in each case, the group that feels itself most justified, or that is the most dominant, coerces and commits violence against another group, with no efforts by the authorities to prevent this happening. Such horizontal violence can be seen, for example, in the violence committed by FPI against the Ahmadiyah.

Definitions of Conflict Terminology

In the literature on conflict, many terms are used to describe a series of efforts to resolve conflicts. However, in my reading so far, I have yet to find a single standard that clearly explains the similarities and differences between the various terms that are used to understand conflict. The terms include conflict resolution, conflict management, conflict transformation, conflict prevention, intractable conflict, protracted social conflict, and many similar variations. I recognize that these various terms do involve different emphases, relating both to the processes and to the strategies used; but it still seems to me that there is a great deal of overlap among the terms.

In the context of this paper, I will first provide operational definitions for each term, as I understand them. Generally, there are four terms that tend to occur whenever we read references about conflict: "resolution," "management," "transformation," and "prevention." In the references I have read, it seems that these different terms are in fact often used to describe the same matters. Conversely, there are very few references that explain comprehensively the concepts and operational meanings of these terms.

In the online encyclopedia Wikipedia, for example, the terms *conflict resolution, conflict management* and *conflict transformation* are explained as follows:

Conflict Resolution is the process of attempting to resolve a dispute or a conflict. Successful Conflict Resolution occurs by listening to and providing opportunities to meet the needs of all parties, and to adequately address interests so that each party is satisfied with the outcome. Conflict Practitioners talk about finding the win-win outcome for the parties involved, vs. the win-lose dynamic found in most conflicts. While "Conflict Resolution" engages conflict once it has already started, "**Conflict Prevention**" aims to end conflicts before they start or before they lead to verbal, physical, or legal fighting or violence.

Conflict itself has both positive and negative outcomes. Practitioners in the field of conflict resolution aim to find ways to promote the positive outcomes and minimize the negative outcomes.

There is debate in the field of conflict work as to whether or not all conflict can be resolved, thus making the term Conflict Resolution one of contention. Other common term include Conflict Management, Conflict Transformation and Conflict Intervention. Conflict Management can be the general process in which conflict is managed by the parties toward a conclusion. However, it also refers to a situation where conflict is a deliberate personal, social and organizational tool, especially as used by capable politicians and other social engineers.

Conflict Management refers to the long-term management of intractable conflicts. It is the label for the variety of ways by which people handle grievances – standing up for what they consider to be right and against what they consider to be wrong. Those ways include such diverse phenomena as gossip, ridicule, lynching, terrorism, warfare, feuding, genocide, law, mediation, and avoidance. Which forms of conflict management will be used in any given situation can be somewhat predicted and explained by the social structure – or social geometry – of the case.

Conflict Management *is not the same as* **Conflict Resolution.** The latter – conflict resolution – refers to resolving the dispute to the approval of one or both parties, whereas the former – conflict management – concerns an ongoing process that may never have a resolution. For example, gossip and feuds are very common methods of conflict management, but neither entails resolution. *Neither is it the same as* **Conflict Transformation**, which seeks to reframe the positions of the conflict parties.

Scientific study of Conflict Management (also known as social control) owes its foundations to Donald Black, who typologized its elementary forms and used his strategy of pure sociology to explain several aspects of its variation. Research and theory on conflict management has been further developed by Allan Horwitz, Calvin Morril, James Tucker, Mark Cooney, M.P. Baumgartner, Roberta Senechal de la Roche, Marian Borg, Ellis Godard, Scott Phillips, and Bradley Campbell.

Utilizing a multidisciplinary approach and avoiding semantic discussions, we could also state that the father of conflict management is Thomas C. Schelling, an American economist and Nobel Prize winner, who authored the Strategy of Conflict in 1960. Schelling's main goal was to lay the foundation for a theory of conflict that would include the fields of economics, psychology, sociology and the law. Conflict is an omnipresent trait of human societies, since it is almost impossible to find two parties with entirely overlapping interests; thus, a general theory for bargaining and negotiation to address conflict is useful not only in the field of international politics or business management, but also at the personal and intimate level. Conflict Practitioners work on conflict in many arenas – internationally, domestically, interpersonally and intrapersonally.[16]

Conflict Management, according to John Davies, has a broader definition than conflict resolution. Its scope includes the following:
- Normal Policies (negative peace)
- Conflict Prevention
- Violence Conflict
- Peace Making/ Ceasefire
- Peace Agreement
- Peace Keeping/ Peace Building
- Sustainable Development (positive peace)

The initial societal situation in a peace process is typically "normal policies," or "negative peace." This situation is an apparently peaceful condition that is in fact illusory. This illusory peace is negative, because the peace results from apathy in society and negative attitudes toward peace efforts. This is usually due to previous bad experiences, which lead people to assume that any peace efforts are pointless. Or it may be that during the conflict period, all their peace initiatives have been suppressed. The corresponding situation with the opposite characteristics is called "positive peace."

Positive peace is a situation in which the various elements in society are working actively toward peace, without any accompanying clashes or violence, even though the movement is highly dynamic. In a situation of positive peace, the community is able to choose the

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[16] http//en.wikipedia.org/wiki/conflict_resolution.

priorities it feels are important, and this process of determining priorities is performed through negotiation among the members of the community itself, without the use of violence.

As I see it, to help this negotiation process accommodate the various interests in society, the form of capacity building that needs to be provided to the community is a set of analytical tools that will enable them to read and map the various interests in the community. At the same time, the community must also be enabled to negotiate its interests. In this way, the priorities that are arranged should be free from bias toward the interests of any particular groups, as any such bias would increase the chances of new conflict being ignited. Therefore, it is essential to facilitate the community with sets of analytical tools that will enable them to become more sensitive to the interests of others. This includes sensitivity to the needs of women, using gender analysis.

Once the situation of negative peace has passed, the next need is preventive action to avoid the recurrence of conflict, usually called **conflict prevention**. This stage is needed because the parties are not yet accustomed to negotiating their conflicting interests. During the period of conflict, they were not conditioned to accept and respect the interests of others. It is therefore understandable that conflict could still erupt, and this is why conflict prevention is needed after the period of negative peace. If conflict does erupt, and escalates into violence, or **violent conflict,** there is no other option than efforts to achieve an agreement to maintain security. This stage is usually called a **peace agreement**. In a peace agreement, the critical activities are a ceasefire and a cessation of hostilities and violence. The ceasefire period must be followed by efforts to preserve the peace so that conflict does not recur. These efforts are undertaken through various approaches, usually called **peacekeeping** or **peace making**.

The next stage is an effort to build a genuine peace among the disputing parties. Since the effort to maintain peace and preserve the ceasefire are the capital on which genuine peace is built, this next stage is usually called **peace building**. Between the stages of outbreaks of conflict and peace building, the term **conflict resolution** applies. The expectation after the peace building process is a situation of normal peace. Next, it is hoped that the peace that has been achieved and maintained will encourage conditions favorable to prosperity, with stable legal, social and political systems for the post-conflict period. This situation is referred to as **sustainable peace**, a form of positive peace. All of the stages described above are within the operational realm of **Conflict Management.**[17]

Regarding the differences between Conflict Resolution and Conflict Management, Peter Harris and Ben Reilly offer the following explanation: "Conflict Resolution suggests the ending or removal of conflict. The implication is that conflict is a negative phenomenon, which should be resolved, ended, and eradicated. On the contrary, conflict can be positive as well as negative." (Here we see a correspondence with Davies's terms "Negative Peace" and "Positive Peace"). Conflict, Harris and Reilly say, is "the interaction of different and opposing aspirations and goals in which disputes are processed, but definitely resolved. It is a necessary path of healthy democratic debate and dialogue, provided it remains within boundaries of the commonly accepted 'rules of the democratic game'. The violent expression of conflict is its destructive side. But conflict can be the starting point for energizing social change and improvement. Conflict Management, then, is the positive and constructive handling of difference and divergence." [18]

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[17] Interview with Prof. John Davies, 21 February 2008, CIDCM, University of Maryland.
[18] Peter Harris and Ben Reilly, Democracy and Deep-rooted Conflict: Options for Negotiators, pages 16-17. IDEA, Stockholm, 1998.

Harris and Reilly prefer using the term "conflict management" rather than "conflict resolution," though they do not reject the concept of conflict resolution. These experts feel that "conflict management" is closely tied to a democratic social structure. They believe that conflict can more easily be resolved when it occurs in a democratic society. In their view, conflict should not be a problem, provided that it occurs within a democratic system. They believe that a truly democratic system will ensure that conflicts can be resolved using the "rules of the game," which are respected and obeyed by all parties concerned, and this can only be the case in the atmosphere of a democratic society.

The term "conflict management" is generally used to describe the aspects of management of conflict, with a broader focus of activities that includes research, analysis, training and so on. Essentially, it includes all the various activities that can be directed to contribute, whether while conflict resolution efforts are underway, before a peace agreement is reached, or both before and after a ceasefire and cessation of hostilities. Furthermore, conflict management can also be directed to support social change and development, whose implementation creates great potential for conflict.

John Davies, who teaches Conflict Management at the University of Maryland and at The Johns Hopkins University, says: "Using the term 'conflict management" (rather than 'conflict termination' or 'resolution') implies an acceptance of conflict as an inevitable part of the dynamic of normal life and as having a potentially positive role in motivating developmental change to better accommodate threatened needs or interests." Quoting Galtung and Jacobsen, Davies adds, "Conflict Management generally does, however, aim to contain or minimize conflict, or (if it is assumed that violence is also an inevitable part of the human condition) at least to ensure that it does not work to one's own disadvantage, however broadly or narrowly conceived."

The more specific term "conflict transformation," again according to Davies, also implies "an acceptance of conflict as normal or inevitable, but not of violence: the aim is here to reduce or remove the underlying motivation for either direct or structural violence through addressing needs and interests, and thus to transform conflict systems from destructive violence to constructive, integrative, bottom-up as well as top-down efforts for sustainable development and stable intergroup relations."[19]

In general, Davies's views are very similar to those of Harris and Reilly. This includes the views regarding the correlation between democracy and conflict resolution. Davies also believes that conflict has both positive and negative aspects, depending on the direction and the means of its resolution.

Another interesting concept is "Conflict Transformation," developed by the Conflict Research Consortium (CRC) at the University of Colorado. The experts at this institution have proposed a new term, which they call "conflict transformation." This concept rejects the ideas of "conflict" and "management". "Conflict transformation" explains that the entire operational framework for handling conflict goes being the working methods of "conflict management". The CRC formulates its definition of Conflict Transformation as follows:

[19] John Davies, "Power, Rights, Interests, and Identity: Conflict Management Strategies for Building a Democratic Peace," in "Second Track/ Citizen's Diplomacy: Concepts and Techniques for Conflict Transformation," page 109. Edited by John Davies and Edward (Edy) Kaufman. Rowman & Littlefield Publishers, Maryland, 2003.

"A number of conflict theorists and practitioners, including John Paul Lederach, advocate the pursuit of 'conflict transformation,' as opposed to 'conflict resolution' or 'conflict management.' Conflict transformation is different from the other two, Lederach asserts, because it reflects a better understanding of the nature of conflict itself. 'Conflict Resolution' implies that conflict is bad – hence something that should be ended. It also assumes that conflict is a short-term phenomenon that can be 'resolved' permanently through mediation or other intervention processes. 'Conflict Management' correctly assumes that conflicts are long-term processes that often cannot be quickly resolved, but the notion of 'management' suggests that people can be directed or controlled as though they were physical objects. In addition, the notion of management suggests that the goal is reduction or control of volatility, more than dealing with the real source of the problem."[20]

Mariya Yevsyukova, in a summary of Lederach's article, writes: "Transformation is a term that is gaining more and more support in the mediation community. It does not imply control, but the possibility of influencing the parties' perceptions and conflict expressions…. Advocacy transforms the relationships from silence to awareness and from awareness to balancing power".[21]

But it seems that this approach is not yet that popular. In the studies on conflict by the School of Advanced International Relations (SAIS) at The Johns Hopkins University, for example, they continue to use the term "Conflict Management," complete with the stages described above. In other words, the school of thought at Johns Hopkins still uses the term "Conflict Management," rather than "Conflict Transformation" or "Conflict Resolution"[22]. Similarly, the Center for International Development and Conflict Management (CIDCM) at the University of Maryland also adopts "management" as its favored term in its approach to the study of conflict.

As noted earlier, in the study of conflict we are often confused by a variety of terms that actually all describe a similar undertaking – the effort to create peace in a region with potential for conflict that is currently experiencing conflict, or where conflict has just ended. From the explanations above, it is clear to me that while there may be some differences in the terminology used and in their operational emphasis, these three concepts (conflict resolution, conflict management and conflict transformation) contain an essential similarity: an effort to eliminate violent conflict that destroys lives, property, the economy and the future. The approaches may vary, but all are essentially aimed at creating peace among the parties involved in violent conflict, whatever the reasons behind it.

From these several theories and concepts, I prefer to use a general approach that I call a "semantic approach" or a "linguistic approach" to examining these terms. This approach attempts to place the context for definitions whose interpretation is not yet very broad, so as to approximate the concept presented by Prof. John Davies, whereby Conflict Management is considered a general and generic term that includes within it various definitions that refer to the stages in the structure where the conflict is taking place. In this regard, Davies's concepts can be juxtaposed with those of SAIS/ Johns Hopkins and also with the approach of Harris and Reilly, which emphasizes the importance of a democratic atmosphere as a condition that

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[20] http://www.colorado.edu/conflict/transform/jplall.htm.
[21] Idem.
[22] http://www.sais-jhu.edu/cmtoolkit/approaches/conflictprevention/index.html

needs to be developed to ensure that all the conflict approaches mentioned above can be applied.

Theories of Conflict: Why Conflict?

Before further discussing several other practical approaches to conflict, it is important to have an understanding of the general background to conflict. Why does a given conflict occur? What is the actual substance of the conflict? What is the analysis of the conflict? Can conflict be anticipated and prevented? Can conflict take place without violence? Theories that can address these questions need to be understood so that we recognize the essence of the issues that we are discussing. By understanding the anatomy and substance of conflict, we will be better able to understand its symptoms, characteristics, and phenomena. It is like the work of a physician; we do not diagnose and treat a disease simply based on the external symptoms, but must instead seek and address the source of these surface-level symptoms.

Peter Harris and Ben Reilly write: "If conflict were simply a surface phenomenon, it would be easily dealt with at the surface level. But deep-rooted conflicts demand deep-rooted conflict management. A doctor who treats a patient's symptoms may bring short-term relief of suffering. But a doctor who treats and cures the underlying illness that caused the symptoms brings a long-term solution to the patient's problem. In conflict management there needs to be a shift of focus, beyond the surface approach of treating symptoms, to a deeper level where underlying illnesses are directly addressed".[23]

This analogy with the work of a doctor should help us understand the concept of conflict as a problem or illness that needs to be cured. Like a disease, conflict often recurs, particularly if the treatment of the disease is not comprehensive or not carried through to the end. Many cases indicate that half-hearted intervention will only temporarily alleviate conflicts, which later erupt again. This is why intervention in conflict regions cannot be partial and stop only halfway. This relates especially to the commitment of third parties that are not involved in the conflict – donor institutions, NGOs, and state officials. Conflict must be handled comprehensively, but in stages corresponding to the situation and the gradual readiness of the community to end the conflict. "Once we decide we can be of assistance, we make a long-term commitment. This is a personal, professional and institutional commitment of at least five years. We know that conflict-habituated systems take a long time to develop and cannot be resolved quickly. In effect, we are there as long as the participants want us there," says John McDonald in one of the ten "operating principles" he sets forth in his elucidation of multi-track diplomacy.[24]

A number of other experts present similar views – that conflict must not always be seen in a negative light. Like a coin, conflict has two equally valid sides. David Bloomfield, Yash Gai and Ben Reilly say: "…conflict itself is not necessarily a negative process. Indeed, conflict is one of the most powerfully positive factors for change in a society. Conflict tells us that something is wrong; conflict is the generator of change and improvement. Without conflict, we would have stagnation. ... Even very intense conflicts are capable of being managed …but

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[23] Peter Harris and Ben Reilly, Democracy and Deep-Rooted Conflict: Options for Negotiators, page 21. IDEA, Stockholm, 1998.
[24] John McDonald, "Need for Multitrack Diplomacy," in "Second Track," page 57, edited by Davies and Kaufman. Rowman & Littlefield, Maryland, 2003.

we do not pretend that it is easy, even more likely. But we simply argue that it is possible".[25] Views such as this are in fact widely held among experts who apply the concept of conflict management in resolving conflict, both inter-state and intra-state.

Regarding the causes of conflict, in the same article the authors state that three factors are typically the sources of deep-rooted conflicts: economic factors, cultural factors, and territory.[26] Conflict resulting from economic factors varies tremendously, and often becomes intertwined with ethnic issues, such that what we see on the surface is inter-ethnic or horizontal conflict. Examples include conflicts in the countries of Eastern Europe in their move from the controlled economy of communism toward a free market; disparities in economic access between different Hindu castes in India; economic disparities between Malays, Indians, and Chinese in Malaysia; and the economic discrimination in Sri Lanka that has led to the Tamil rebellion.

Culturally based conflict, according to Bloomfield et al., is a classic form of conflict that often becomes mixed with religion. Examples include the conflict regarding the use of the Russian language in the Baltic states, or the ethnic/linguistic/religious conflict in Sri Lanka. Ethnic conflict is the case most often found in open societies. Yet since there are almost no communities that are completely closed, conflict resulting from cultural friction is likely to occur anywhere. Territorial issues are another source of conflict commonly found everywhere in the world. Most conflicts in world history have been based on territorial issues.[27]

In their conclusion, however, Bloomfield and Reilly state that whatever its basis, ultimately the most deeply rooted source of conflict is identity conflict, though it often becomes intertwined with competition for economic resources. Their formulation of this theory is as follows: "A striking characteristic of such internal conflict is its sheer persistence. And this arises, above all, because its origins often lie in deep-seated issues of identity. In this respect, the term ethnic conflict is often invoked. Ethnicity is a broad concept, covering a multiplicity of elements: race, culture, religion, heritage, history, language, and so on. But at bottom, these are all identity issues. What they fuel is termed identity-related conflict – in short, conflict over any concept around which a community of people focuses its fundamental identity and sense of itself as a group, and over which it chooses, or feels compelled, to resort to violent means to protect that identity under threat. Often, such identity-related factors combine with conflicts over the distribution of resources – such as territory, economic power, employment prospects, and so on."[28]

Edward Azar, the founder of the Center for International Development and Conflict Management (CIDCM) at the University of Maryland, has developed the concept of Protracted Social Conflict (PSC), emphasizing how basic human needs are a constituent of conflict. PSC, simply put, is a concept that is characterized by:

- Protracted hostility and insecurity characterized by periods of armed violence and crises with no clear cycle of genesis, maturity, reduction and termination;
- Fluctuation in the intensity and frequency of interactions, oscillating between overt and covert patterns of conflict, while hostile attitudes continue;

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[25] David Bloomfield, Yash Ghai & Ben Reilly, Democracy and Deep-rooted Conflict: Options for Negotiators, page 31. IDEA, Stockholm, 1998.
[26] Idem, page 33.
[27] Idem, page 33
[28] Idem, page 9.

- Absence of a distinct termination point, where war has become the status quo and the threat of peace may mean crisis; and
- Conflict spillover in term of both actors and issues, so that the conflict is no longer intrastate or one-dimensional but regional and multi-causal, with blurring of the internal and external boundaries of the conflict.[29]

Regarding the sources of conflict, Azar says, a community is an identity group, constructed around common experiences, values and norms. Human needs may be grouped into three constellations: security, access, and acceptance.

The most basic needs are those of physical survival and well-being. Survival and well-being are contingent upon the satisfaction of infrastructural needs for basic physical resources (food, clothing, energy, water), safety, and productive capability. In reality, the deprivation of such security needs per se does not give rise to conflicts, since the means of satisfying such needs is a function of access to the superstructure of society.

Access to, or effective participation in, the social institutions in which allocation and exchange takes place is essential for fair and just distribution of resources and opportunities needed for security, and may thus also be counted as a human need. This includes participation in the political system, access to the market, engagement in the authority structure and decision-making machinery, and access to institutions that can act as honest brokers in allowing redress without retribution or discrimination on a communal basis. Deprivation of human needs may exacerbated by unbalanced development strategies, distorting equitable allocation of both resources and access. The ability of disadvantaged groups to correct such matters will in turn be influenced by their perceived level of acceptance.

Acceptance, or recognition of identity, is a social-psychological or metastructural need essential to the psychological well-being of individuals and groups. Group identity is manifested in terms of values, norms, ideas, and customs, often linked with more ascriptive factors, such as class, race, language or religion. When there is refusal to accept or recognize the identity of a group, relative deprivation of physical needs and denial of access creates covariance among the victimized and facilitates the distinctive group dynamics of PSC. Satisfaction of acceptance needs, unlike those that depend on the distribution of scarce material and positional values, involves exchange of social goods. Social goods can increase in supply with consumption: groups who are accepted are more likely to accept others in turn.[30]

Furthermore, Edward Azar formulates that "the needs also can thus be tangible and intangible, and a combination of both tends to make PSC intractable. Whereas it may be difficult to identify deep-rooted psychological needs, material needs tend to be more explicit. Intercommunal conflict is driven not only by hostility and distrust but also by political and collective identities and historical misfortunes. Economic development is a key component of conflict management, and like other components it must be explored jointly by all the parties. A development strategy cannot be imposed from the outside; it must harmonize with the broader process of societal development and reflect intercommunal effort and consensus.

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[29] Edward Azar, "Protracted Social Conflict and Second Track Diplomacy," in Second Track/ Citizen's Diplomacy, page 16, edited by John Davies & Edy Kaufman. Rowman & Littlefield, USA, 2003.
[30] Idem, pages 21-22.

In the conflict management process, a clear distinction should be made between interests that can be negotiated, mediated, subjected to judicial determination or bargained over, and these ontological needs and related values that cannot be compromised, traded or repressed as mere interests."

Azar's theory clearly formulates the answer to why conflict occurs in a given society. He uses the three approaches above to analyze conflict. In another section, he reminds us that certain needs or values are not open to compromise, but as far as I have read, Azar does not explore further which ones he means. John McDonald, in his article on Multitrack Diplomacy, describes three matters that he refers to as "non-negotiable issues," which may be the same ones Azar refers to: language, religion and culture.[31] The case McDonald uses as an example is his experience and research in the former Soviet Union. The Soviet government repeatedly rejected the rights of certain ethnic groups to speak, read, or write in their own languages. This was one way for those in power to control the activities and movement of these communities. But this repression was ineffective; the opposition was intense, and people were ready to die to defend their right to speak their own language. Everyone knows that language is the heart of ethnicity and identity.

The second matter that could not be negotiated in the Soviet Union was religion. The Soviet Union was an atheist state, and so no religion had any right to life in public space. But history has proven that people are willing to die, and to kill, to defend their religion and beliefs. The third matter was prohibitions on cultural activity. The totalitarian Soviet government banned all cultural activities other than those determined by the state. The people were not allowed to express their feelings and ideas through the cultural arena, such as through poetry, music or literature, or even through clothing not condoned by the state. The people were also prohibited from conducting various traditional ceremonies related to birth, marriage, death and so on.

These three matters are also intensely related to cultural identity, and when they are banned, says McDonald, based on the results of his research in the former Soviet Union, people will surely resist, and conflict will become unavoidable. But the question then arises: If certain matters are non-negotiable, does this mean that the conflict related to these issues will be allowed to end in war? McDonald's response is that they can be resolved. Because the conditions described above are created by humans, in this case by the government, then they can certainly be resolved by changing the policies of the government concerned. The point McDonald is trying to make is that we need to be aware of these problems. Further, he says, the sources of conflict are usually poverty and competition for natural resources.

If Edward Azar develops the PSC concept to explain his theory of conflict, which tends to relate to behavior and psycho-social perceptions, Chester A. Croecker, a conflict management expert from Georgetown University, together with Fen Osler Hampson and Pamela All, label protracted conflicts that are difficult to resolve as "intractable conflicts," explaining that it becomes more difficult to discover the roots of a conflict when it has been allowed to persist for too long. Regarding the roots of conflict, they also conclude that it always relates to poverty and the failure to meet basic human needs.

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[31] John McDonald, "Need for Multitrack Diplomacy", in Second Track/Citizens' Diplomacy, pp. 50-51. Edited by John Davies & Edy Kaufman, Rowman & Littlefield, USA, 2003.

After studying various sources, Croecker et al. "settled on a very broad definition: intractable conflicts are conflicts that have persisted over time and refused to yield to efforts – through either direct negotiations by the parties or mediation with third-party assistance – to arrive at a political settlement."

They provide the following formulation for the roots of conflict: "Some analysts stress the role of poverty and denial of basic human needs as key sources of conflict. The extent to which certain groups in society are systematically discriminated against and/or have their basic needs denied by those in power can lay the seeds for conflict, especially if there is no legitimate way to channel those grievances through the political process."[32]

From the various expert opinions above, it can generally be concluded that conflict is closely related to the most fundamental aspect of humanity: humans' basic needs, as very clearly stated by Azar, confirmed by McDonald using the term "economic needs," and concurred by Croecker et al.

Ben Reiley and Peter Harris also agree that economic factors are a strong impetus for the occurrence of conflict. Apart from that are the aspects of identity, which include language, religion and culture. In general, the theories above all mention that conflict occurs because of demands from certain groups in society that are not accommodated; this public disaffection is then organized as an opposition force, which comes into conflict with groups with other interests, who usually possess the power and assets that are the source of the problem.

A similar opinion, somewhat extreme in its emphasis on economic factors as the main source of conflict but still quite interesting, is put forward by Paul Collier. Collier was first known as an economist, but then did research on the relations between conflict and economic factors, with very interesting results. Collier firmly states that the opposition groups that are perceived to be demanding justice are not in fact doing so; these opposition groups are actually motivated more by greed than by suffering caused by alleged grievances.

In his theory, which refers to conflicts in which a certain group opposes the government, based on a quite intensive economic analytical approach, Collier poses the question: Is the conflict caused by "greed" or "grievance"? He says, "Popular perceptions see rebellion as a protest motivated by genuine and extreme grievance; rebels are public-spirited heroes fighting against injustice. Economic analysis sees rebellion more as a form of organized crime or, more radically, something that is better understood from the distinctive circumstances in which it is feasible, rather than worrying about what might motivate its participants.

> "…Economists who have studied rebellions tend to think of them not as the ultimate protest movements but as the ultimate manifestation of organized crime." Quoting Herschel I. Grossman, Collier says, "...in such insurrections the insurgents are indistinguishable from bandit or pirates. Rebellion is large-scale predation of productive economic activities…"

Collier adds, "...they need good international public relations because most of them are partially dependent on international financial support. They have to motivate their recruits to

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[32] Chester A.Croecker, Fen Osler Hampson, and Panella All, editors, "Grasping the Nettle". United States Institute of Peace (USIP). Washington, DC., 2005.

kill, because, unlike a mafia, a predatory rebel organization is going to have to fight for its survival against the government forces. A rebel organization simply cannot afford to be regarded as criminal; it is not good publicity and it is not sufficiently motivating. Rebel organizations have to develop a discourse of grievance in order to function. Grievance is to a rebel organization what image is to business… In the most cynical variant of the theory, rebellion is motivated by greed."

The analyses above explain to us that grievance, as a medium to seek sympathy from opposition movements or groups that are involved in conflict with a government, is a campaign tool no different from promoting a company through a public relations agent. And if necessary, as Collier notes in another section, a group that positions itself as a victim of the government's injustice actually hopes that the government will make the mistake of committing massacres and other forms of violence, so that the opposition group will receive support and sympathy, especially financial assistance, from both local and international sources. Errors by the government, or weakness on the part of the government, are public relations tools for opposition groups. Thus, it is understandable that conflict can be motivated by injustice, but also by "greed," to quote Collier.[33]

However, as stated by Francis Stewart and Graham Brown, "…individuals who fight have their own private motivation for doing so as well as loyalty to the group that is fighting. At this point, the group explanation and individual explanation of conflict come together. It is hard to persuade people to risk their lives for grievances that are not genuine (i.e., unless there is some sort of exclusion or economic horizontal inequality), while it seems that leaders may be, at least in part, motivated by personal ambition in both horizontal inequality and individual maximizing paradigms. In both cases, it is argued that they are motivated by political exclusion (i.e., political horizontal inequalities), which denies them access to resources and power."[34]

In this matter, apart from the many variants of causes and motivations that stimulate the occurrence of conflict, it always relates to aspects of economic access, power and culture packaged as grievances, although many other factors may also encourage it, such as greed, personal motivations, and so on.

Another important point, from Stewart and Brown, that can be used as a theoretical approach to examine the problems in Aceh is their formula regarding natural resource potential and the emergence of conflict. They explain: "…moreover, the conflicts in the natural resource-rich areas were framed in ethnic terms – the Acehnese in Indonesia, the Igbo in Biafra, and the 'authentic' Katanga groups in Zaire. It seems that promoting the objective of political and cultural autonomy for the ethnic group was also an important source of mobilization… Group identities and group mobilization are also generally present. While leaders undoubtedly often do sell identities as a way of securing support, they cannot create identity out of nothing… A common history, language, culture, or religion is generally required to generate felt identities powerful enough to mobilize people for conflict."[35]

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[33] Paul Collier, "Economic causes of civil conflict and their implication for policy," pp. 197-198. In "Leashing the dogs of war: Conflict management in a divided world," edited by Chester A. Croecker, et al.

[34] Frances Stewart and Graham Brown, "Motivations for conflict", pp. 224-225. In "Leashing the dogs of war," edited by Chester A. Croecker, et al.
[35] Idem, page 225.

Both Collier and Stewart and Brown concluded that the conflicts that occur in many parts of the world, from Aceh to Africa, have economic motives. In their view, every grievance, every resistance that leads to violent conflict is in fact an economic event. Their analysis is strongly influenced by the ideas of Karl Marx, who felt that conflict in society is motivated primarily by economic factors.

They also explain the relationship between conflict and poverty and backwardness. To quote Stewart and Brown, "For civil wars, what matters is sharing resources of all kinds across all communities; shared poverty and underdevelopment would not lead to conflict. Where a society is poor but some groups succeed in securing a disproportionate share, there may be a predisposition to conflict". [36]

Based on the explanations from experts above regarding the motives and situations that may be found in cycles of violence in conflict regions, we can easily recognize why, for example, in Aceh the actors did what they did – the government, the public, GAM and others.

Multi-track Diplomacy and Second Track/Citizen's Diplomacy

Many efforts to achieve peace in conflict regions and peace-building efforts in post-conflict regions stress in their theoretical frameworks the importance of the "multi-track diplomacy"[37] approach, which includes both formal and informal approaches. This terms was developed and expanded by Louis Diamond and John McDonald from the "track one and track two" concept mentioned earlier in the introduction by John Davies and Edy Kaufman.[38] There is, in fact, no principal difference between the idea of "two track diplomacy" presented by Davies and Kaufman and McDonald's ideas. However, Diamond and McDonald seek to develop the concept of the informal approach in "track two" or "the second track" through a more detailed elaboration. They have even established an institution that works specifically in conflict diplomacy, applying their specific approach to conflict cases in several regions, including Cyprus, Ireland, and Israel/Palestine.

Multi-track Diplomacy, as mentioned by Diamond and McDonald, is a term used to more technically define the further efforts made in track-two diplomacy. They explain: "The term multi-track diplomacy refers to a conceptual framework we designed to reflect the variety of activities that contribute to international peacemaking and peace building. The concept is an expansion of the 'Track One, Track Two' paradigm that has defined the field during the last decade(s)".[39] Here we present the formulation of "Multi-Track Diplomacy" written jointly by Diamond and McDonald:

1. *Government, or Peacemaking through diplomacy*. This is the world of official diplomacy, policymaking, and peace building as expressed through formal aspects of the government process.

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[36] Idem. page 228.
[37] Louis Diamond & John McDonald. "Multitrack Diplomacy, A Systems Approach to Peace". Third Edition. Kumarian Press. Connecticut, USA. 1996.
[38] John Davies and Edy Kaufman, editors, Second Track/Citizens Diplomacy, p. 1. Rowman and Litlefield. 2003.
[39] Diamond and McDonald. "Multitrack diplomacy," page 1.

2. *Nongovernmental/professional, or Peacemaking through conflict resolution.* This is the realm of professional nongovernmental action attempting to analyze, prevent, resolve, and manage international conflict by non-state actors.

3. *Business, or Peacemaking through commerce.* This is the field of business and its actual and potential effects on peace building through the provision of economic opportunities, international friendship and understanding, informal channels of communication, and support for other peacemaking activities.

4. *Private Citizens, or Peacemaking through personal involvement.* This includes the various ways that individual citizens become involved in peace and development activities through citizen diplomacy, exchange programs, private voluntary organizations, nongovernmental organizations, and special interest groups.

5. *Research, Training, and Education, or Peacemaking through learning.* This track includes three related worlds: Research, as it is connected to university programs, think tanks, and special-interest research centers; training programs that seek to provide training in practitioner skills such as negotiation, mediation, conflict resolution, and third party facilitation; and education, including kindergarten through PhD programs, that covers various aspects of global or cross-cultural studies, peace and world order studies, and conflict analysis, management and resolution.

6. *Activism, or Peacemaking through advocacy.* This track covers the field of peace and environmental activism on such issues as disarmament, human rights, social and economic justice, and advocacy of special-interest groups regarding specific governmental policies.

7. *Religion, or Peacemaking through faith in action*; This examines the beliefs and peace-oriented actions of spiritual and religious communities and such morality-based movements as pacifism, sanctuary and non-violence.

8. *Funding, or Peacemaking through providing resources.* This refers to the funding community – those foundations and individual philanthropists that provide the financial support for many of the activities undertaken by other tracks.

9. *Communications and the Media, or Peacemaking through information.* This is the realm of the voice of the people: how public opinion gets shaped and expressed by the media – print, film, video, radio, electronic systems, and the arts.

Diamond and McDonald argue that "each of the nine tracks represents a world unto itself, with its own philosophy and perspective, purpose, language, attitudes, activities, diversities, culture, and membership. At the same time, each of these worlds exists in the context of others." Furthermore, they conclude that "among and between these mini-worlds are numerous places of overlapping, collaborative, and complementary activities; relationships that span the spectrum from close and natural allies to adversaries; and varying degrees of openness for communication and mutual support. Therefore, the Multi-Track diplomacy is more than simply a view into each of the tracks individually. It looks at the interrelatedness between them as well. It looks at the whole system."[40]

In the context of post-conflict peace building, as seen for example in Aceh since 15 August 2005 or in Timor Leste since 1999, the critical problem is how to effect a transition and transformation from a post-war atmosphere to a phase of construction to achieve prosperity and lasting peace. For if this stage does not go smoothly, the peace process that has been achieved through such hard efforts will return to the original cycle, and can trigger the

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[40] Diamond & McDonald. "Multitrack Diplomacy". Page 4-5.

occurrence of a new, protracted conflict, referred to by Edward Azar as Protracted Social Conflict (PSC).[41]

As mentioned by Chester A. Croecker, et al. (in Leashing the Dogs): "There is active discussion and debate about post conflict strategies of conflict management and what kinds of resources and capacity are required to help states make the transition from war to peace and whether further outbreaks of violence and conflict can be successfully prevented."[42] Croecker's statement is very interesting, because he explicitly emphasizes the "post conflict" approach and the "transition" from a post-war situation to one moving toward peace.

This question, accidentally or not, corresponds strongly to the post-conflict situation in Aceh right after the conflicting parties – GAM's rebel army and the Indonesian military – signed what is called the Helsinki Accord in Helsinki, Finland, on August 15, 2005. In fact, there have been several strategic stages and diplomatic approaches in the high-level elites – political approaches had been taking place, such as the AMM presence, the LoGA passed by the Indonesian's parliament, and the establishment of the Aceh Reintegration and Peace Body (BRA), which aims to implement all the results of the negotiation.

Recognizing that this is the key to the peace process in any post-conflict area, Aceh's provincial government is now working very hard to deliver the details of the work to translate the Helsinki Accord's messages and promises into programs and activities that will match and prevent any other distortions in the field.

Paul Van Tongeren et al., in the introduction to the book People Peace Building II, state "…that in order to effectively prevent and resolve the violent conflicts today, all stakeholders, from the grassroots to international levels, need to be included in developing and implementing such strategies throughout the entire conflict cycle. Most importantly, peace building from below – by civil society actors – works, and is needed for any peace process to succeed."[43]

What Tongeren proposes here is the same conclusion drawn by John McDonald, John Davies, Edy Kaufman, and Edward Azar, regarding the importance of an informal approach, or Citizen's Diplomacy, which can also be called "Track Two" or the "second track". The success of peace building depends greatly on the involvement of civil society, bottom-up processes that are open and transparent, which confirm the effectiveness of the Second Track Diplomacy approach, while not neglecting the importance of First Track Diplomacy.

John McDonald says that in a post-conflict situation, the steps of multi-track diplomacy can be taken through a "Peace Building" framework. Peace Building can be broken into three parts: First, Political Peace Building. This is "track one," where steps between formal groups, especially the government concerned, seek to effect a political step before entering the construction stage. Second, Economic Peace Building, where the government can also play a role by working to ensure availability of funding for the peace process. Third is Social Peace Building, where the steps that are taken enter the "second track" stage, including such work as overcoming the hatred, anger, fear, lying, trauma, and other such social damage produced

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[41] Edward Azar. "Protracted Social Conflict and Second Track diplomacy". Editor's note, in Second Track/Citizens Diplomacy.
[42] Chester A. Croecker, Fen Osler Hampson, and Pamela Aal. Editors; "Leashing the dogs of war", p. 4. United States Institute of Peace Press, Washington, DC, 2007.
[43] Paul Van Tongeren et al., editors: "People Building peace II" (Editors' Introduction, p. 1).

during the conflict. This stage is also undertaken to ensure that the government has support and skills at the grassroots level to anticipate and avoid the return of violence.

To this end, McDonald provides the framework of a very important practical approach for pursuing multi-track diplomacy, through what he calls "Operating Principles". This framework needs to be understood by the donors so that their presence will be productive, and by the local community so that they understand the reasons for the presence of outside conflict facilitators.[44]

The importance of involving local actors in peace building and conflict management efforts is a central topic that has received attention from many observers. It is generally believed that while the intervention role of outside peace facilitators has many strengths, it also has certain limitations that need to be overcome, particularly in the areas of understanding local complexities, building communication, rallying a support base, and especially in achieving long-term targets.

In a post-conflict situation, it is not just the government that is weak, but also the components of civil society. It is for this reason that a humanitarian approach can only legitimately be employed in the short term, and what is needed for the long-term approach is engagement and local empowerment, concurrently with the emergency stage, through the mechanisms mentioned by McDonald in his "operating principles".

Regarding this, Larry Minear, who teaches at Taft and Brown University, says, "The international humanitarian enterprise has a strong rhetorical commitment to strengthening local institutions in countries affected by crises. To fail to enhance their capacity, aid officials persuasively argue, would leave conflict-affected societies vulnerable to recurring emergencies. Many individual relief and rights organizations have policies affirming their intention to work in partnership with indigenous actors. The expressed goal is to enable their hosts to respond better to future crises and to play a more active role in their own civil societies". [45]

Minear's explanation above simultaneously presents the understanding that to build sustainable peace, it must be accompanied by strengthening of local institutions. But is this rhetoric always matched by the implementation in the field? Regarding this, Minear explains further: "…yet the humanitarian enterprise has proven itself better at delivering life saving assistance than at strengthening local capacity… Only a few organizations see capacity building as an end in itself, an investment in the ability of indigenous entities to function over the long haul independently of outsiders."[46]

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[44] The Operating Principles include 1) Invitation - presence of donors or other third parties needs to be solicited; 2) Long-term commitment - at least five years after the peace settlement; 3) Relationship - must build relations with local community and government; 4) Trust - local people trust the facilitators; 5) Engagement - every program must be based on local needs; 6) Partnership - must not be exclusive, but based on cooperation and coordination; 7) Synthesis of wisdom - adapted to local concepts; 8) Multiple technologies - conflict facilitators must be professional; 9) Action Research – must learn from the process; 10) Responsibility - must be responsible in facilitating processes; 11) Empowerment - must empower the local community, and 12) Transformation - must change from an outlook of "enemies" to one of "value sharing". Mc. Donald. "Multitrack Diplomacy", hal. 55-57,

[45] Larry Minear. "The Humanitarian Enterprise: Dilemmas & discoveries", pp. 55-56. Kumarian Press, Inc. Bloomfield, USA. 2002.

[46] Idem, pp. 57-58.

Thus, the conflict resolution approach through the "multitrack" concept, which itself stresses the importance of the "second track," and "multitrack diplomacy" as formulated by Davies, Kaufman, McDonald, Minear and others generally portrays quite a comprehensive patterns of approaches, with much complexity. This is because it encompasses both formal and informal approaches, including general operational steps, further reinforced by the experience of Minear, who has done research on the role of "the humanitarian enterprise" in various places.

The Role of Civil Society in Conflict Resolution

As we now understand from the preceding explanations of the theories and approaches of "Second Track" or "Multitrack" diplomacy, any efforts to build peace in the framework of conflict management will automatically require the extensive involvement of civil society. Thus, it is important for us to learn whatever we can about models and approaches to the involvement of Civil Society, especially NGOs that focus on peace-building efforts, both for the long term and in the emergency stage of the conflict resolution process.

So what is civil society? Chris Brown, quoting Ernest Gellner, gives the following definition of Civil Society: "Civil Society is that set of non-governmental institutions which is strong enough to counterbalance the state, and, whilst not preventing the state from fulfilling the role of keeper of the peace and arbitrator between major interests, can, nevertheless, prevent the state from dominating and atomizing the rest of society."

This formula, quoted by Brown, Gellner himself describes as less than entirely satisfactory, but he was trying to formulate a general understanding that could serve as a definition.[47]

In his explanation about why this formula is still unsatisfactory, Brown writes, "Gellner suggests that it tells only half the story, implying that tyranny is necessarily tied to strong central institutions; not so, there are many examples of plural societies, with weak or non-existent central authorities, based on kinship, in which 'tyranny by cousins' replaces tyranny by kings. Civil Society is radically distinct from the segmentary community which avoids central tyranny by firmly turning the individual into an integral part of the social sub-unit… Thus for civil society to function, what is required is a state which is strong, in the sense that it is capable of preserving order and enforcing the law, but not too strong, in the sense of being so extensive in its reach that it is capable of posing a continuing serious threat to civil liberties and the autonomy of non-state institutions..."[48]

Charles (Chip) Hauss in an online publication "Beyond Intractability.org" from the University of Colorado at Boulder states, "…there is no universally accepted definition of either civil society or the related notions of a civic culture and social capital. In one of the best brief attempts to sort through all the definitions, the British Library include the following characteristics: 'All observers agree that civil society refers to voluntary participation by average citizens and thus does not include behaviour imposed or even coerced by the state. For some observers, it only includes political activity engaged in through nonprofit organizations such as nongovernmental organizations (NGOs). At the other end of spectrum, some observers include all forms of voluntary participation, whether in the public or private sector, political or apolitical. Civil Society includes not just the individuals who participate,

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[47] Simon Caney and Peter Jon, "Human Rights and Global Diversity".
[48] Idem, pp. 12-13.

but the institutions they participate in – sometimes called "civil society organizations" or "CSOs". Thus Civil Society is strong to the degree that those CSOs are large and powerful.'"

Hauss adds that "…civil society is one of the 'hottest' concepts in all of the social sciences that touch on the political life. Because so many countries have established more democratic regimes in recent years, there has been renewed interest in popular engagement in political life and everything else that relates to the way that political cultures or basic values and beliefs affect the way state is governed. More recently, there has also been growing interest in how strengthening civil society can contribute to conflict resolution."[49]

From the various views above, we can see that civil society and the state are actually inseparable. Civil society exists in a complementary relationship with the state, and they need not be in opposition; rather, it is a system that flourishes within a democratic system. It is also quite clear that a democratic atmosphere is important for the existence of civil society, though on the other hand, civil society can itself promote the growth of a better quality of democracy when an authoritarian culture remains strong. We can also see that civil society is a stabilizing factor for the state, helping prevent anyone from becoming too strong or too weak. In the context of conflict, civil society is expected to contribute significantly to the state and to society at large.

So**, what is the role of civil society in conflict prevention and resolution?** Paul Van Tongeren, executive Director of the European Centre for Conflict Resolution and the editor of the book "People Building Peace I & II: Successful stories of civil society," shares his experience and expertise as follows: "Two years ago, Kofi Annan (then the UN Secretary General) made a report for the General Assembly of the UN on conflict prevention. One paragraph in that report is about civil society and the growing recognition that civil society is very important. It continued to say if there is sustainable peace, civil society should be more involved. In all of the civil wars, the civil actors are the victims, or play a part in the conflict, but it doesn't help that only two parties come to the table and have discussions; a broader civil society has to be involved.

"Inspired by that paragraph, I recommend an international NGO to organize an international conference on the role of civil society in conflict prevention. We responded with saying that we are documenting a lot of the work of those NGOs in our 'Searching for Peace' program. Secondly, we have organized many larger international conferences. We believe that the role of civil society is very important, so we are eager to organize those conferences. Since then, we are in contact with the UN and the idea now is to propose that conference with the UN in 2004, and 2005 roughly eight to ten regional conferences will be organized. In West Africa, a civil society conference may be held on what civil society can contribute to peace building. Women's organizations, religious groups, the elderly, the youth, and the media will discuss these issues. Those conferences will come with recommendations and draft action plans that will be brought together to the UN.

"This process is very well received in regions in many countries because they think it will strengthen the profile of civil society. It will strengthen the profile of this field by gaining some more weight and prestige when there is a conference at the UN…"[50]

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[49] http://www.beyondintractability.org/essay/civil_society/
[50] http://www.beyondintractability.org/audio/10979/

To consolidate this idea, and in line with the idea of strengthening civil society, and also to present some facts that confirm their ideas, Paul Van Tongeren, Malin Brenk, Marte Hellema, and Julliete Verhoeven jointly edited the book "People Building Peace I & II" in 2004-2005, containing the experiences of civil society organizations in many countries, including Indonesia in the case of Ambon, and East Timor, in building peace.[51]

In an essay in the volume edited by Van Tongeren et al., Catherine Barnes writes: "Civil society resists easy definition, especially when discussing it as a global development. Every society has its own distinct forms of social organization, cultural and political traditions, as well as contemporary state and economic structures – all of which are central to the development of civil society and shape its specific features. Most broadly understood, however, civil society refers to the web of social relations that exist in the space between the state, the market (activities with the aim of extracting profit), and the private life of families and individuals. Interlinked with the concept of civil society is the idea of social capital: the values, traditions, and networks that enable coordination and cooperation between people. Therefore these concepts have qualities associated with relationships, with values, and with organizational forms."[52]

Barnes presents an interesting approach for how civil society can respond to the needs that emerge when contributing to conflict issues. She calls it "modalities for engagement between civil society organizations and government." This framework was further developed by the participants in the Global Partnership for the Prevention of Armed Conflict London "brainstorming" meeting on December 3, 2003, with this important input from Andy Carl and Simon Fisher: "Civil Society Organizations (CSOs) responding to conflict need to deliberate and analyze the values and political positioning that characterize their relationship with the state, so as to engage more effectively, ethically, and strategically.

> "They should strive to be:
> - Complicit: As citizens and organizational groups embedded in our country's civil society, we are party to the decisions that our governments make in our name.
> - Contractual, when CSOs implement policies and programs through their work, often by receiving funding from governments.
> - Contributing, through participation in policy dialogue and recommendations for appropriate responses to specific situations or issues.
> - Complementary, working in parallel as separate autonomous entities within the same system of issues and relationships.
> - Contesting/confronting, when CSOs challenge government actions, priorities and behaviors."[53]

How can CSOs contribute to the post-conflict reconstruction?

Rebuilding post-conflict areas is a pressing challenge throughout the world. The tension between maintaining stability and addressing past injustice is a particularly troubling issue. One cannot implement justice in the absence of stability, and yet if a government leans too far towards stability it may lead to repression and contribute to further violence. Terrence

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[51] Paul Van Tongeren, Malin Brenk, Marte Hellema, and Jullite Verhoeven, editors, "People Building Peace II; Succesful Stories of Civil Society". Rienner, London, 2005.
[52] Catherine Barnes, in "People Building Peace," edited by Van Tongeren, et al., p. 7.
[53] Idem, p. 10.

Lyons, professor of Conflict Analysis and Resolution at George Mason University, shares his ideas about ways to increase post-conflict stability through gradual democratization and the fostering of civil society. Let's follows Lyon's opinion, drawing from his long experience in many African countries and also in the Balkans, in answering questions on post-conflict areas where there has been a lot of violence, whether is it more important to have stability or justice? And what is the trade-off and then what is the implication of conflict resolution?

Lyons said: "It is a key question that I struggle with because the answer, as with many complicated issues, is not all of one and none of the other. The way that I have come to think about it is that it is a sequence of priority questions. Both are necessary in the long run. To get justice in the context of continued instability is extremely difficult so long as there are armed factions and gunfire, displaced people, and people who are afraid even to leave their homes or to join civil society organizations or to engage in normal social end economic behavior. Then creating a system of justice is extremely difficult. So, establishing order and ending the violence must be first in terms of both sequence and priority… My feeling of the agenda in the post conflict transition is that you by no means end, but you start with trying to build a stability and ending the violence so that over the medium term, people are able to organize themselves in such a way that they can sustain long term peace building – justice, social harmony over a much, much longer period of time."[54]

But experience shows that post-conflict situations, in the sense that an initial peace has been created, are always tinged by various types of violence that threaten a return to the cycle of violence, largely because of the government's inability to respond to current social, political and economic demands. This violence, as Collete Rausch points out, is often of a serious criminal nature, as has occurred in many places in the world that have just achieved peace.

 According to Rausch, "…post conflict societies are often marred by a breakdown of law and order, resulting in the proliferation of many and varied forms of criminal activity. Such activity is almost always 'serious' in terms of its impact either on individuals or on society at large… A serious crime, for the purposes of this book, is a criminal act or acts that can have profoundly destabilizing impact on post-conflict society. Specifically, the crime's commission endangers the general security of the population and the establishment of post conflict peace and order; jeopardizes economic, legal, and political reform efforts; and threatens to undermine public trust in nascent criminal justice institutions."[55]

So what is the role of civil society in responding to these issues that emerge in the post-conflict period? This question, as Lyons explained above, cannot be answered in a simple way; the issues are complex, and so the most general practical approach, as recommended by the theoreticians, is to work toward the creation of a conducive situation in which all can take part, by restoring law and order. In this sort of situation, the contribution of civil society is urgently needed, through work patterns such as those touched on earlier by Catherine Barnes regarding their relationship with the state.

"Maintaining peace and security must take into account the underlying causes of conflict, often development-related, as well as the expressions of power-struggles among leaders and factions. The nature of preventive diplomacy, conflict resolution, peacemaking and peace building, however, is still too state-centric. Together, government and civil society must

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[54] http://www.beyondintractability.org/audio/10715/
[55] Collete Rausch, editor, "Combating Serious Crimes in Postconcflict Societies: A Handbook for Policymakers and Practitioners". United States Institute of Peace Press. Washington, DC. 2006.

evolve a more dynamic concept and praxis, within which non-government actors play a key role… The tendency to think of peace and security in state-centric terms also fails to take into account the multiple social and economic factors which underpin the security of people, or the vital need to safeguard and support individual actors in civil society, whose energy and mutual confidence are essential to maintaining peace and security in the long term."[56]

The answer to this question, according to Rausch, is continuous efforts to build capacity. "The goal of serious crimes programs must be to build long-term sustainable capacity. While serious crimes are particularly threatening to stabilization, reconstruction, and democratization efforts in post-conflict society, the need to confront serious crimes will remain long after the society has transitioned from the conflict and after foreign assistance providers have departed. It is therefore vital to build capacity on both the institutional and the human levels. Ad hoc and imported approaches that are not tailored to local circumstances (local CSOs) rarely have lasting impact. Capacity building requires adequate investment in skills development and empowerment of the personnel who will be implementing the serious crimes program."[57]

Thus, it can be emphasized that the roles of civil society as a counterpart of the government in post-conflict situations must be properly fostered so that they can be mutually supportive in a balanced pattern of relations. Since post-conflict conditions are so often identical with an increase in serious crime that has the potential to disrupt the peace process and bring a return to violence, it is necessary to build the capacity to deal with these serious crimes. As is generally recognized, in post-conflict conditions, both the government and CSOs typically have weak capacity to respond to the changes and challenges, so capacity building is essential for both CSOs and government, or anyone who is involved as an actor in peace building in a post-conflict region.

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[56] Deborah Eade, Editor. "From Conflict to Peace in a Changing World; Social Reconstruction in Times of Transition". Oxfam GB. 1999.
[57] Idem. Rausch. p. 15.

Chapter 3: Analysis of Aceh Peace Process: Tracking Back and Moving Forward

What needs to be done by the people of Aceh to assure that sustainable peace, the ultimate goal of the Helsinki Accord, can be realized? What is the best way to choose and prioritize among of the many possibilities and options? Can the processes that have been passed really provide a strong foundation for moving forward? What should be evaluated, changed, reconstructed, and re-planned to improve the distortions and the impact of the processes since the Helsinki Accord, especially regarding the social, political and economical consequences in the post peace agreement in Aceh?

It would be almost impossible to use merely one kind of method in understanding or comprehending any problems relating to the Acehnese conflict, especially in the post conflict reconstruction community. Chapter-II, examined the various thoughts and approaches of different scholars. However, those theories and thoughts share a common approach to problems, focusing on issues such as security, economic, political and legal matters in post conflict situations as the general trigger of conflict. The differences of theory or approach used by scholars or practitioners to explain conflict matters, might be influenced by the background or nature of the specific conflicts that they previously experienced and form base of the concepts that they formulate.

The main focus of this paper is on the Post-Conflict Reconstruction processes between August 15th 2005 when the Helsinki MoU was signed, until August 15th 2008.[58] Focusing on these three years will illustrate whether the process has been successful in establishing a foundation for lasting peace in Aceh. These last three years have been challenging, but full of possibilities, have drawn much attention from the international community, researchers and scholars.

To better understand the situation in Aceh, further contextualization will be necessary and I will illustrate the factors and triggers of the conflict to the historical context of the peace talks themselves. This will help us to better understand the main focus of this paper, which is to see whether or not the peace processes in Aceh has been following the right track based on the Conflict Management frame work.

Failed Attempts at Peace Mediation (2000-2004)

The Helsinki MoU should be credited as a successful conflict resolution effort that has been able to transform the thirty year-long protracted social conflict in Aceh into a real possibility of peace. The hostilities between GAM and Indonesian Government were actually inherited from a conflict dating back to the 18th century, the colonial era, especially since the "Aceh War" (1873).[59] The nuance and nature of the conflict is changing, sometimes seeming like a structural conflict but at times it looks like a horizontal crisis. The conflict constantly reflects

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[58] The stages of the conflict in Aceh can be identified in the following stages: 1) Intractable Conflict/Protracted Social Conflict; 1976-2004; 2) Pre-peace negotiation or Conflict Resolution; January 2000-December 2004; 3) Peace making and Peace Agreement Processes: January 2005-August 2005; 4) Peace Keeping and Peace Building or Post-Conflict Reconstruction: August 2005-present.

[59] Paul Van Peer, "Perang Aceh". Rajawali Press. 1985.

the links and nuances between ideology, economics, culture, and religious unrest.[60] However, there has never been any intervention from athird party or an international mediator. All the cases have been resolved by the natural local mechanism among the different social groups, whether it was the fight against the Dutch, the social conflict among Acehnese or the fight against Indonesian Government.

The presence of international community as the third party who offers the mediation facilitation in Aceh conflict began in 2000, through the Joint Understanding of Humanitarian Pause (JoU), facilitated by the Henry Dunant Centre (HDC), an international NGO base in Geneva, Switzerland. The "humanitarian pause" was a milestone of the peace processes and international involvement in Aceh, which is why our discussion of Conflict Management in the Aceh is more relevantly framed within period from 2000 to 2005.

The Humanitarian Pause (Part-I); The Joint Understanding on Humanitarian Pause for Aceh, signed in Bavois, Switzerland, by Dr. N.Hasan Wirajuda, Chief Mission of the Indonesian Permanent Representative at the UN in Geneva, and Dr. Zaini Abdullah, representing GAM. The first arrangement of this mediation was to establish a three month ceasefire to avoid any further violence.

To implement this humanitarian pause, both parties agreed to establish two groups of Joint committees responsible for specific tasks. The first committee was the *Komite Bersama Aksi Kemanusiaan (KBAK)* or Joint Committee on Humanitarian Action, responsible for the coordination and distribution of humanitarian assistance and enhancing the role and advantages to civilians in the affected conflict area. The second committee was the *Komite Bersama Modalitas Keamanan (KBMK)* or Joint Committee for Security Modalities, responsible for arranging security aspects within the humanitarian frame work, especially providing a guarantee in reducing tensions and stopping the violence. This committee developed a basic arrangement to avoid any military offensive, and giving a guarantee to the police institution in a normal civil environment of law enforcement and public order. Each committee consisted of 10 persons, representing both of the conflicting parties (GAM-RI).

The activities of the two committees were to be supervised by an impartial monitoring team of five trusted and respected persons, endorsed by both the parties, and not necessarily affiliated to GAM or the government. Both committees were based in Banda, Aceh. In addition, a higher level forum, called the Joint Forum of GAM and Indonesian Government, was established in Geneva by both of parties to address unresolved problems and act as the final decision maker.[61] Both parties agreed to choose the Kuala Tripa Hotel, a neutral spot in Banda Aceh, as the main secretariat. This hotel was later destroyed by the Tsunami on December 26th 2004.

The Humanitarian Pause aimed to decrease the tensions and violence, but was not able to provide any significant development for peace.[62] Political violence, gun fighting and government crackdown coupled with human rights abuses perpetuated. Military components of the two parties acted and ignored the humanitarian pause agreement. Through different media outlets, both GAM and Indonesian military commanders accused the opposing parties

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[60] http:/www.worldwatch.org/node/3929
[61] See JoU Documents or joint publications of GoI and GAM, or see;
http://groups.yahoo.com/group/Lantak/message/1904
[62] See Press Realease Komite Untuk Orang Hilang dan Tindak Kekerasan, no. 34/SP/KONTRAS/VIII/2000, atau lihat http://www.kontras.org/penculikan/index.php?hal=sp&id=179

of attempting military offensives, while none admitted to violating the JoU. In essence, there had been no trust building as the most important modality of negotiation and diplomacy. This absence of trust caused the process to fail, and the situation actually worsened in most conflicting areas. The districts courts did not work, and law enforcement was impossible because of the absence of paralegals that had fled from Aceh or were threatened by the GAM combatants.

Humanitarian Pause (II): The failure of the Humanitarian Pause (part I), pressed the HDC to propose an initiative to prolong the term of the humanitarian pause for another three months. This scheme had been prescribed in the initial agreement, so the humanitarian pause (Part II) was established for October 3rd 2000 to January 15th 2001. Identical to the previous program, Part II was unable to provide conditions for peace, or improved conditions for negotiations as it was unable to foster any trust among the adversaries. The facilitator was unable to bring all the parties to value sharing, regarding the differences or similarities in their understandings and claims of the Aceh conflict. In addition, there was an increase in the unrest and violence in the beginning of 2001, as demonstrated by the attack of Indonesian police on the GAM camp in Pidie region September 2001, followed by dozens of other armed clashes.[63] At the same time, six of the GAM negotiators were arrested by the Indonesian Police and were taken into custody for one month in Police Headquarters. The Indonesian negotiator was ordered to go back to Jakarta, which effectively ended this diplomatic peace process.[64]

Cessation of Hostilities (COHA): The failure of the Humanitarian pause did not discourage the HDC, who proposed a new initiative to find the most effective peace mechanism possible. On December 9th 2002, the Indonesian Government agreed to a new initiative called CoHA, the Cessation of Hostilities Agreement, in Geneva. This agreement established the so called Joint Security Committee (JSC) or Komite Keamanan Bersama (KKB), which was based on the humanitarian pause with new components.

JSC consisted of 96 members each party having 48 representatives, posted in 8 districts within the JSC organization structure. The JSC was chaired by the representatives of the third party observer countries who acted as the facilitators. They were Mayor General Tanungsuk Tuvinun from Thailand, commander of JSC, and Brigadier General Nagamora Lamodag from the Philippines, acting as vice commander. Their main task was to build the trust between the TNI-Indonesian Army and the GAM Rebellion Army.

This program also included the establishment of a potential "peace zone" to ensure the reduction of violence and hostilities between GAM and TNI. The establishment was meant to be followed by the "all inclusive dialogue," which included, for the first time, the participation of civil society. This dialogue was planned to be held in Japan, on May 23rd, but again, this arrangement failed because of the lack of trust in the Indonesian government. On May 16th 2003, the day the GAM negotiators were leaving for Tokyo, they were arrested by the Indonesian police accused of involvement in subversive activity, subject to Indonesian Martial Law. The Indonesian court charged and sent them to prison for terms varying from one to fourteen years, depending on their role within the GAM. This failure had actually been signalled by a previous incident in the Central Aceh District on March 3rd 2003, when about 600 people reported as anti-GAM militias, burnt down the JSC office. This group

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[63] See the HDC documents during the Humanitarian Pause, or the relate reports in Harian Serambi Indonesia, or http://www.liputan6.com/daerah/?id=295

[64] http://www.sinarharapan.co.id/berita/0303/17/sh05.html

claimed that the JSC was not a fair mediator and only legitimized GAM, who was responsible for crimes against the people of this district. In fact, the Gayonese, who are the predominant population in Central Aceh and are traditionally perceived as second class citizens, were allegedly backed up by the Indonesian military and police.[65] On May 17th 2003, the Indonesian Government in Jakarta declared Martial Law in Aceh and assigned governance to the Military Authority. This resulted in the failure of the three years long peace initiative and violence in Aceh spiraled, causing serious civilian casualties. The Indonesian Army also intensified the crackdown on GAM members.

Helsinki MoU as Conflict Management Initiative

Martial Law was still in effect in Aceh when the biggest tsunami disaster ever to shock the world devastated the province on December 26th 2004. Martial Law switched to the "civil emergency" on May 18th 2005, but in essence not much changed as the Indonesian Army continued the crackdown on GAM, but law enforcement was handed over to the Aceh Police Authority. In this regard, the Indonesian Army only took action as long as it is requested to support law enforcement operations. The purpose was intended to reduce human rights abuses, allegedly perpetrated by the military, especially on the civilian population.

Immediately after the tsunami, that caused about 250,000 deaths, paralyzed infrastructure and social life, there were two kinds of emergency statuses in Aceh. First was the "tsunami disaster emergency operation" which then started a large humanitarian operation to restore social relief in all ten affected districts. Second was the post conflict "emergency status," to restore law and order and to free Aceh from GAM control. It seems that this situation, to some extent, served to jumpstart a new peace talk initiative. Under these circumstances, the new peace talks had been initiated through a preliminary meeting on January 29-30 facilitated by the Crisis Management Initiative (CMI) and supported by the European Union (EU). This international NGO based in Helsinki, Finland, was chaired by former Finnish President Martii Ahtisaari, a well respected international diplomatic figure.[66] Ahtisaari was noted for his sophistication in conflict management, mediation and diplomacy, using "track two" diplomacy bring Gam and the Indonesian Government to the negotiating table, to break the deadlock. Before initiating the formal diplomatic process, Ahtisaari worked with unofficial figures not directly linked to the government or GAM diplomat, but who had good access to both parties.[67]

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[65] http://www.sinarharapan.co.id/berita/0303/17/sh05.html, This situation actually correlates with the ALA-ABAS issue, about the breaking-up the Aceh Province to become three provinces: we will broach this issue in another part of this paper.

[66] After he accomplished his works facilitating peace processes in Aceh, Martii then was a special envoy of the United Nations to mediating Kosovo Crisis, until its declaration of Independence. He was respected for his statesmanship during and after his presidency term in Finland.

[67] Farid Hussain. "To See the Unseen", "Lika-liku di balik perundingan" Helsinki. Health and Hospital. Jakarta. 2007. This books tells Farid Hussain experiences, he is a close friend of Indonesian Vice President yusuf Kalla, a surgeon doctor seorang and lecturer at Fakultas Kedokteran UNHAS, Makassar. He played a role as a lobbyist using the Aceh and Bugis community network in Indonesian politics which brought up GoI and GAM to the negotiation table. IN developing connection to CMI Farid helped by Juha Christensen a medical tolls bussinessman from Helsinki. Both figof ures then becoming the "broker" of GoI and GAM negotiation. This book tells us how "track two" diplomacy could be usefull to help negotiation and mediation process in an efective way in Conflict Management.

Priority After the Helsinki MoU

Let us return to the preliminary question presented in this chapter about the steps to be undertaken by the stakeholders, after the signing of the peace agreements signed by GAM and the Indonesian Government, in Helsinki. Based on the processes noted in the previous chapter, we learned that there were three general measures that had been being used for the implementation of priorities.

First, the special autonomy arrangement as seen through the promulgation of Law on Governing Aceh, and the General Election to elect the Governor, the Chiefs of District and Mayors in 23 districts. For the first time in the history this general election was one man one vote system, and included the introduction of the non-political party contestant, called as the "independence candidate".

Second, the security arrangements of the Helsinki Implementation program such as the Aceh Monitoring Mission (AMM), the Demobilization, Disarmament and Reintegration (DDR) program, and the establishment of the Commission of the Security Arrangement (CoSA) which is the forum for settling any unresolved dispute regarding the Helsinki Agreement and any distortion in the ground level.

Third, the arrangement of problems regarding to the socio-economic, political and legal issues over the reintegration process of GAM members and the victims of the conflict such as; rehabilitation, amnesty, reconciliation, human rights, etc. This arrangement was implemented by Badan Reintegrasi-Damai Aceh (BRA)/ Aceh Peace and Reintegration Agency.

The special autonomy arrangement (LOGA and General Election): The implementation of the special autonomy for Aceh, especially in governance matters, was implemented through the promulgation of an act, passed by the Indonesian Parliaments as Act No. 11/2006 called the LOGA or, UUPA (Undang-Undang Pemerintahan Aceh). Based on this legal foundation, full autonomy will be implemented within the spirit of the Helsinki agreement which is consistent of the four principles, as stated in the verse 1.1.2. There were four main principles included in the special autonomy arrangement, as stated in the Helsinki MoU, and exercised by the Government of Aceh. First, Aceh will exercise authority within all sectors of public affairs, which will be administered in conjunction with its civil and judicial administration, except in the field of the foreign affairs, external defense, national security, monetary and fiscal matters, justice and freedom of religion, the policies of which belong to the government of the Republic of Indonesia in conformity with the constitution. Second, international agreements entered into by the government of Indonesia which relate to matters of special interest to Aceh will be entered into consultation with and with the consent of the legislature of Aceh. Third, decisions with regard to Aceh by the legislature of the Republic of Indonesia will be taken in consultation with and with the consent of the legislature of Aceh. Finally, administrative measures undertaken by the government of Indonesia with regard to Aceh will be implemented in consultation with and with the consent of the head of the Aceh administration.

Generally, the Helsinki MoU is seen as the ground norm of LoGA, itself the 'organic' regulation derivate of the Helsinki MoU. In order to legitimize and render LoGA effective, it requires specific technical guidance regulation which was promulgated by the provincial house of representatives, known as Qanun. The specific Qanun which provided the legal

base of the implementation of the Local Direct Election is Qanun No. 7/2006. This law clearly illustrated the main priority of the special autonomy arrangement in the governance system was the General Election, followed by the regulation of the Local Political Party which could compete in the general election in 2009. This arrangement had been stated within the Helsinki MoU verse 1.2.3.[68] The establishing of a local political party based in Aceh as part of the democratic discourses has been one of the break throughs in Aceh and Indonesia. The openness of the Indonesian government in this respect reflects some of the scholarship that claims that a democratic atmosphere can contribute to peace by addressing the grievances of the rebellion movement. This will give the rebellion movement an opportunity to set up peace talks and to taking part in the governance system. Essentially, the process described above underlines to the importance of power sharing after value sharing in politics and the economy in Conflict Management. Engaging the different groups in the democratic process has allowed them to express grievances outside a violent mechanism and allows them to take part in the post conflict reconstruction It will make them feel accepted as part of the collective peace process and able to face the challenges of the social dynamic.[69] As Roland Paris explains, establishing democratic elections as part of conflict management reflects a Wilsonian approach to democratize and liberalize economic and political governance systems in the post conflict society.[70] Indeed, autonomy in Aceh and self governance effectively served to decrease violence between the warring parties. , It is further supported by GAM and civil society, who believe that a new leadership can bring a new hope for sustainable peace, and prosperity after three decades of misery. At the same time, GAM also is ready to accept that the whole process is firmly under the doctrine of Indonesian Unity. The importance of this agreement cannot be underestimated as it appears to be the 'hot button' of negotiations because 'unity doctrine' has always been defended by the government, while GAM has been fighting for the 'freedom doctrine.' This fact also confirms Bloom and Reily who said that on one hand, in Conflict Management diplomacy, a democratic foundation is conducive to peace negotiation and implementation, On other hand, when democracy is at stake, it could provide a climate for a peace mechanism to resolve disputes.

The full autonomy arrangement including legal arrangement in the governance system based on the Helsinki MoU seems to be running well. The Helsinki MoU has been accepted and implemented by the stakeholders such as GAM, GoI, public opinion and Civil Society Organizations. All the activities measured by any entity within the society refer to this agreement. This agreement is not just written law, but respected by the Acehnese as the breakthrough for peace. Even Indonesian Government is joining the momentum through "the MoU Helsinki Socialization Program" by engaging GAM members, government officials, NGOs and traditional leaders.

LoGA is becoming a legal document that binds all parties within the framework of Indonesian sovereignty, and is also accepted by the stakeholders. Even though there are still some disputes in interpreting some of the elements of the MoU with regards to the LoGA, a forum was started to address some problems and complaints from the ground including the mechanism of the meeting. After the end of the AMM, the Indonesian government and GAM agreed to follow the LoGA mechanisms by establishing coordination forums such as FKK

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[68] See the original Helsinki MoU, to be more clear about whats actually had been negotiatied in the Helsinki Accord published by Aceh Governor Office Secretariat, or http://www.cmi.fi/files/Aceh_MoU_bahasa.pdf
[69] Edward Azar
[70] This concept was introduced by the US President AS, Woodrow Wilson, a liberal approach that used as an International Development doctrin. See Roland Paris. "At War's End". Cambridge. UK. 2004.

(Coordination and Communication Forum) and CoSPA (Commission of the Sustainability Peace of Aceh), facilitated by BRA. this diplomacy was run in a constructive manner and both parties were ready to maintain their relationships and resolve their differences through intensive dialogue mechanisms while pursuing collective goals. However, to date there has been no essential debate regarding the legal arrangement of LoGA that tends to draw new problems.

The successful general election in the province established a new leadership accepted by all parties and supported by the public. A significant development was the the Aceh gubernatorial election on December 11th 2007, which was won by Irwandi Yusuf, a former GAM leader. He was the first governor in Aceh and Indonesia who ran with the 'Independence Candidacy,' made possible through one of the Helsinki MoU Agreement, implemented through the Qanun No. 7/2007. This democratic breakthrough gave space for the participation of former rebels in the political process and respected their rights in social life. The participation of former GAM combatants was also accommodated in the elections in 23 districts and municipalities all over Aceh: eight districts were won by former GAM members. These facts confirm validity of Wilsonian thought and the importance of providing democratic space, power sharing, and value sharing theory in Conflict Management Diplomacy.[71] The elections illustrated that the former rebels willingly joined the Indonesian system of governance and had come to be accepted in the political process to address issues on resources and other grievances.. This further confirms that conflict management diplomacy is not a "zero sum game," but rather a "win-win solution".

It seems clear that making the special autonomy arrangement a main priority, and the implementation of democratic elections in aftermath the cease fire, effectively decreased the hostilities. Power sharing and value sharing potentially increased the trust lacking in previous initiatives. Furthermore, the parties developed cooperation to anticipate any post-conflict difficulty on the ground, particularly the clash between civilian groups and the ex-GAM combatant organization, called KPA (GAM transition Committee). The birth of the KPA was an "anomaly" of the peace process and had been neglected in previous arrangements. Later on however, the presence of KPA brought new challenges and problems for the long term peace process. In my opinion the KPA issue is a crucial topic, and I would like to discuss this issue in a subsequent part of this paper.

Another step under the special autonomy arrangement was the obligation of the Indonesian government to allow and legalize the Local Political Party (Parlok). This arrangement was implemented through Government Regulation on the establishment of the Local Political Party in Aceh (PP.No.7/2007). After this legislation was passed by the government at least 9 Local Political Parties were registered in Aceh.[72] It is important to note that GAM established their own political party, but were not allowed to use GAM as the party name as it remained a symbol of the resistance movement. After a short polemic on this issue, GAM agreed to change the party's name to The Aceh Party (Partai Aceh-PA).

While recognizing the importance of the concessions made as a result of the Helsinki MoU, the birth of LoGA was one of the main factors for reducing violence and establishing a legal basis for peace and containing grievances. It increased political participation through the local political parties, and the local direct elections for the new leadership in Aceh. This

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[71] Azar, Bloom and Reily
[72] See Serambi Indonesia edisi 6 Mei 2008, http://www.serambinews.com/

arrangement essentially ended the "zero sum game" negotiations that occurred during the conflict. Through these important steps of an autonomy arrangement within the Indonesian legal and governance system, GAM felt they had a legal basis to end their rebellion, and transform themselves into a civil entity involved in the Indonesian Legal System. Except on the KPA issue, one can say that the Helsinki MoU is a good foundation of multi-stakeholder agreement. With this strong foundation, there is increased hope for a settlement on the political processes, law enforcement, and governance issues. This settlement might be feasible because there are new modalities as Aceh is governed by a former GAM governor, eight former rebel Chiefs of District, public support, and a leadership dedicated the democratic process. This situation illustrates an ideal political power balance within the government administration. One serious challenge and concern however is the existence of the KPA, an organization excluded from the Helsinki MoU, which plays a role as the "factor X" in violence and mobs, and threatens the system built to address security problems.

The Security Arrangements (AMM, DDR and CoSA): The first security arrangement based on the Helsinki MoU was the Aceh Monitoring Mission (AMM). This was a crucial step aimed to follow and supervise the effectiveness of the cease fire, end the violence, and create the conditions for post conflict reconstruction and sustainable peace. Some questions remained on the capacity of the AMM, particularly on the absence of an exit strategy for when the mission expired. Who could take over while maintaining continuity, and resolve persisting problems on the ground? Since the AMM term was only one and half years, and it focused primarily on security and DDR (disarmament, demobilization and reintegration), it did not provide a comprehensive reintegration arrangement, necessary for long term success. The question also remained as to how monitoring processes could proceed with other long term post conflict development programs, after the end of AMM?

The AMM team, supported by the EU and chaired by Pieter Feith, a Dutch NATO military officer with experience in the Balkans, was established to monitor the implementation of peace in accordance with the Helsinki MoU. The EU also pursued efforts with Norway and Switzerland and also ASEAN countries such as Thailand, Malaysia, Brunei, Filipina and Singapore. Prior to the arrival of the AMM team on September 15th 2005, a preliminary team (Initial Monitoring Presence) was sent to Aceh on August 15th 2005, the day of the signing of the Helsinki accord. The first six month term mandate lasted until the December 15th 2006, but was prolonged twice until December 11th 2006 ?????, to monitor the general elections in Aceh. The presence of AMM in Aceh was formally based on an invitation from the Indonesian Government and the full support of the GAM. The succesful presence of a third party mediator was clearly based on collective invitations by both parties, the impartiality principle, and reflects what John Mc Donald describes in his "ten principles" of international intervention. The AMM's main goal was to support and assist the Indonesian government and GAM to implement the Helsinki MoU. Although the AMM was not designed to take part in negotiations between the parties or particular cases, it did facilitate some negotiations when necessary, any negotiation was the parties' responsibility, which includes the CMI as mediator. It is important to detail the main tasks and accomplishments of the AMM, which will also allow us to determine what things can be done in the early stages of peace agreements and short term post-conflict goals. During the AMM tenure (August 15th 2005 until December 15th 2006), the mission's duties included investigating and accommodating complaints and accusations from both sides on the violations of the Peace

Agreement, as well as restoring and maintaining a constructive relationship and cooporation between the different stakeholders.[73]

AMM's essential tasks can be classified in three main priorities: Disarmament of the weapons; demobilization of GAM; reintegration of former GAM combatants into the society. An underlying theme behind these tasks was the restoration of human rights for the victims of the conflict and amnesty for former GAM activists.[74]

Disarmament: Disarming and dismissing GAM fighters was implemented in four stages to be accomplished before the end of the AMM term. Based on the Helsinki MoU, GAM surrendered 840 machine guns, in a symbolic ceremony in Banda Aceh, on December 21st 2006. Although the actual quantity of weapons was rumored to be much higher, GAM had shown publicly and formally that the organization did not intend to continue its armed struggle, started by Hasan Tiro in 1976. The ceremony received much public attention through different media outlets.

Demobilization: The withdrawal of the Indonesian Government's 'non-organic' police and troops was a second priority of the AMM. To be noted, the Indonesian military structure is based a model called the "territory approach" where the military is always involved in civilian governance. This model introduced the so called 'organic' and 'non-organic' police or military troops. 'Organic' means the military and police staff originates from Aceh, whereas 'non-organic' means external elite troops are deployed with special purposes in the region. For example, during the conflict, the central government sent thousands of 'non-organic' police and military troops to Aceh, which led to a brutal crackdown and human rights abuses against Aceh civilians. The GAM used this to campaign against the Indonesian army, while human rights groups accused the Indonesian Government of human rights violations. Demobilization is a significant factor in the easing of tensions and post-conflict reconstruction efforts. On December 29th 2006, about 25,890 Indonesian 'non-organic' troops were withdrawn from Aceh, while approximately 5,791 police of Indonesian Police Elite Troops (Brimob or Brigade Mobile) were withdrawn on December 31st 2006. Through this demobilization program, the Indonesian government announced that as long as GAM can be trusted, Jakarta will not classify them as a subversive rebel group and end the massive crackdown against GAM started in 2000.

Reintegration: The reintegration process that the AMM was designed to monitor consisted in the reintegration of GAM combatants into political, economic and social life. AMM was also mandated to monitor human rights issues and provide assistance to victims, both combatant and non-combatant, of violations, including amnesty disputes. The reintegration arrangement includes soci-economic assistance to three groups of peoples: a) Former GAM combatants, b) Political prisoners rewarded with the amnesty and c) Civilians affected by the conflict. After having been released from jail at the end of August 2006, all the GAM political prisoners were the beneficiaries of financial assistance, health care services, and vocational training by the IOM, which was running post conflict programs in Aceh. At least 3000 GAM former combatant each received three packages of about Rp. 3 million Rupee (+/-300 US$). After the expiration of the AMM term, the post conflict program was taken over by the Aceh Reintegration and Peace Body (BRA). In effect, this was an ad hoc continuation of the AMM, which was not designed to continue further, but the establishment of the BRA helped keep

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[73] http://www.aceh-mm.org/indo/headquarter_menu/decom.htm
[74] Point 4 MoU Helsinki

the peace process on the right track. Indeed, there is no documentation to confirm that AMM had designed an exit strategy to transfer efforts and preserve continuity in the long term purpose to BRA. The BRA itself was established by the Aceh Government, to handle the reintegration fund provided by the central government to implement the Helsinki MoU.[75]

Monitoring human rights and amnesty: Within the Helsinki MoU, the AMM had to monitor the human rights situation of reintegrated former combatants, and provide them with assistance. The human rights abuse monitoring after August 15th 2005 focused on GAM former combatants, and the AMM job was to handle individual cases, pursuing investigations and discussing them with related groups and institutions. However, concretely AMM could not afford to fully handle or monitor all of the reintegration and human right issues, particularly after the expiration of the first terms. This situation left many cases and problems on the ground unresolved and often unaddressed. For example, after three years since the beginning of the peace process, the Aceh government and BRA have not formed a truth and reconciliation commission (KKR), or established the Human Rights Court in Aceh (HAM), or released all political prisoners (five GAM are still detained), or ensured the reintegration of GAM combatants and dealt with issues regarding GAM transformation into the KPA (which caused new problems with its involvement in mobs issues and became "shadow power" of GAM governance).

Commission of Security Arrangement (CoSA): Coordinate by the AMM, CoSA was formed by the Indonesian Government and GAM as a forum for the parties to discuss crucial problems relating to the possibility of armed clashes and the misunderstandings on technical matters of Helsinki MoU, such as reintegration, human rights, maintaining peace and other security issues. With branches in 8 districts across Aceh, the AMM conducted ongoing coordination, investigated incidents on the use of excessive power, extortion and intimidation allegedly perpetrated by armed froces, and the reports could be used in CoSA meetings. It was reported that through CoSA 15 meetings were held to ensure that the complaints were brought to the table and were discussed for a final settlement, and no crucial matters were left unresolved by this forum. But it is important to note that since the AMM did not provide an overall exit strategy, the question of who would resolve unaddressed issues in the long term arises.

Socio-Economic Assistance, Politics, and Legal arrangement (BRA): The end of AMM's mandate as the preliminary monitor of the cease fire and peace in Aceh, brought the question about the need for continuity in monitoring as part of the peace process. As mentioned above, there was no clear plan, but it was settled with the establishment of BRA. The BRA was formed by multi stakeholder groups called "Joint Forum to support peace," known as "Forbes Damai" (Forum Bersama), initiated by Aceh civil society organizations (CSO) and endorsed by the former acting Governor of Aceh, Azwar Abubakar, in late 2006. "Forbes Damai" was established in December 2006, while the BRA-Implementing body was established on February 11th 2006, but they were integrated into one institution with two branches. "Forbes Damai" served as the advisory body while the BRA-implementing body was the implementation agency of the reintegration and peace fund provided by the Indonesian government, through national on-budget procedure. To operate the "Forbes Damai" has a supporting secretariat office facilitated by USAID through Chemonic Inc, while the Implementing body secretariat is funded by the government. BRA is formally chaired by the governor of Aceh as the ex-officio officer, but it is operated by an executive director. The

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[75] Point 5.1 MoU Helsinki.

effectiveness of BRA in providing the support system for the post conflict program in Aceh will be discussed in another part of this paper.

One of the main tasks of BRA, as stated in Governor Decree, No. 123/145/2007, announced on April 23rd 2007,[76] is to provide economic and social assistance to the victims of the conflict and focus on lower income families which were badly affected. However, the assistance extends to former GAM combatants, political prisoners, former GAM non-combatants, and the ex-militia anti-GAM. The funds needed to pursue this task are provided by the government reintegration fund. In addition, BRA is providing reconstruction funds for those whose houses was destroyed during the conflict, paying the "diyat" compensation to families whose relatives were killed, and healthcare services for those injured during the conflict. This arrangement was designated by the central government and the dispensation of funds depends on government procedures. International donors with post conflict funding coordinated their conflict project with BRA.

The BRA reports of the 2006, 2007 and 2008 programs, confirm that BRA focused primarily on socio-economic assistance, based on the government budget guidance. BRA did not delve more deeply into peace and reintegration essential approaches, such the reduction of crime, real reconciliation through the KKR, the Human Rights Court in Aceh, the problems relating to KPA, etc.[77]

Two Paths to Peace Implementation: Special autonomy and Reintegration-Peace

After the completion of the different social, economic, political and legal matters within the special autonomy arrangement framework, it seems that the Aceh peace process has established a strong settlement for the reduction of violence since Helsinki MoU. The process of peace did not advance in a linear fashion, but rather it progressed in a complementary nature. For example, when LoGA was being discussed, the AMM was implementing short term programs of DDR in parallel stages. Furthermore, the end of the AMM term coincided with the elections, and AMM provided monitoring support to the EU observers. The only problem of the AMM was the fact that many issues were left unresolved and since other subsidiary programs, such as CoSA, were also ended, it was necessary to maintain the same track of conflict management. As discussed above, the BRA and the Forum for supporting Peace were created to fill the vacuum to continue the important steps undertaken by the AMM in the implementation of the Peace Process. LoGA on the other hand was only a legal base for the implementation of special autonomy. For real implementation of the Helsinki MoU on the ground level, there needs to be more comprehensive and coordinated efforts and this depends on how the new Acehnese Government can implement good governance. Based on these tracks, there are two necessary paths for peace that can be identified.

Implementation of the special Autonomy Arrangement and LOGA: Special autonomy and LoGA must be followed up and implemented by the new government as an opportunity for the former GAM rebels to engage formally with the governance system. The new leadership is now responsible for implementing the Helsinki MoU, particularly in the day to day bureaucracy, Law enforcement, maintaining sustainable peace, delivering social services,

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[76] See SK. Gubernur NAD no 123/145/2007, tentang pembentukan BRA.
[77] During composition of this paper, BRA began to discuss the Qanun KKR legal drafting plan. See Harian Serambi Indonesia, 30 april 2008, Serambinews.com/www.bra-aceh.org/details_news.

restoring security, developing democracy, and ultimately establishing prosperity for Aceh.[78] This is an interesting achievement in conflict management, as the rebel group did not need to 'reformulate' their grievances because power sharing was settled. This situation is supposed to be the best result of conflict resolution, but because GAM still exists under the KPA banner, the governance of Aceh remains a contentious subject Most KPA members were GAM combatants who has claim some privileges in accessing economic resources as a reward for their struggle. In effect, this has become one of the crucial matters that needs to be handled seriously for autonomy and LoGA to succeed.

Implementation of the Reintegration-Peace and BRA: Reintegration is integral to the longer term sustainability peace in Aceh, and the Helsinki MoU has mandated that programs such as BRA be implemented in the region. This includes social and economic assistance to former GAM combatants and victims of the conflict, protection of human rights, and resolving problems related to the amnesty issue.[79]

Concepts and Politics: To simplify the previous descriptions, I would like to further bring attention to the conceptual ideas and the political reality on the ground, thus divulging discrepancies between the "conceptual and the political." For truly effective implementation the concepts of peace, there needs to be a detailed breaking down of the technical details of implementation and political engagement. To establish the details of a political reality versus the concept of peace is what Humam Hamid describes as the substance of the real peace, instead of the "gate of the peace." After studying carefully the Special Autonomy and Reintegration-Peace arrangement, it is clear that what has been done so far is limited as to the conceptual and political natures of peace diplomacy and Conflict Management.

The steps undertaken have undoubtedly ensured the cease fire and reduced violence in the three years after the Helsinki Accord, but further questions arise regarding the future of the implementation of the MoU. Does the new Acehnese government realize that the special autonomy arrangement must be translated on the ground with good public services and access to justice? Does BRA which is responsible to implement the Reintegration and Peace program have the capacity to carry out all the tasks stated in the Helsinki Accord? Will the Aceh government and BRA be able to execute its mandates in the agenda of sustainable peace, base on real needs and the Helsinki MoU?

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[78] Lihat UUPA, www.bra-aceh.org
[79] See MoU Helsinki, www.bra-aceh.org

Chapter 4: The Challenges of the Aceh Peace Process

In order to answer the questions arising from the ongoing process in Aceh since the Helsinki MoU, it is important to examine the potential challenges within the process. This section will tackle several important matters and the problems below seem to be the driving forces in determining the success or failure of the implementation of the MoU.

KPA: The "stone in the shoe" of GAM's transition into the political realm

KPA stands for "Komite Peralihan Aceh" or Aceh Transition Committee, the new activist organization after GAM was formally dismantled after Helsinki and the AMM. The dismissal of GAM was a top priority, but it only happened in appearance as GAM activists to maintained their status by emerging as the KPA. If the transition of GAM is not to become "a stone in the shoe" it must maintain a social platform and not become a pressure or interest group, because this will not enhance its participation in the implementation of the peace process. In fact, Helsinki been ecnouraged GAM to participate in the deomcratic system by mandating its transformation into a local political party. But as we noted, the KPA maintained similar organizational structures as GAM during the war. This meant that the highest GAM commander, Muzakir Manaf , remained the highest "commander" with the title of "Chairman" of KPA, and lower level GAM commanders acted as chairpersons in their respective KPA roles. For example, the GAM commander of the Batee Iliek area became KPA chairperson in that same area. The pattern of the communication, authority, behaviour, interest and culture of GAM was effectively transplanted into the KPA. It is my conclusion therefore that GAM actually still exists, identically as before, but under a different name.[80] As such, the KPA does not present any problems, but as will mentioned, other problems arose as a consequence of this organization, which is a curious and unanticipated phenomenon of this transformation process.

As previously indicated, the KPA is one of the issues that needs to be addressed because it has the capacity to deter the implementation of the peace process. The KPA is one of GAM's self initiated organizations that had not been engaged by any of the parties directly involved in the peace process. Mediators like CMI or the Indonesian government itself did not take notice when the organization was established, but—in my opinion—the KPA has become one of the "stones in the shoe" of the peace process. The birth of KPA might be called the "anomaly" caused by the peace process in Aceh, because it was borne of the MoU system. Not being formally registered, the KPA is regarded as an illegal organization by the Indonesian Government. The KPA perceives itself as the continuation of GAM and the "shadow power" of the existing Acehnese government. Effectively, it acts as an "extra power" pursuing extra-police judiciary action in social matters, including intervention in government policy.[81] The KPA was also reportedly involved in political kidnappings in Aceh Tengah,[82] but surprisingly, most Indonesian stakeholders did not react and took it as "GAM and Government business". This lack of reaction might be because the KPA resembles GAM activity, and this seems to keep the "hegemony of fear" in the minds of those dealing with the organization.

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[80] Suara Karya Online, December 30th 2005, Acheh-Eye.org
[81] See Harian Serambi Indonesia, edisi 5 april 2008
[82] See Arigayo Online, "KPA bantah culik Mukhlis Gayo", March 26th 2008.

There was one fatal case in Aceh Tengah where a riot of local people killed five KPA members. This was a reaction from the IPT (Ikatan Pemuda Terminal/Terminal Bus Worker Youth Organization), which was rioted against the KPA which attempted to take control of access to jobs. In addition, some IPT members used to be in anti-GAM militia, which explicitly demonstrates that the conflict between GAM and anti-GAM forces persists, only under different names. This particular case, also reflects deeper challenges to the peace process, namely the "clash" over rights and access to economic resources. The KPA is a massive organization extending all over Aceh and tends to be politically motivated and exercises organized crime, and as Peter Collier has stated, it is GAM under a different name. IPT is a small organization existing only in Aceh Tengah and its interests concentrate in this specific location and tends to concentrate less on politics or organized crime.[83]

Although KPA elites try to improve perceptions of the organization, cases on the ground prove that it is seen very negatively. This negative perception can compromise the peace process or renew violence, because as in the case in Aceh Tengah, the KPA is seen as an illegitimate actor or an enemy. If the mediators and stakeholders continue to neglect the KPA issue, there is a serious threat that it might derive into a 'horizontal clash' between the KPA and the public.[84] The KPA factor to me is clearly one of the missing links or 'hollow' parts of the Aceh Peace Process, and if one scrutinizes the Helsinki Accord or subsequent arrangements, there is absolutely no prescription on how GAM can legitimately transform itself into a political organization. The MoU and other security arrangements require "dismissing GAM," transferring members into a local political party, surrendering weapons, and reintegrating into society. In reality, reintegration means that GAM members become common citizens and not "first" class citizens or organization. GAM was not permitted maintain the same nature, so in creating a parallel organization, the KPA is jeopardizing reintegration efforts, as former GAM combatants can remain in an organization identical in structure, interests, and culture as the rebel group during the conflict. The KPA is therefore effectively impeding efforts to transform GAM into a legitimate civil society entity.

Despite illegality and the veneer of illegitimacy, the KPA is also campaigning through major Acehnese media outlets such as the Harian Serambi Indonesia or the Tabloid Kontras. Almost every day, the media publishes comments by the KPA spokesperson Ibrahim KBS, who addresses issues from reintegration, soci-economic issues to polemics on high-ranking government officers. Providing media space for the KPA, helps it develop its image as a core organization in building peace, even though it has been ignored by the Helsinki Accord, etc. I believe that the absence of analysis on the KPA is making resolving the post Helsinki problems more difficult.

The object of this section is not to prove that the KPA is a criminal organization, but to identify how its presence challenges the peace and why the main actors of the peace process have constantly ignored the issue. Based on my explorations, the different issues with the KPA help explain the allegations of crimes perpetrated by the organization. Indeed, Pieter Fieth, AMM Chief of Mission, identified post-conflict crimes as threat to the peace, but was largely disregarded by the mediators.[85] To better understand how the KPA is derailing the process off the conflict management track in Aceh, it will be necessary to first examine the

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[83] Wiratmadinata, ""Antara Dili-Takengong dan Kerentanan yang pecah". Essay. 2008. Theacehinstitute.org
[84] See World's Bank Report on Aceh Conflict Monitoring Update, 1st -31st December 2007, www.wds.worldbank.org
[85] See Harian Waspada edisi 25 Oktober 2005. http://waspada.co.id/berita/aceh/artikel/php? Article id=67819

structure of the organization, and then to review other issues to understand the context of the alleged KPA crimes.

The significant rise in the number of "serious crimes" in Aceh occurred after the Helsinki Accord when the region was enjoying relative peace. Unfortunately most perpetrators were identified as or at least related to KPA members.[86] Recent criminal cases associated with the KPA include:

- KPA intervened with Bupati (chief of district) in the decision making of the "Sekda, "District secretary position, in Bireuen.[87]
- KPA intervened in the government agreement with the IPT organization to take control over the "Takengon Bus Station" in maintaining cleaning services.[88]
- KPA was accused of kidnapping for ransom.[89]
- KPA member reportedly involved in extortion for access to project implementation from NGOs running tsunami reconstruction projects and high level government officials.[90]
- Similar allegations were reported against KPA in Aceh but most cases remain undercover, especially as people neglect to report them openly.[91]

Although there is no formal or comprehensive data about KPA involvement in the crimes, the theoretical explanations from Colette Rausch[92] or Peter Collier[93] give us some insight into the issue of criminal activity in post-conflict zones. Dealing with the serious crimes perpetrated by the KPA is crucial, but the facilitators of the Aceh peacebuilding, such as the BRA, never addressed the issue through the reintegration and peace programs. As Rausch had warned, this issue must be listed as a priority action item and as one of the parameters for the post conflict peace.[94] It is undeniable that a security apparatus must be implemented on the ground or, as Humam Hamid warned, any arrangement will not actually establish real peace.

Serious Crime in post Helsinki MoU

The Aceh Police Department (Polda Aceh) report for the period from August 15th 2005 to February 15th 2008, stated that there had been 218 "serious crimes" using machine guns such as "AK-45s" and "M-16s." In the 22 months before the Helsinki Accord, from October 15th 2003-August 14th 2005, there had been 352 crimes cases in Aceh compared to 1.833 cases after Helsinki. The crimes consisted mainly in robberies, abductions, and sea piracy, especially in Malacca Straits. Without mentioning names, the police report identified up to 309 perpetrators, arrested up to 229 people, while 80 were still wanted. The Police also found 203 heavy machine guns and pistols, with 2.127 bullets, 8 grenades, 8 GLM (bomb

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[86] See laporan International Crisis Group. Asia Report no.139, 4 Oktober 2007.
http://www.reliefweb.int/rw/RWFiles2007.
[87] See Conflict Monitoring Report in Aceh, October 1st-31st 2007 by The World Bank Bank and DSF.
http://www.conflictanddevelopment.org/data/doc/
[88] See Conflict Monitoring Report in Aceh January 1st-Pebruar29th 2008 by The World Bank.
[89] See Berita Harian Aceh, March 26th edition 2008.
[90] http://www.conflictanddevelopment.org/data/doc/in/regCaseStudy/aceh/ Conflict Monitoring Report in Aceh,
1-30 April 2007 by The World Bank and DSF. http://www.reliefweb.int/rw/
[91] See Serambinews.com, June 12th 2008.
[92] Colette Rausch (editor). "Combating Serious Crimes in Postconflict Societies". United States Institute of Peace Press. Washingtong, DC. 2006.
[93] Peter Collier. "Grieveance or Greed", in "Leashing the Dog of War".
[94] See BRA report.

releasers), and 45 crafting bombs.[95] It is clear from the police report that AMM's DDR program was not fully implemented, as the former GAM weaponry was not completely surrendered. It seems that this proliferation of weapons was mainly due to the fact that there was no long term mechanism to monitor the smuggling of weapons in Aceh. AMM's short term monitoring of disarmament was not sufficient as no one can guarantee the hiding or purchasing of new weapons.

Police officials, however, say that many machine guns have been given up by civilians, and the civilians were former GAM combatants who did not disarm under the AMM program. The challenge lies in the fact that, after years of smuggling, these former combatants still have access to the "tools of war," and in a volatile peace, where many of them remain unemployed, they could be tempted to return to "wars dirty job." This was a concern articulated by Indra J. Pilliang, a political analyst from the Centre of Social and International Studies in Indonesia. He argued that peace facilitators had to run a serious program for former warriors, skilled in weapon making. Indeed, without civilian employment, it is in their best financial interest to pursue criminal careers in weapons smuggling. What Pilliang means is that former GAM or KPA members accused of criminal activity, are often driven to this, so police should their cases carefully and impartially. In order to avoid human rights violations, the police should address the crime itself and disregard the prejudice that the accused were once rebels.

This argument relies on the hypothesis that the accused were somehow justified in criminal activity, but Peter Collier argues people within the resistance movement have significant interest and thrive on the conflict situation. These interest groups are typically characterized in mobs who violently express social and political grievances, such as job shortages. The failure in creating and developing effective post conflict programs will be an opportunity for "gangs" to reformulate grievances by arms smuggling, drug trafficking, robbery, extortion, abduction etc. Groups with vested interests will inevitably exacerbate small grievances to stir up public hysteria and dissatisfaction, which in turn will push the community into a new conflict. In this situation, the "organized criminal organizations" can be perceived as protector's of the people's interest. This criminal activity in post conflict areas, connected to the resistance groups, is what Colette Rausch identifies as "serious crime."[96] Both Collier and Rausch's analyses on "serious crimes" and vested interests in armed conflicts must be taken seriously in the post-conflict efforts in Aceh. It is clear from the situation described above, that if the situation of "serious crime" persists, it will threaten the peace and stability of the region.

In effect, comprehensive programs to address "serious crimes" have never been created, or even set as a top priority, in Aceh to contain threats to reintegration and peace.[97] This can also help us understand the serious relation between the presence of the KPA in Aceh and the increase in "serious crimes." To be clear, the KPA itself was not designed as a criminal organization, but certain interest groups within it perpetrated the crimes to their individual gain. Nevertheless, the establishment of the KPA fomented a counter productive situation as it would not be more difficult for GAM to transform completely into a political party, as Helisinki and LoGA had mandated. If GAM transformation and reintegration into civil

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[95] Aceh Police Departmen Report presented in peace building workshop, Tuesday, April 30 th 2008, at Hotel Hermes, Banda Aceh, NAD., hosted UNDP dan Bappenas.
[96] See "Colete Rausch"; combating serious crime in Post Conflict Societies".
[97] See BRA report and donor matrix; there is no any "serious Crimes" and legal institution empowerment program to contain any crimes issue exercised.

society can proceed without ties to "serious crimes", then the process can continue smoothly. This however, must be based on a reciprocal commitments and program by all actors in the process.

GAM internal friction

Understanding the internal dynamics and frictions within GAM can help explain its external performance in the peace process. One issue we have focused on is the extent to which the KPA will affect the context of post-conflict development. But in additio Another issue however is the internal friction between GAM and the KPA, which started during the gubernatorial elections in Aceh. GAM formally joined the political process when a prominent GAM member was nominated for the elections in Aceh. This was the first step for GAM reintegration into the Republic of Indonesia and the implementation of special autonomy. The challenge arose when different factions within GAM were divided on who would be nominated for the candidacy.

The first group chose Dr. Humam Hamid, a prominent Acehnese scholar and non-GAM figure, while the vice governor was Dr.. Hasbi Abdullah, a prominent GAM leader who spent 7 years in prison during the conflict. This group, known as H2O, was supported by traditional GAM elites, significantly the exiled leader Hasan Tiro and also Malik Mahmud, GAM's Prime Minister. It was interesting to note that the traditional leaders chose moderation in accepting a non-GAM nominee, and it demonstrates their commitment to democratization and open society. The second group, called "Irna," nominated Dr. Irwandi Yusuf for governor and Dr. Muhammad Nazar for vice-governor. The supporters of these candidates were generally younger combatants, and it is important to note that they ignored the traditional leaders and the so-called "Sweden policy" of Gam. This internal GAM friction has not yet caused a serious clash between factions, but it has affected the local political context. For example, this situation showed that, from Sweden, Hasan Tiro could not control all GAM members on the ground, including the KPA, and this might explain the why the KPA was outlawed. Hasan Tiro lost his influence, and there were increased tensions between Yusuf and Mahmud over the governorship of Aceh. These tensions could have negative consequences on the entire Aceh peace process, if the internal GAM strife were to lead to violence on the ground. In my opinion, the mediators must follow the GAM dynamics as it is one of the core actors in the peace-building

GAM's transformation into a political party

As mentioned above, transforming GAM into a political party was a prescription of the MoU and it will make GAM a contender in the 2009 Aceh legislative elections. This will be GAM's second major step towards political integration into the Indonesian political system. Smooth transition was disturbed with a polemic over usage of traditional rebel symbols and the name GAM, but the organization agreed to change their name and flag to Partai Aceh (PA). GAM originally wanted to maintain its name, but was criticized by the government and the public because it evoked memories of the conflict. The original choice for the new party name was Partai Lokal Aceh/Aceh Local Party (PLA), but they ultimately went with PA. This party has been legally registered by the central government and is likely to participate in the local parliamentary elections in 2009.[98]

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[98] Serambi Indonesia, Kamis, 22 Mei 2008.

It seems that GAM is gaining a firm grip on political power having won the governorship through PIlkada and now to increase legislative authority by winning DPRA seats. This phenomenon is fascinating as it pertains to the Helsinki settlement of GAM as a former rebel group, and I believe that it can be regarded as one of the greatest success stories of the Conflict Management process. If it were not for the KPA, which reflects GAM as it was before Helsinki, the transformation of the organization into a political party would be ideal. Strengthening and transforming GAM into a civil society entity is crucial to the peacebuilding process, and international facilitators, the GoI and Acehnese civil society have every interest and also obligation in supporting the transition. However, dealing with the KPA issue cannot be stressed enough, because ignoring the KPA can derail the implementation of all the peace arrangements.

ABAS-ALA Provinces claim autonomy

One of the unanticipated challenges for peacebuilding has been the claims for provincial autonomy for Aceh Leuser Antara (ALA) and Aceh Barat-Selatan (ABAS). These two districts have traditionally been hostile to the rebel movement, and they are now asking to split from Aceh. The splitting of provinces has been a new trend in Indonesia since the reformation in 1988. The claims are primarily cultural, economic and administration related and are the basis for the splitting, known as "pemekaran."[99] ALA includes five districts in the Midlle Highlands and Southeast part of Aceh.[100] Apart from the Singkil district, the other four districts are predominantly ethnic Gayos, different ethnicity from the rest of Aceh and most of these districts are underdeveloped compared to the rest of Aceh. ABAS Province stretches across the Western and southern coast of Aceh If ABAS and ALA achieve autonomy, then Aceh (Nanggroe Aceh Darussalam) districts will be those along the East and North coast, incorporating the capital city of Banda Aceh, the Great Aceh region and Sabang/Weh Island. The subsequent paragraphs will explore the different factors which contribute to the mutual antagonism between ABAS-ALA and the rest of Aceh, and this can help to understand how this might affect the peace process, and what might be done to resolve the crisis.

The ABAS-ALA issue actually has its roots in the perceived injustices, the local political context, and development issues.[101] while in the lack of political participation for ABAS-ALA communities provides further rationale for their frustration towards the new Acehnese system of governance.[102] In addition, a core grievance is the different communities' sense that they are "less Aceh" than the majority of Acehnese, because they were not diehard supporters of the rebel movement. In fact, the populations of ABAS and ALA have historically been undermined, by the ethnic majority from Greater Aceh, where GAM was strongest.[103] This might also explain why economic development and foreign investment is

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[99] Wiratmadinata. "ABAS-ALA tantangan demokrasi Aceh". 2008. http://www.reliefweb.int/rw/RWFiles2007.
[100] ALA districts: Kabupaten Aceh Tengah (Central Aceh) , Kabupaten Bener Meriah (Bener Meriah), Kabupaten Aceh Tenggara (South East Aceh), Kabupaten Gayo Lues (Gayo Lues) and Kabupaten Singkil (singkil)
[101] Tempo Interaktip.com, 24 Agustus 2004. http://www.tempointeraktip.com/hg/jakarta/2004/08/24/brk, 20040824-
[102] Herdiansyah Rahman. "Kilas Balik Sejarah ABAS dan ALA"in Acehlong.com, March 6th Maret 2008. This articles elaborating etnosentris aspect in Aceh political tradition and exploring interrelation and cultural patterns between ABAS-ALA and Aceh mainstream relationship. http://Acehlong.com/index.php?
[103] Szekelely Lulofs. "Cut Nyak Dhien, Srikandi Aceh". 2008.

concentrated in the northern and eastern coasts of Aceh. For instance, in Greater Aceh there are several multinational corporations such as Exxon-Mobil, Asean-Aceh Fertilizer (AAF), P.T. Pupuk Iskandar Muda (PIM), a fertilizer company, KKA (Pulp Paper Company), and Andalas Cement Company (P.T. SAI).

ABAS-ALA are also perceived as less-GAM the the rest of Aceh, and it explains why they want an autonomous province, especially after GAM's victory in the gubernatorial elections. Indeed, the peoples of these regions were not as actively supportive of the resistance movement as people in other regions. Even more significantly, the ABAS-ALA region had been used as the buffer zone for the GAM guerillas when they escaped from the Indonesian army.[104] Consequently, they feel have not gained anything from the GAM "victory euphoria" after the Helsinki Accord was signed.[105] This lack of mutual support also explaisn why the ABAS-ALA communities perceive unfair treatment by Banda Aceh in development issues and political participation.

If autonomy were to be conceded, the issue of the border line would constitute a complex challenge, because the Hessinki Accord determined that the Aceh Province border is what was recognized as the border on the 1956 map. So, if Aceh divides into three province; NAD, ALA and ABAS, there will be serious polemics about border issues.[106] In an attempt to address and resolve this issue, the Indonesian Parliament (DPR-RI) submitted the Initiative Proposal to the general assembly on May 15th, 2008. On the same day, one thousand ABAS-ALA protesters rallied in the front of the Indonesian House of Representative and the Official Presidential Residence in Jakarta.[107] The initial reaction of the Aceh governor was to refuse to acknowledge the autonomy campaign, but he later turned to diplomatic means by proposing a special committee to answer ABAS-ALA grievances. Iwrandi announced the establishment of the "Komite Percepatan Pembangunan Daerah Tertinggal (KP2DT) or "Special Committee for Underdeveloped Regions".[108] The ABAS-ALA issue is an important issue that might entail to distortion to peacebuilding efforts. This must be handled in a democratic manner, Banda Aceh should act diplomatically, and if the government fails to take care of this issue, tensions will increase and serve as a new source of conflict.

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[104] See Isa Sulaiman, "GAM, ideologi, struktur organisasi dan perjuangan". This book explores the history of GAM which promoted by a big family of the Chik di Tiro Descendant in Pidie region in Northern Coastal of Aceh. In this book we can see that there is no any strong relationship between group of peoples in ALA-ABAS region with the GAM, that confirm us that GAM have less support in those area. That's why it is easy to understand why the ABAS-ALA claims growing so strong during the post Helsinki Agreement. Because during the conflict they were under the threat of armed GAM activists.Idem.

[105] *Ibid.*

[106] A discussion in Acehinstitute Friday, February 1st 2008, "Saatnya memekarkan Aceh", speaker TAF. Haikal from the "caucuses of Pantai Barat Selatan" and Fazran Zein as the single panelis from the Aceh Intstitute. Htttp://web.acehinstitute.org/AGENDA-/127.html.

[107] See Serambi Indonesia, edisi 16 Mei 2008.http://serambinews.com

[108] See Modus.or.id, edisi 18 April 2008.

Chapter 5: Implementation Concerns and the "Devil in the Details"

Despite anomalies and challenges, the Aceh peace process has strong modalities that can be used as foundations for future peace building processes. The modalities include a Conceptual-Political approach that firmly puts peace at the forefront such as the Helsinki Accord, LoGA, the General Election for governor and district levels, the AMM, DDR, and the reintegration and peace program.

However, as Humam Hamid indicates, these modalities signify that Aceh is still at the "golden gate of peace" and not necessarily a stable and prosperous peace on the ground. Real peace, as in long term safety, prosperity and social harmony can only be established when the conceptual and political formulations are effectively implemented in the details of day to day life of the people. However successful and promising the Acehnese model of conflict management may be, there are still many details which can potentially derail the peace process. Namely: the ABAS-ALA issue; the internal dynamics and friction within GAM; the KPA factor; the implementation of the details of conceptual-politics; security and reduction of 'serious crimes'. Among others, a factor to success is the capacity of the Aceh government to deliver basic social services and implement the details of the MoU, particularly in the BRA issue. With an increasing number of dissatisfied social groups, if the government and facilitators do not tackle the issues, new grievances are likely to reignite the conflict.

As mentioned above, an urgent step towards success is maintaining the new Acehnese government's capacity to act as the reconstruction actor. The Special Autonomy clause of the MoU has conferred the responsibility on the newly elected officials, while other post-conflict programs are to be carried out by the BRA. In addition, the failure of the Acehnese government to cooperate with the GoI in Jakarta is a challenge for the sustainable development of the region. If these details are not addressed, the peace will prove to be very volatile, and as examples in East-Timor, Sri Lanka or Nepal demonstrate, government failure caused the disintegration of security, social, and political modalities and rekindled the conflicts.

The old idiom says "the devil is in the detail" and this applies to the implementation of post-conflict programs in Aceh. If the details are not addressed and contained, they will haunt the conflict management program, and the parties in the process must address these details. To determine what the different actors must confront this section of the paper investigate the following issues:
- The role of the Government of Aceh in implementing the Special Autonomy status.
- The role of BRA in implementing Reintegration and Peacebuilding Programs.
- The role of the international community in supporting the peace process.
- The role of Aceh civil society in peacebuilding.

The Role of the Government of Aceh in Implementing Special Autonomy

The Special Autonomy arrangement was designed as part of the Helsinki Accord, to grant autonomy to the Acehnese but also bestow responsibility upon the new government to execute certain peace programs. The primary tasks were to implement all the arrangements stipulated by LoGA and deliver social and justice services for the Acehnese. Since the LoGA was a general regulation act based on the Indonesian legal system, more detailed regulations

were needed and were formulated in the "Prolega" (Program Legislasi Aceh), a Legislation Program voted by the Aceh House of Representative (DPRA).[109] Based on the "Prolega", then Aceh Government worked on very specific regulation packages (sector based) and promulgated them in different so called Qanun or "Provincial Acts".[110] Qanun is legal term referring to specific provincial regulation packages, and here refers to Acehnese Special Autonomy Acts.[111] Hence, the "Prolega" is the lower legal product specifically designed for operational legal guidance under the LoGA. The "Prolega" promulgated around 56 Qanun to be implemented within three years, 17 Qanun were prioritized to be implemented in fiscal year 2007. The respective Qanun mandated the Aceh administration to deliver the tasks required by the Special Autonomy arrangement and Helsinki.

The ultimate objective of the 'Prolega' is the prosperity, justice, and longlasting peace in Aceh.[112] Annex 1 contains a list of the 56 Qanun passed by the Acehnese government to implement the Helsinki Accord. Examining the specific Qanun allows us to see exactly how responsive the DPRA has been to Helsinki and LoGA. It is clear from the 56 Qanun that only five relate directly to the Helsinki Accord. They are: 1. Qanun 13, for the allocation of a special autonomy budget and the additional budget from the central government; 2. Qanun 22, for the Truth and Reconciliation Commission; 3. Qanun 40, of Wali Nanggroe (the informal and traditional leaders equal to the governor); 4. Qanun 41, on the symbol, flag and Hymn of Aceh; 5. Qanun 45, on the Pilkada, the general election

The most crucial Qanun was the one that called for an immediate general election (Pilkada) after Helsinki, and it had fortunately been designated as emergency action in the Prolega itself. This shows that the process was made more flexible to accommodate the real needs on the ground, especially as the Pilkada was considered the basic arrangement. As discussed previously, the PIlkada was implemented successfully in a peaceful manner and there has been no dispute on the final results. This specific legislation is important because it gave GAM wide access to the political system and created a system of power sharing within the limits of national unity. Among the other four Qanun, number 13 established a mechanism for organizing, delivering and using of the non Migas Result Product Budget and special autonomy budget. This Qanun is crucial in context of the economic issues that negotiated by GAM and Indonesian Government. Qanun 22, for Truth and Reconciliation was initiated by BRA in April 2008, but is still being discussed by the DPRA. Qanun 40 and 41 have not yet been fully developed nor implemented by the Aceh government.

CMI, as the facilitator of the Helsinki MoU, is satisfied and stated that the DPRA had been very proactive in implementing the measures of the Helsinki Accord the Special Autonomy arrangements. During his visit to Aceh May 3rd-5th 2008, Martii Ahtisaari expressed his compliments to the Indonesian Government's response to the peace implementation, both for the Special Autonomy Arrangement and Reintegration programs. He warned that the key to success for Peace is in Economic Development, but he neglected to raise the many details that might threaten the peace. It is clear that Ahtisaari has extensive knowledge of the

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[109] Bivitri Susanti, "Belajar dari program Legislasi Nasional; Bagaimana merancang Program Legislasi Aceh yang partisipatif". Workshop paper, Pebruari 28th 2007 in Banda Aceh.
[110] Bivitri Susanti, "Belajar dari program Legislasi Nasional; Bagaimana merancang Program Legislasi Aceh yang partisipatif". Workshop paper, Pebruari 28th 2007 in Banda Aceh.
[111] Al-Yasa Abubakar dan M. Daud Yoesoef. "Qanun Sebagai Peraturan Pelaksanaan Otonomi Khusus di Provinsi Nanggroe Aceh Darussalam". Artikel. Direktorat Jenderal Peraturan Perundang-Undangan, Departemen Hukum dan HAM RI. http://www.djpp.depkumham.go.id, atau lihat UU. NO. 18. Tahun 2001.
[112] DPRA Decree No. 6, tahun 2007 on Prolega (tentang Persetujuan Penetapan Program Legislasi Aceh tahun 2007 DPRA.)

situation in Aceh and the challenges to the process, but for the sake of diplomacy he had to overshadow the lackings.[113]

This leads to the next important question which is the rebuilding of the Acehnese economy, for the sake of a sustainable peace and reducing the "serious crimes," which are drawing public consciousness into a psychology of conflict. Another 'conceptual-political' gimmick will not suffice to resolve these issues, and the task lies in the hands of the Government of Aceh and the BRA. The DPRA, as the legislative body, has provided the legal basis for a solution, but the Executive branch must undertake the task of implementing legislation and delivering the economic and social services. The Qanun listed above show the specific legislations to achieve economic development and resolve dangerous soci-economic issues. Certain Qanun focus on financial regulation, agricultural policy, or management of foreign aid and investment, while other Qanun address cultural issues, such Sharia Law, human rights issues, education, etc. Unfortunately, to date, the DPRA has not yet discussed a Qanun establishing the Aceh Human Rights Court, despite the fact that it had been clearly mandated by Helsinki, LoGA and Prolega documents.

It is clear therefore that the legislation exists, and the issue is whether or the not the Aceh Government Bureaucracy/Executive has the capacity to function effectively: how can the government translate legal and political concepts into real Social Services Programs? Economic reconstruction, prosperity and justice were issues GAM used as a rationale for resistance to the central government, so it is evident why this is a core factor for peace. If the issues is not dealt with effectively, disenchanted social groups will voice grievances through protests and violent demonstration. If the new Acehnese government does not deliver, old conflict dynamics will emerge, only that GAM will be perceived as the new "Injustice Government." Irwandi Yusuf, being the GAM commander turned governor, was elected because he was believed to understand the needs of the Acehnese, but indeed there is a difference between good rhetoric and effective managerial and leadership qualities. Reducing poverty by stimulating economic growth, fixing bad public services like water and electricity shortages, improving public transportation, and promoting law enforcement are all issues that Irwandi must confront.

In the summer 2008, the Acehnese government had still not been able to resolve the issue of "serious crimes" and had not prepared a detailed annual budget proposal for Fiscal Year 2008.[114] This not only resulted in the delay of services, but also in a warning from the Central Department of Finance that Aceh would suffer a penalty of cutting off the General Allocation Fund/Dana Alokasi Umum, equivalent to Rp. 11 billion monthly.[115] Furthermore, because of inefficiency in the reintegration fund of BRA in 2007, the GoI withheld Rp. 450 billion from the total of Rp 700 billion, until the next fiscal year.[116] A different example also illustrated the difficulties in the Acehnese government, which is the status of the Sabang Freeport in the Malacca Straits, which had been decided by the central government in previous years, but was not implemented because of the lack of the creativity of the local government. The lack of skilled and professional staff has caused delays, and it seems the issue will not be resolved for many years.[117]

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[113] See Serambi Indonesia, Edisi 6 Mei 2008. http://serambinews.com
[114] See Harian Serambi Indonesia, Tuesday, April 30th 2008
[115] See harian Serambi Indonesia, Thursday, May 22nd 2008.
[116] See Harian Rakyat Aceh, Tuesday, December 18th 2007, the disclaimer of the previous budget was as of Rp. 250 billion.
[117] See Harian Analisa, May 4th 2008, or see htttp://nad.go.id

Data confirms that social and public services were still not being provided three years after the signing of the MoU, and shortages persist even in Banda Aceh.[118] Banda Aceh undergoes regular blackout periods and public transportation services are almost non-existent.[119] Indeed, here we see that 'the devil is in the detail,' because although the peace negotiations have been concluded, legal programs created, and power sharing exercises developed, there is a lack of on the ground reconstruction. The 'conceptual-political' discrepancy becomes apparent, and the government will be able to maintain the peace, only by implementing small, technical and detailed solutions. However, because the government is still centered on 'big issues' and public relations work, concrete solutions such as job creation and small development programs are being neglected. This of course explains the rise in complaints about the peace process, which seems to ignore the grievances of the different groups of society.

It must be noted however that it is not necessarily a lack of political will that has resulted in the inefficient governance, but a lack of capacity for the new provincial government in translating concepts into technical programs. It is not the object of this paper to provide exact and detailed solutions, but Aceh requires increased bureaucratic capacity, professional management skills and good leadership to effectively create the fertile economic and social conditions for a lasting peace.

The Role of BRA in the Reintegration and Peace Framework

The main issues for the Helsinki Accord were security and reintegration in a special autonomy framework. The reintegration process of former rebels is a crucial factor to any process of conflict resolution, but the creation of jobs to integrate GAM members in Aceh has been lagging and it reflects further the problems of the BRA. As we observed in previous sections of this chapter, creating reintegration programs started with the AMM but was continued by the BRA. To better understand challenges, we must go more deeply into BRA's mission to facilitate and support reintegration as part of a long term approach to peace.[120] Below, we will briefly discuss the detailed role, program and strategies of BRA in pursuing the Helsinki message.

During the 2005-2008 period, BRA disbursed the reintegration fund through a series of programs which are comprised of the following components: 1. economic empowerment for 6,200 former GAM non-combatants, equivalent to Rp. 10 million per person; 2. economic empowerment for 3,204 former GAM combatants arrested before the Helsinki Accord, 10 million per person; 3) economic empowerment for 6.500 former anti-GAM militia, known as "Pembela Tanah Air" (The Home Land Guard militia), Rp. 10 million per person. Apart from direct financial assistance, BRA also introduced social and cultural programs, which include the following: 1. housing rehabilitation assistance of Rp. 34 million per person for 23,523 housing units; 2. health services for13,382 civilians wounded or disbled over the course of the conflict; 3) scholarships for 14,186 orphans whose parents' were victims of the conflict.[121] The overall budget programs for the Reintegration-Peace Fund has been steadily increasing from Rp. 200 million for 2005, to Rp. 200 billion for 2006, to Rp. 600 billion for

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[118] See Harian Serambi Indonesia, May 7th 2008
[119] See Harian Serambi Indonesia, April 3rd 2008
[120] BRA presentation on the field visit of TPPNK, Banda Aceh, April 26th 2006.
[121] See Lihat BRA report on the disbursment of reintegration Fund during 2005-2007, as accessed per May 22nd 2008. www.bra-aceh.org

2007, to Rp. 250 billion (instead of the Rp. 700 billion).[122] For the 2008 budget programs, BRA will manage approximately Rp. 680 billion which consist in the Rp. 450 billion withheld in 2007 and Rp. 230 billion allocated by the Aceh Government The Indonesian Government provided Rp. 1,5 Trillion for the Reintegration-Peace fund, and reported that Rp. 1,05 trillion had been accounted for.[123]

Based on this data, it would appear that BRA did not effectively act as the "Reintegration Fund Reimbursement" agency of the Indonesian Government, and in fact, the reimbursement pipeline used the Governmental Social Department officers and systems. In an attempt to empower the BRA to become an independent and efficiently managed entity, the BRA secretariat itself was facilitated by a donor agency, USAID, through Chemonics, Inc.

The reintegration fund acts as a charity fund, which actually does not necessarily enhance the life of the beneficiaries and the BRA is not yet functioning as an institution with a comprehensive platform to manage long term peacebuilding programs. In addition, post-conflict reconstruction needs more involvement of the different actors, and the BRA should act as a hub of sophisticated skills for facilitation of programs rather than just a "disbursement" agency. Creating the BRA as a hub of professional technical skills will enable to the BRA to be in a position to help social cohesion between GAM and the rest of Acehnese society. But the BRA has not yet grasped issues such as "serious crimes," human rights, reconciliation and development, all of which must be integrated into a comprehensive reintegration effort. A positive development finally came in April 2008, when the BRA tried to initiate a discussion on the reconciliation issue.

A further problem has been the general neglect of most post-Helsinki institutions of the KPA factor, and the BRA has also neglected this organization in the reintegration programs. In some cases, the BRA has reacted to KPA issues, such as the murder of five KPA members in Aceh Tengah. The BRA acted outside its mandate and called for investigation teams. Although, investigating is not part of the BRA mission, what the agency can learn from this particular case is that there are problems of reintegration processes, as there are many people who have not yet been socially or economically integrated. The case might also make the BRA discern how its programs might be failing in districts such as Aceh Tengah, three years after the programs were started. This case sent an important signal to the actors the reintegration process to review their roles and contributions in the whole peacebuilding program.[124] In general, the BRA neglected to start more comprehensive programs for sustainable peace, and it tends to focus on the reimbursement of the government funds. If distribution of funds is the sole aim of the BRA, it is clear that there is a hole in the conflict management and peace building tracks. To achieve the aims established at Helsinki, further steps need to be taken by the BRA to create a comprehensive approach to fix the gaps in the peace tracks.

CoSPA: Commission on sustaining Peace in Aceh

On February 14th 2008, the BRA secretariat managed by the Aceh Peace Resources Centre (APRC), a unit directly controlled by Chemonics, facilitated a meeting between GAM and

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[122] See Serambi Indonesia, May 3rd edition 2008.
[123] "Dana Reintgrasi Segera Cair", June 11th 2008, Serambinews.com,
[124] See Wiratmadinata, "Antara Dili-Takengon dan Kerentanan yang Pecah". Artikel. www.theacehinstitut.org

the representative of Indonesian government (GoI). The talks focused on the future security arrangements not handled by BRA. At this meeting, the two parties agreed to establish a new forum called Commission on Sustaining Peace (CoSPA). This forum convenes once monthly to talk about matters relating to the sustainable peace which requires cooperation of both parties.[125] CoSPA has addressed previously neglected issues, among which are the case of the assassinations of KPA members,[126] the security issues that threaten peace and law enforcement efforts,[127] the reconciliation mechanism, the establishment of the human rights court,[128] and planning the Joint Claim Commission Settlement. This recent commission aims to settle all unresolved claims, based on the existing mechanism, between both parties, including the beneficiaries of the conflict.[129]

The establishment of CoSPA has confirmed the concerns about BRA, as it became apparent that there were many essential topics that had long been neglected. BRA had in fact realized its limitations in pursuing the goal of the concrete and comprehensive sustainable programs. The CosPA structure is more patterned behind the CoSA or FKK models of problem solving forums. All of these different forums are constantly undergoing changes and it reflects crucial flexibility in adapting to the changing situations on the ground. This is crucial to success because the peace implementing actors must be able to tackle all the details.

This commission will demonstrate if the Aceh government can live up to its responsibilities to formally implement specific aspects of peace implementation. Since the legal, political, security and other basic arrangements have been determined the executing agency will be the operating system of development of Aceh. This is a strategic necessity, because as the theory of fragile states clearly explains, the failure of implementing the concrete measures described above will result in the failure of the state to contain grievances and therefore perpetuate the conflict.

The Role of Acehnese civil society organizations (CSO) in Implementing Peace

Based on the documentation and developments since the MoU, it would seem that grassroots Acehnese CSOs have not have any significant role in the negotiations and diplomacy. This fact is confirmed by the notes and minutes from the negotiations from January 2005 onwards: no Acehnese CSO was involved. Only GAM, the Indonesian Government and CMI were at the meetings. There were some individual figures that played an important role as "lobbyists" such as Dr. Farid Hussain and Juha Christensen, known as the "Bugis Connection," because they worked by Jusuf Kalla, the Indonesian Vice President who was from the Bugis Tribe from South Sulawesi, while Christensen is a Finish businessman who lived in the same region.[130] Although neither were government or GAM, they were not necessarily CSO activists, and it is intriguing that the mediators did not engage civil society.

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[125] CosPA first meeting
[126] CoPA Press Release, march 5th 2008.
[127] CosPA second meeting
[128] CosPA third meeting
[129] CosPA fourth meeting
[130] See, "to seen the unseen", a book written by Farid Hussain as his self testimony on the Helsinki Accord, his role and how his Bugis Connection with Indonesian Vice Presidetn Jusuf Kalla, the Indonesian Legal and human rights Minister, Dr. Hamid Awaluddin including Juha Christensen played their role in Helsinki Accord.

After the peace accord had been signed, CSOs tried to gain influence and participate in the implementation of the peace process. The first role, was to participate in the promulgation of LoGA. Aceh Democracy Network or "Jaringan Demokrasi Aceh" (JDA) was also established as an ad-hoc forum to advocate for LoGA in the DPRA before it was proposed to the Indonesian Parliaments as an Act. The JDA was one of the most important CSO grassroots initiatives to support the peace process and to ensure that LoGA reflected the interests and human rights of the public and not just GAM and government interests.

The JDA comprises social organizations such as youth associations, religious institutions, women's' groups, teachers' organizations. While DPRA itself was preparing the LOGA proposal to the central government, three state universities in Aceh, The University of Syiah Kuala, the Malikul Saleh University and IAIN-Ar-Ranirry Islamic Institute, in conjunction with NGOs also prepared their own version of LoGA which they submitted to the DPRA. The three drafts that came from the universities were incorporated into the LoGA proposed by DPRA to the Indonesian Parliament. The JDA itself continued to advocate and lobby until the LoGA was passed into legislation. This was crucial to ensuring that LoGA did not just pamper to GAM and the government, who might have ignored the interest of the Acehnese and the victims of the war. After LoGA was passed for peace and special autonomy, the JDA was dismissed.[131]

After LoGA was promulgated, Aceh CSO broached the next strategic issue which was the Aceh Pilkada (Local Direct Election) for the governorship, chiefs of district and mayors. The election was done through an indirect democratic system where the leaders were elected by the House of Representatives in the respected levels of administration, with an election committee conducted by the Independent Committee for the Election/"Komite Independen Pemilihan" (KIP). To provide assistance to the KIP to conduct free and fair elections, CSO organized the Aceh NGO Forum (Forum LSM). Forum LSM's program started by engaging and encouraging public support for the KIP as the election committee, especially in areas had less supported as it conflicted with the original Regional General Election Committee (KPUD). Forum LSM provided election training programs such as logistical training, integrity training, etc. Not long before the general election was held by KIP, international assistance poured into KIP especially from UNDP and GTZ-Germany. The other policy program conducted by Forum LSM was the advocacy for Qanun Pilkada in the DPRA as the legal regulation for the General Election in Aceh. Forum provided the CSO version of Qanun Pilkada a draft encouraging democratic and fairness in the election for the post conflict area. In order to monitor the election in Aceh, Forum LSM established a consortium of Acehnese NGOs called "JURDIL Aceh," which conducted a "quick count."[132] The other institutions which work with Forum LSM are the Aceh Development Fund (ADF), E-Card and the Kata Hati Foundation. All the programs mentioned above were connected to the peace implementation of the Helsinki Accord within the Special Autonomy Arrangement, and were working in implementing the details and ground work for a sustainable process.

Regarding to the Reintegration-Peace program, the Aceh government asked Forum LSM to join the Forbes Damai Aceh (the advisory board of BRA). The other local organization on this board is Aceh NGO Coalition for Human Rights, and both of the organizations represent Acehnese CSOs. Forum's role is to encourage the BRA to enhance the substantial issues for the sustainability of peace such as: the division of power between Jakarta and Banda Aceh,

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[131] See the history of JDA and or JDA report.www.ACSTF.org
[132] See Forum LSM report project funded by USAID-DRSP.

and human rights and reconciliation issues. This role was conducted through a series of workshops for the BRA secretariat. Although the Forum LSM made recommendations and workshops, it remains unclear as to why the BRA secretariat still neglects many of the issues.

The main challenge for Acehnese CSOs is the limitations of financial and professional resources. At the same time, the CSOs have a strong engagement with the problems and the local, which gives them a deeper understanding in the nature of the conflict, traditional mechanisms, effective communication skills, and alternative solutions. as long as they got supported in term of the effective organization management skills. The lack of effective management skills tends to be used by the international organizations as an excuse to impose their own perspective on the process. Indeed, International donor organizations like the World Bank, USAID, JICA, and UN organizations like UNDP and IOM prefer to work directly on the ground and often neglect local NGOs or CSOs. In many cases they got endorsement from BRA to implement their own project.[133] This situation is steadily undermining grassroots Acehnese NGOs and CSOs and ultimately undermines the conflict management efforts.

Local institutions have often been neglected mainly due to lack of access to donor agencies, and this has been the case since the beginning of the peace process. Unless the CSOs have strong initiatives, original insights on the ground or lobbying capacities, they will be neglected and will not be considered to fill the gaps of the process. Strong organizations like Forum LSM and the Aceh NGO Coalition for Human Rights have been succeeding, but they might lost their energy and concede their roles to the international NGO and donors. For example, when the UNDP and GTZ facilitated KIP to face the Pilkada and there were very few post conflict program run by the local institutions. Another example is how USAID through Chemonics assisted BRA and directly implemented the peacebuilding program called the Aceh Peace Resource Centre (APRC). Through the APRC, Chemonics directly implemented its perspective on the ground and does not always incorporate local institutions who work on the same issue. The result is that the local NGOs cannot complain nor can they compete because the international organizations function with their own financial resources. The international agencies provide facilitation to the Aceh peace process, but it results in a "globalization effect" and it excludes the "local genuine" participation.

In essence, local CSO who clearly are committed to peace should try more intensely to inject themselves into the on going process, but unfortunately the different parties, including the international mediators, tend to be exclusive and make it difficult for grassroots initiatives. This is dangerous for the long term peacebuilding efforts, because the international NGOs or brokers tend to work on a project basis, meaning they remain as long as their project is funded. Local institutions on the other hand are more goal orientated and their direct engagement with the people and the grievances will keep them on the ground, despite limited funds. Their presence is more derived by the activism than professional commitments. This is a fact which tends to be forgotten by many donors agencies. Because of inherent limitations of foreign organization, the peacebuilding programs should have been handed over to local actors who live on the front line of the situation. Supporting the local community will enable the Acehnese themselves to pursue peacebuilding for the community.

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[133] See donor matrix, www.bra-aceh.org

The role of International Community in Peace Implementation in Aceh

As we discussed in the previous part the role of international NGOs has been very significant in the conflict resolution and peace building in Aceh, especially when compared to the local institutions. Beginning with the preliminary peace talks facilitated by HDC between 2000-2003 and then the Helsinki negotiations facilitated by CMI, the success of international support is mainly based on their experiences, expertise and substantial funding. The problem is that external peace mediators tend to work in short term missions, and continues as long as a program is funded. Indeed it is important that international organizations are involved in the post-conflict areas, but they seem to be often over confident and lacking in establishing mutual cooperation with local peacebuilders. Furthermore, foreign post-conflict programs are often based on a purely academic basis, and theories do not always reflect one particular conflict case. Most of the programs run by international organization in Aceh regularly do not have a sense of the local genuine mechanism or psyche, and they tend to be artificial and inefficient. For the preliminary assessments in Aceh, the local people were consulted, but cooperation ended there. At times, some international organizations took over local initiatives, because they did not have sufficient funding, and this often stifled the grassroots solutions to the conflict.

In 2005 there was an overwhelming influx of international assistance, ranging from governmental agencies such as USAID, the EU, the Japan International Cooperation Agency (JICA) and some UN agencies (IOM and UNDP), to large financial institutions like the World Bank, to INGOs such as Oxfam and IRD. Local civil society was mostly suffocated and even the Indonesian actors, like the BRA, were not necessarily accommodating to their roles. Within the BRA secretariat is the APRC unit that was facilitated and planned by USAID. The World Bank, IOM and UNDP run their own programs on the ground, through BRA endorsement. All the local actors, working on their own funding and initiative, were left out of the overall road map for peace in Aceh. There is a donor matrix list provided by the BRA, but there is no system to control that all the peacebuilding projects are on the same track of implementation. International actors follow their own methods, procedures, and targets in the short to medium term programs.[134] This situation confirm us, that there is still one question about the appropriate road maps that can be followed up by different, local and international, actors to ensure the sustainability peace for Aceh. This is a challenge that the new Aceh leadership must address soon if it is to confront the threats to peacebuilding.

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[134] See donor matrix, www.bra-aceh.org

Chapter 6: Findings and Recommendations

The Helsinki Accord, signed in August 15th 2008 enabled the Cease Fire between the Aceh Rebellion Army (GAM) and Indonesian Army who had been waging war since 1976. The cease fire gave both these parties opportunities to engage in constructive cooperation to establish a new future for Aceh Province based on the Special Autonomy status provided by the Indonesian Government. The Helsinki Accord became a Conflict Management formula designated to ensure that the Special Autonomy and Security Arrangement in the post Helsinki Accord can be upheld and implemented thoroughly. However the Helsinki Accord, as a Memorandum of Understanding (MoU), is a general guideline which does not necessarily deliniate every detail of the Peace Building Activities. So, no matter how well the Helsinki Accord is formulated, its success will greatly depend on how the Peace Building actors in Aceh can effectively translate the Accord on the ground. The worsening problem of weak capacity among the key institutions implementing the peace agreement has put the whole process at risk.

Furthermore, the growing threat of peace spoilers with a new set of grievances could undermine the successes of the Aceh Peace Building process. During the last three years of the post conflict reconstruction in Aceh, the Indonesian Government and Acehnese Government have been seriously trying to implement the Peace and Reintegration program as designated by the Helsinki Accord. However, the implementation has been limited by the short term approach disbursements of the Reintegration Fund. What is needed is a long term approach, to ensure that the reintegration of former GAM combatants into society is established in a real sense.

Key Findings

Helsinki Accord as a Conflict Management Initiative. The tsunami which devastated Aceh proved a "blessing in disguise" as it helped the peace actors to renew the failed 2000-2003 peace talks facilitated by the HDC. This momentum was utilized by the CMI to use "track two mechanisms" by taking two adversaries to the negotiating tables shortly after the tsunami before openly establishing "track one" diplomacy in Helsinki. The tsunami might have been the driving force behind the peace talk, but the CMI had also been working through the "Track two" initiative by aiding some individuals to play citizens diplomacy, enabling both parties to engage and sit at the same table. Furthermore, the roots of the negotiations had been growing during the humanitarian pause facilitated by the HDC, although they were interrupted by the Martial Law status imposed to Aceh in 2003. Therefore, the tsunami was indeed one of the driving forces behind the success of Helsinki Accord, but it also drew from previous initiatives. The Helsinki Accord is not a perfect document, but it did provide the general steps to contain the inter-state war in Aceh. There is a great need to translate the concept into a more detailed work plan that can be implemented at the ground level, especially on development issues and social services through training and workshops.

Law on Governing Aceh. The promulgation of LoGA under the special autonomy arrangement was successfully done. It ensures that all the results of negotiations have a legal basis that can be utilized by the Acehnese Government and citizenry. LoGA is one of the conflict management tools that, if effectively used, could help mediate the grievances of

GAM and Aceh as a whole. However, the Acehnese Government has to make sure that specific regulations should reflect what is really needed by the people.

The General Election (Pilkada). One of the most important programs under the Special Autonomy arrangement, has been an excellent mechanism in Aceh Conflict Management. The general election enabled former GAM combatants engage as candidates; as a result, Irwandi Yusuf and Muhammad Nazar the former rebellion group members were elected as the new Governor and Vice Governor respectively in Aceh. Additionally, 8 out of the 23 districts in Aceh have been lead by the former GAM activist elected through district general elections. This has enabled power sharing and win-win-solutions between the former rebellion and Indonesian Government. This mechanism has been saving Government integrity and at the same time has mitigated the rebellion grievances. In 2009 there will be a general election to elect members of the House of Representative members at the District and Provincial level in Aceh. Yet, there is more leadership training and capacity building needed for local parties, especially the former GAM political party. If the upcoming election have the same peaceful natures like the previous one, it means that GAM had been exercising all of its political rights in Aceh.

Aceh Monitoring Mission. The one and a half year presence of AMM in Aceh has successfully resulted in the Demobilization and Disarmament for both GAM and Indonesian Army, but has not effectively dealt with reintegration and human rights monitoring issues. Many human rights issues remain unresolved and the issue of amnesty for GAM prisoners is still not fully resolved. In large part this problem can be attributed to the fact that the AMM did not intend to have a long-term role and unfortunately did not prepare an exit strategy to assure that the program be smoothly continued. If there is no new initiative that fills the "empty space" left by AMM, the situation will be increasingly fragile. As McDonald noted in his "10 operating principles":

> "Once we decide we can be of assistance, we make a long term commitment. This is a personal, professional and institutional commitment of at least five years. We talk about commitment; we tell people that we are not there for a weekend training, or for a month. We know that conflict-habituated systems take a long time to develop and can not be resolved quickly. In effect, we are there as long as the participants want us there."[135]

After one and half years, AMM presence and the direct involvement of CMI and European Union in Aceh is over. However, a benefit of this vacancy left by the AMM has been the rise of the Acehnese Government and CSO to fill this gap, exemplified by the formation of the Forbes Damai (Joint forum to support peace) and BRA.

Reintegration. Reintegration is a long term program in which former GAM combatants who have been living on outside of the local community during the conflict, once again become part of the society. Under Security Arrangement 4.2 of the Helsinki Accord: "GAM undertakes to demobilize all of its 3000 military troops. GAM members will not wear uniforms or display military insignia or symbols after the signing of this MoU".[136] The main message relayed under the MoU is that GAM should not be re-organized in any form. Unfortunately, the actors in the peace making proccess looked "clumsy" and "neglectful"

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[135] John Mc Donald; "Multitrack Diplomacy", in "Second Track/Citizens Diplomacy",. Rowman &Litlefield. Lanham. 2002. page 56-57.
[136] MoU Between Indonesian Government and GAM. Published by Tim Sosialisasi Damai Aceh, page. 30th.

when GAM established KPA (Komite Peralihan Aceh) shortly after the Helsinki Accord was signed. KPA has been a "stone in the shoe" in the effort of reintegrating former GAM combatants into society, because this organization has the same nature as GAM itself even though formally they are not the rebellion army. In this respect GAM had reunited and organized themselves under a different name and have used the organization to claim their economic rights interest. This situation hardly helps to reintegrate former GAM combatants into the society. Based assessments of the KPA role in the Aceh Peace Building Process, it is known that KPA members are allegedly involved in many Serious Crimes; KPA leaders dismiss these allegations. The main issue is that it is not necessary to provide a space for reuniting the former GAM into KPA instead of into a political party. KPA itself falls outside of the Helsinki Arrangement and why it is referred to in this work as an "anomaly of the GAM reintegration". This issue has to be addressed and contained as fast as possible as the KPA could become a "peace spoiler". Another way to address this issue is to reformulate the KPA as a social organization by providing more training and workshop in order to change the organizational GAM-based culture and structures of its members.

The transformation of the GAM, as outlined in the Helsinki agreement, should be supported. Furthermore, GAM's transformation into a political party should follow the rules of the game of the democracy process in Aceh because this transformation can be productive in terms of GAM reintegration to the political system and adherence to the rule of law. As a political party, GAM is on the path to becoming the real civil society entity. The KPA however, is by nature a risky organization as previously mentioned. The KPA is an alienate of the peace tracks, a political party or any other social organization that empowers the former GAM combatants is more helpful in achieving the goal of peace.

The BRA, the formal institution mandated to implement the reintegration and sustainability peace programs under the Helsinki Agreement, has yet to fulfill its task. The BRA has inappropriately addressed these programs that ensure that former combatants are involved in social life in order to avoid any potential for former GAM combatants to organize into militant groups. Many former combatants are economically vulnerable as many do not have a livelihood l after stepping down from the hills and giving up their weapons. They reformulate their grievances through KPA as shown through some KPA involvement in Serious Crimes. As Gurr and Davies note in "the risk of factors in ethnopolitical violence", KPA might be a forum for former GAM combatants to rebuild their capacity to wage conflict with the new government as a protest that they have gotten no service from their former colleagues who are now in office. This poses a risk to the peace building process as former combatants still have the territorial concentration, and group capacity required for collective action under the GAM identity.[137] BRA also has not yet ensured that the reconciliation program and the establishment of human rights courts in Aceh is implemented. The BRA limiting its role to a central government channel for disbursement of Reintegration Funds to former combatants, militia, and victims of the conflict even though this task is better suited for the Social Department. The BRA should have become the body to comprehensively uphold the reintegration program by developing social cohesion and longer term peace building reconstruction through reconciliation and trust building.

The other political constraint in the post conflict situation is the push for the separation of the existing Aceh Province into two other provinces: ABAS and ALA province. A real task of

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[137] Gurr and Davies; "Dynamic and Management of Ethnopolitical Conflicts" in "Second Tack". Rowman & Littlefield. Lanham. 2002. Page 34.

BRA should be to take care of this problem which is influencing the peace building effort in Aceh. The ABAS-ALA issue might become long term and "latent" as it is presents the risk of Aceh becoming three provinces. If BRA cannot work on this kind of issue, it means there is a "hole" in the institution building within the peace implementation.

The limited performance of the BRA in carrying out the reintegration program yields questions on the qualifications and capacity of the International agency that supports the BRA secretariat. Up until April 2008 The BRA secretariat has been supported by Chemonics Inc through USAID's ATARP-Aceh Technical Assistance for Reconstruction Peace program. In May 2008 the contractor changed to International Relief and Development (IRD) who won the project biding from USAID. This shift will worsen the management situation because IRD has to learn about the situation of the BRA before they really can facilitate this institution. Furthermore, IRD and Chemonics Inc., have not coordinated with each other regarding the transfer of the jobs in BRA secretariat.

Problems facing conflict management in Aceh in the post Helsinki Accord context are not about the concept and arrangements that should be taken for peace building and reconstruction. Instead, the problems lie in how to deal with the details of the programs. The obvious example of this is the BRA. The establishment of this institution is a good step, capacity problems face those who run the organizations, whether they are the government institutions, Acehnese CSOs, and even donor agencies and contractors. How they will deal with the details of facilitating the organization, how well they engage with the local elements and having sustainability approach within their program, or, how deep they understand the real situation is essential.

Recommendations

1. Based on the findings above, these recommendations aim to help assure that the ongoing peace process in Aceh is on the track established by the Helsinki Accord.

2. There must be a comprehensive evaluation of the BRA to ensure that the BRA is not merely disbursing Government Reintegration Fund, as this can actually be done by the government's Social Department. If the BRA's only function is to disburse money, then a serious agency is needed to address the essential issues of the reintegration, reconciliation, and sustainability of the peace program and to contain problems in the post conflict reconstruction.

3. A serious evaluation of the role of the international agencies that facilitate the BRA is needed. Will operate their own project as contractor or more will facilitate the BRA to uphold the essential role as the agency who is setting up the reconciliation, reintegration and sustainability peace program which will be implemented by all actors or multi stakeholder in Aceh.

4. There should be a comprehensive program developed to contain serious crimes. Unless there is the sense of security among the Acehnese, there will not be much difference to the conflict situation and the social modalities needed to succeed in peace building will not be gained.

5. There must be both willingness and bravery amongst all parties addressing the issues surrounding the KPA in order to make sure that GAM and the KPA strengthen their

commitment to engage in the peace process and look for possible chances to avoid any "reformulation" of any entities that wage conflict and recycled grievances in the name of "government failures". There should be a decision amongst all parties that GAM's transformation into social and political field in Aceh is in way to promote that reintegration process is possible to be implemented. There must be a clear distinction between the KPA as social organization and the "organized crime" groups by restructuring the model of it's organization. The peace actors, particularly the reintegration body, have to draw attention to the GAM transformation process, especially in regards to the KPA.

6. Systematic involvement of local organizations has to be promoted and accommodated by the main actors such as the BRA, international donors, Indonesian Government, even GAM to help the peace process engage with the community base interest.

7. Did you want to mention something about civil society as you did in chapter 3, both here and in the findings section? Be sure to match up the issues you brought up in the 3rd chapter into this discussion.

Conclusion

There are many lessons to learn in regards to the evolving of the peace process in Aceh. The Helsinki Accord has already set forth the Conflict Management plan to be implemented in Aceh. This agenda has been well implemented and as a result has helped to to maintain peace agenda in Aceh. However, there are a lot of questions and details that have to be examined and addressed through a comprehensive management system. The general agenda is not enough to deliver a sense of real peace but does provide a track that can be followed up by the peace building actors. Peace building reconstruction requires a lot of capacity. Capacity building programs for local institutions is very important for the long term peace process, in this area, the long term engagement of the international donor community and international agencies is needed. It is important to note that that the international agencies should not and neglect role of local CSOs in implementing direct and short term programs. When these agencies leave, they must leave behind strong and capable CSOs to maintain the peace process.

Annex 1: List of Qanun in "Prolega"

No	Qanun	keterangan
1.	Qanun Tentang Tata Cara Pembentukan Qanun (Mechanism and procedures of Qanun Promulgation in DPRA)	Urusan Birokrasi#
2.	Qanun Tentang Kedudukan Protokoler dan Keuangan Pimpinan dan Keuangan (Qanun of DPRA protocol)	Urusan Birokrasi#
3.	Qanun Tentang Pembinaan dan Pengawasan Penyelenggaraan Pemerintah Aceh (Qanun of Government Supervision Body)	Urusan Birokrasi#
4.	Qanun Tentang Organisasi Sekretariat Daerah dan Sekretariat DPRA (Qanun of Governors Secretariat)	Urusan Birokrasi#
5.	Qanun Tentang Susunan Organisasi dan Tata Kerja Dinas dan Lembaga Daerah (Qanun of the Aceh Government bureaucracy system)	Urusan Birokrasi#
6.	Qanun Tentang Pemberdayaan dan Perlindungan Perempuan (Qanun of womens' empowerment)	Urusan Birokrasi#
7.	Qanun Tentang Pemberdayaan dan Perlindungan Anak (Qanun of Child Protection)	Urusan Birokrasi#
8.	Qanun Tentang Perkebunan (Qanun of Plantation)	Urusan Birokrasi#
9.	Qanun Tentang Pajak dan Retribusi (Qanun of Taxes and retributions)	Urusan Birokrasi#
10.	Qanun Tentang Pemberdayaan Masyarakat di Bidang Komunikasi dan Sistim Informasi (Qanun of communication and information)	Urusan Birokrasi#
11.	Qanun Tentang Baitul Mal (Qanun of Islamic Charity fund)	Urusan Birokrasi#
12.	Qanun Tentang Tata Cara Perencanaan, Penganggaran, Pelaksanaan, Perhitungan, Pertanggungjawaban dan Pengawasan APBA (Qanun of governments budget)	Urusan Birokrasi#
13.	Qanun Tentang Alokasi Dana Tambahan Bagi Hasil Migas dan Otonomi Khusus (Qanun for non-oil and gas, and additional budget allocation)	MoU Helsinki-Otonomi
14.	Qanun Tentang Urusan Pemerintahan yang Berkaitan dengan Pelaksanaan Syariat Islam antara Pemerintah Aceh dengan Kabupaten/Kota (Qanun of Islamic Shariah law procedures and authority)	Urusan Birokrasi
15.	Qanun Tentang Izin Investasi (Qanun of Investment)	Urusan Birokrasi#
16.	Qanun Tentang Perencanaan Pembangunan dan Tata Ruang Aceh (Qanun of City Spacial Planning)	Urusan Birokrasi#
17.	Qanun Tentang Ketenagakerjaan (Qanun of laboring)	Urusan Birokrasi#
18.	Qanun Tentang Pendidikan (Qanun of Education)	Urusan Birokrasi#
19.	Qanun Tentang Dana Pinjaman dan Bantuan dari Dalam/Luar Negeri (Qanun of international Aid and Foreign Debt)	Urusan Birokrasi#
20.	Qanun Tentang Pendelegasian Kewenangan Pemerintah Aceh tentang Perizinan Kepada BPKS (Qanun of Sabang Freeport)	Urusan Birokrasi#
21.	Qanun Tentang Kesehatan (Qanun of Healthcare)	Urusan Birokrasi#

22.	Qanun Tentang Komisi Kebenaran dan Rekonsiliasi (Qanun of Truth and Reconciliation Commisison)	MoU-Helsinki-HAM*
23.	Qanun Tentang Pembangunan Pelabuhan Laut dan Bandar Udara (Qanun of Port and Airport)	Urusan Birokrasi#
24.	Qanun Tenatng Dana Pembangunan Masyarakat dalam Kegiatan Usaha Pertambangan dan Industri (Qanun of Small mining and Industry)	Urusan Birokrasi#
25.	Qanun Tenang Hak Atas Tanah (Qanun of rights of land property)	Urusan Birokrasi#
26.	Qanun Tentang Hak-Hak Partai Politik dan Keuangan Partai Politik (Qanun of Political party)	Urusan Birokrasi#
27.	Qanun-Qanun Tentang Pelaksanaan Syariat Islam	Urusan Birokrasi#
28.	Qanun Tentang Mahkamah Syariah (Qanun of Islamic High Court)	
29.	Qanun Tentang Hukum Acara pada Mahkamah Syariah	Urusan Birokrasi#
30.	Qanun Tentang Kependudukan (Qanun of Citizenship)	Urusan Birokrasi#
31.	Qanun Tentang Penanggulangan Masalah Sosial (Qanun of social problems)	Urusan Birokrasi#
32.	Qanun Tentang LKPJ Gubernur Tentang Penyelenggaraan Pemerintah Aceh (Qanun of Governors Report)	Urusan Birokrasi#
33.	Qanun Tentang Lingkungan Hidup (Qanun of Environment)	Urusan Birokrasi#
34.	Qanun Tentang Tata Cara Pelaksanaan Tugas Wewenang Gubernur untuk Memberikan Penghargaan dan Sanksi Kepada Bupati/Walikota (Qanun of Governor Authority to conduct reward and punishment for the Bupatis and mayor)	Urusan Birokrasi#
35.	Qanun Tentang Lembaga Adat (Qanun of traditional institutions)	Urusan Birokrasi#
36.	Qanun Tentang Tata Cara Pemilihan Imum, Mukim, Keuchik atau nama lain (Qanun of municipalities and village leader)	Urusan Birokrasi#
37.	Qanun Tentang MPU (Qanun of Government Advisory body)	Urusan Birokrasi#
38.	Qanun Tentang Pers dan Penyiaran Islami (Qanun of press and Islamic Press)	Urusan Birokrasi#
39.	Qanun Tentang Kebudayaan dan Benda-Benda Bersejarah dan situs Tsunami (Qanun of old heritages)	Urusan Birokrasi#
40.	Qanun Tentang Wali Nanggroe (Qanun of Wali Nanggroe)	MoU Helsinki*
41.	Qanun Tentang Bendera, Lambang dan Himne Aceh (Qanun of symbol, flags and Hymn)	MoU Helsinki*
42.	Qanun Tentang Kawasan Perkotaan (Qanun of urban area)	Urusan Birokrasi#
43.	Qanun Tentang Izin Rumah Ibadah (Qanun of religions sites)	Urusan Birokrasi#
44.	Qanun Tentang Penyertaan Modal/Kerja Sama pada BUMN/BUMD dan Swasta (Qanun of states enterprises)	Urusan Birokrasi#
45.	Qanun Tentang Penyelenggaraan Pemilu di Aceh (Qanun of Pilkada)	MoU Helsinki*
46.	Qanun Tentang RPJP dan RPJM (Qanun of government development planning)	Urusan Birokrasi#
47.	Qanun Tentang Industri dan Perdagangan (Qanun of trade and industry)	Urusan Birokrasi#
48.	Qanun Tentang Tata dan Qualifikasi Bangunan (Qanun of housing development)	Urusan Birokrasi#
49.	Qanun Tentang Perikanan dan Kelautan (Qanun of fisheries and marines issue)	Urusan Birokrasi#
50.	Qanun Tentang Kehutanan (Qanun of forestry)	Urusan Birokrasi#
51	Qanun Tentang Pertambangan Umum (Qanun of general mining)	Urusan Birokrasi#
52	Qanun Tentang Pariwisata (qanun of tourism)	Urusan Birokrasi
53	Qanun Tentang Transparansi Penyelenggaraan Pemerintahan dan Partisipasi Masyarakat (Qanun of transparency and public participation in public policy making)	Urusan Birokrasi#
54	Qanun Tentang Pelayanan Publik (Qanun of public services)	Urusan Birokrasi#
55	Qanun Tentang Pembentukan Lembaga, Badan dan Komisi oleh Pemerintah Aceh (Qanun of government institutions	Urusan Birokrasi#

	and body)	
56.	Qanun Tentang Organisasi (Qanun of organization)	Urusan Birokrasi#

Bold: Qanun directly linked to the Helsinki Accord as part of the conflict resolution negotiation.

*Qanun regarding the normal legal regulation on particular development issues within the existing governance system but not part of the conflict resolution negotiation. With or without the Helsinki Accord, these regulations would still on the list for measuring of democracy,138 normal autonomy (decentralization),139 and the implementation of Islamic Sharia law enforcement.140

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[138] These are the result of the democratization program in supproted by the Civil Society Organisation, especially by local NGO.

[139] See UU. NO. 32, tahun 2004, tentang Otonomi Daerah

[140] See UU. NO. 44 tahun 1999 on Islamic Sharia Law (UU tentang Syariat Islam di Aceh and UU.No.18, tahun 2001, on Aceh Special Autonomy (UU tentang Otonomi Khusus di Aceh.)

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