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*Pierre-Antoine Braud and Giovanni Grevi*

## The EU mission in Aceh: implementing peace

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*Institute for Security Studies*  
*43 avenue*  
*du Président Wilson*  
*F-75775 Paris cedex 16*  
*phone: + 33 (0) 1 56 89 19 30*  
*fax: + 33 (0) 1 56 89 19 31*  
*e-mail: [institute@iss-eu.org](mailto:institute@iss-eu.org)*  
*[www.iss-eu.org](http://www.iss-eu.org)*



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*Pierre-Antoine Braud and Giovanni Grevi are currently Research Fellows at the EU Institute for Security Studies.*

# Contents

	<b>Summary</b>		<b>3</b>
<b>1</b>	<b>Introduction</b>		<b>5</b>
<b>2</b>	<b>Dynamics of conflict in Aceh: a recurring deadlock</b>	Pierre-Antoine Braud	<b>7</b>
	2.1 <i>Reinforcing Acehnese identity: a resented integration into the Indonesian Republic</i>		<b>7</b>
	2.2 <i>Spreading dissatisfaction: the impact of Indonesian economic governance</i>		<b>10</b>
	2.3 <i>Paving the way for a popular separatist agenda: the impact of Indonesian military intervention</i>		<b>12</b>
	2.4 <i>The tortuous road to negotiations: a by-product of changes in Indonesia</i>		<b>16</b>
<b>3</b>	<b>The Aceh Monitoring Mission: towards integrated crisis management</b>	Giovanni Grevi	<b>21</b>
	3.1 <i>Progress on the ground</i>		<b>23</b>
	3.2 <i>Negotiations in Brussels: money matters</i>		<b>24</b>
	3.3 <i>The mandate and the structure of AMM</i>		<b>27</b>
	3.4 <i>The EU presence and activity on the ground</i>		<b>29</b>
	3.5 <i>The AMM and EU civilian crisis management: incremental progress</i>		<b>32</b>
	3.6 <i>Conclusion</i>		<b>36</b>
<b>a</b>	<b>Annex</b>		<b>37</b>
	<i>Abbreviations</i>		<b>37</b>

*The EU Monitoring Mission in Aceh (AMM), Indonesia, marks a new step on the path of the Union to becoming a global player. Endowed with a robust mandate including monitoring demobilisation, the decommissioning of arms, the withdrawal of government forces, the reintegration of former combatants and the launch of a new political process, this new ESDP mission has so far provided an effective contribution in ending years of fighting and paving the way to sustainable peace.*

*The roots of the conflict date back a long way. In 1976, a separatist movement was created in Aceh. The Free Aceh Movement (Gerakan Aceh Merdeka-GAM), consisting of a couple of hundred combatants, engaged in skirmishes against the security forces until 1979. The army easily defeated it. Among the Acehnese population of four million people, however, resentment towards Jakarta was strong. Economically, the province felt deprived of its resources, which accrued to the central government. Based on Islam and its past history as an independent Sultanate, its strong regional identity was challenged by a highly centralised government.*

*In 1989, GAM resumed its limited military activities. A massive campaign of military repression ensued. In Acehnese society, massive human rights abuses led to growing support for a separatist agenda. Following the fall of the dictatorship in 1998, the role of the military in Indonesian politics began to be challenged. The Acehnese conflict became an instrument in the power struggle between rival factions in Jakarta. The repressive methods of the military were contested wherever the army resorted to them.*

*The changing balance of power in Jakarta opened a window of opportunity for a negotiated settlement. The terms for an agreement were progressively elaborated, but their implementation failed until 2004. Stalemate was unlocked by the heightened focus of the international community on Aceh following the tsunami disaster in December 2004 and the conciliatory initiatives of the newly elected President Susilo Bambang Yudhoyono. The authoritative involvement of Maarti Ahtisaari contributed much to bringing the negotiations to a successful outcome in July 2005. The EU proved willing and able to take over from there and launch a mission to monitor the peace agreement in the space of a few weeks.*

*The AMM is the central component of a wider range of instruments and measures deployed by the EU in Aceh. The added value of the European intervention consists in the effective coordination of EU tools to both reconstruct the region ravaged by the tsunami and sustain the political process of reconciliation by facilitating reintegration and consolidating local administration. Coordination matters not only between EU actors but also with international partners. The AMM includes the sizeable contribution of five countries from ASEAN. This is tangible evidence of the EU's commitment to promoting regional organisations as a pillar of effective multilateralism.*



## Introduction

In the light of Indonesian history, popular claims for independence in Aceh could be perceived as a paradox. Unlike the two other main territories with separatist movements,<sup>1</sup> Aceh had contributed significantly to the establishment of the Indonesian Republic in 1949. In Acehese society, the broad consensus was that Aceh was at the vanguard of the nationalist movement and incarnated essential Islamic values in a country where Muslims comprised 88% of the total population.

However, a highly centralised system that played down regional specificities quickly appeared in Indonesia under the 'Guided Democracy' regime (1949-1967) and during the 'New Order' period (1967-1998). The military became pivotal in Indonesian politics and was in fact the pillar of this centralised system. It fuelled strong resentment in several parts of the Indonesian archipelago, made up of 18,000 islands inhabited by more than 300 communities.<sup>2</sup> In Aceh, a separatist movement was created in 1976. However, it failed to mobilise Acehese grievances and by 1979 had been quashed by a campaign of military repression.

Ten years later, in 1989, it was able to resume its military operations. For sixteen years, the Free Aceh Movement (*Gerakan Aceh Merdeka*-GAM) was involved in skirmishes with the Indonesian army. Although no major fighting occurred, this low-intensity guerrilla warfare was nevertheless accompanied by massive human rights abuses. Out of a population of 4 million Acehese, 10,000 people were killed,

while arbitrary arrests and destruction of property were common. During the 1990s, the military constantly opposed any negotiations. After the end of the dictatorship in 1998, attempts to reach a political settlement failed. As with other conflicts within Indonesia, the military constantly advocated that the rebellion be crushed. However, the changing balance of power within the army and between civilian and military powers has gradually enlarged opportunities for a peace settlement. By focusing international attention on Aceh, the tsunami tragedy of December 2004 fostered conditions favourable to a political approach to this conflict. Although an agreement was signed in August 2005 between GAM and the Indonesian government, its implementation was conditional on an efficient monitoring mechanism in order to overcome distrust between the parties.

By the time the Government of Indonesia and the Free Aceh Movement (GAM) signed an historical Memorandum of Understanding (MoU) in Helsinki on 15 August 2005, putting an end to the conflict in the Indonesian region of Aceh, progress towards launching a joint EU-ASEAN monitoring mission to ensure that the terms of the agreement were respected was already well under way. This was made possible by a rather unconventional, but effective, approach to the launching of the Aceh Monitoring Mission (AMM).

Establishing the AMM required procedural and budgetary creativity and fast action on the part of Brussels-based actors, working in cooperation with various proactive national govern-

<sup>1</sup> East Timor and Irian Jaya, the former Netherlands New Guinea. East Timor was a Portuguese colony until 1975. It was then invaded and annexed by Indonesia. After four decades of conflict, a referendum held in 1999 paved the way for independence, which became official in 2002. Irian Jaya was invaded by the Indonesian army in 1961 and annexed to Indonesia in 1969.

<sup>2</sup> The Javanese represent 45% of the Indonesian population. The Acehese population represents 4 million people out of a total of 240 million Indonesians.

ments. This should be welcomed as evidence of the ability to respond to an urgent request for EU intervention, in the absence of the financial and logistical means required for timely planning and implementation.

An analysis of the decision-making process, however, reveals that procedural, and above all budgetary, craftsmanship is not sustainable in the long term. Certainly, flexibility should be a prerequisite when facing up to the new challenges confronting ESDP, notably when it comes to operations. Indeed, while preventive strategies and early warning can anticipate or avoid crises, crisis management is an inherently reactive and unpredictable domain of action.

Precisely because of that, however, it is essential that sound procedures and adequate resources are in place to enable decisions to be taken quickly followed by their prompt execution. In the case of the EU, success will depend in most cases on maximising the synergy between all the instruments available to the Union, whether they fall within the remit of CFSP or within the competences of the Community. When it takes action in the world, the Union is

perceived as one. Success, failure, determination, professionalism, competence and expertise are all attributed not to separate institutional actors but to the Union as such.

The European Security Strategy called for a more capable and more coherent Europe. According to the Strategy, 'all necessary civilian resources' need to be brought to bear in crisis and post-crisis situations. Having created different instruments with their own distinctive structure and rationale, the 'challenge now is to bring together the different instruments and capabilities' from Member States, ranging from European assistance programmes to military and civilian capabilities. In the run-up to the AMM, some resistance emerged against matching these words fully with deeds, and bridging institutional divides while respecting the prerogatives of each body.

Those who worked hard to get the mission going, and succeeded, should be applauded for overcoming institutional and financial barriers. But their efforts only serve to underscore the fact that serious thinking has to be devoted to the long-term viability of the decision-making and budgetary framework.



## Dynamics of conflict in Aceh: a recurring deadlock

Pierre-Antoine Braud

### *2.1 Reinforcing Acehnese identity: a resented integration into the Indonesian Republic*

In the mid-1940s, as the Indonesian nationalist movement was fighting for independence, Aceh became a rear base which provided significant financial support to the nationalist forces opposing the Dutch colonial power.<sup>1</sup> In a classic divide-and-rule strategy, the colonial authorities offered a federal state status to the Acehnese leaders. This could have been a first step towards independence for this region. Indeed, Aceh had for a long time been an independent state. The colonial power conquered it in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries after thirty years of war.<sup>2</sup> However, the Acehnese leadership turned down the proposal. A strong regional identity based on Islam, a long history of resistance to the colonial conquest and the memory of a past autonomous state were not in this case conducive to a separatist agenda.

On the contrary, these factors were part of the emerging sense of Indonesian identity in Acehnese society: Aceh perceived itself to be a nationalist vanguard, joining a common struggle, hence expressing its solidarity with other Muslims of the Dutch Indies. Although it emerged in the mid-1970s, it was not until the 1990s that the separatist agenda gained extensive support in Acehnese society and among its

local elites. Reversing the rationale of the 1940s, Acehnese regional identity and its 'culture of resistance' were then often considered in Jakarta as favouring a separatist agenda.

As with many of the various conflicts occurring in Indonesia, the central power focused on specific regional or local issues in its efforts to interpret the situation. As far as the latter was concerned, local leaders were manipulating populations by exploiting regional distinctive characteristics in Eastern Timor, Irian Jaya, the archipelagos of Moluccas or Sulawesi, in the provinces of Riau (central Sumatra) or Kalimantan (Borneo). Such arguments overlooked a crucial issue: resistance encountered by an authoritarian state-building process identified with a Javanese power,<sup>3</sup> based on a highly centralised economic and political system of governance. This process did not only affect local elites who lost a significant part of their influence; it trickled down to ordinary people, as military and administrative apparatus became more present in daily life. Consequently, the previous social order was challenged, while economic policy often contributed to antagonise local communities with regard to the land issue and limited alternative economic prospects. Dissatisfaction and resentment against the central power accumulated steadily. Acehnese regional identity was altered and became antagonistic to national identity.

Gradually, significant obstacles appeared to challenge the idea of Aceh becoming part of

<sup>1</sup> Tim Kell, *The Roots of the Acehnese Rebellion 1989-1992* (New York: Ithaca, Cornell Modern Indonesia Project, 1995) p.10.

<sup>2</sup> Aceh began to be part of the trade routes between China, Africa and Middle-East from the 9<sup>th</sup> century onwards. In the 14<sup>th</sup> century, it became a regional power, which controlled the trade routes across the Malacca straits. In the 16<sup>th</sup> century, a coalition of rival regional powers and Portugal defeated its army. Although it remained an independent entity, it re-emerged as a regional power in the 18<sup>th</sup> century, until the Dutch colonial army defeated and annexed the Sultanate.

<sup>3</sup> During the era of the Suharto regime (1967-1998), the toll of dead stemming from this process has been estimated at 750,000. Cf. Benedict Anderson (ed.), *Violence and the State in Suharto's Indonesia* (New York: Ithaca, Cornell South East Asia Publications, 2001).

Indonesia, as a consequence of intertwining dynamics between increasing mistrust towards Jakarta stemming from economic and political misgovernance, an evolving sense of regional identity based on a distinctive Islamic identity and anti-Javanese feelings, and revived memories of past glory and violence. These combined elements facilitated the emergence of an armed movement as a legitimate way of contesting the stranglehold of the central power.

In spite of their contribution to the independence struggle, Acehese elites gradually retreated into a regionalist agenda, which was reinforced by a reasserted regional identity. Two key political phases paved the way for such an evolution.

In the aftermath of Indonesian independence, constitutional debates among increasingly divided nationalist and Islamic figures were concluded in favour of the former, led by Sukarno, the first Indonesian president. Indonesia did not become an Islamic state. Acehese leaders, as well as several Islamic figures in Indonesia, considered this evolution as a major setback. It weakened their allegiance to the new central power, as their 'nationalism was strongly enmeshed with the ideals of an Islamic state'.<sup>4</sup> One of Aceh's major motives for joining the nationalist cause disappeared; a feeling of betrayal emerged with regard to the new central power.

This was particularly resented among the *ulamas*, the Islamic clerics who gained a crucial influence in Aceh because of their key role in the nationalist struggle. As the traditional elite – the *uleebalang* – allied itself to the colonial power, adhering to the nationalist cause also enabled the *ulamas* to evict the latter from local power. In Aceh, the 1940s led to a dual phenomenon: expelling the Dutch authorities, then transforming the local governance to the benefit of the *ulamas* and their kinsmen, hence

reinforcing the Islamic identity of Aceh. Local power, social order, and religion got entangled. When the Indonesian ministry of religion refused to recognise the religious courts in 1950, this was thus challenging a power base of the *ulama*, their religious beliefs, as well as part of the social order in rural areas. Such a decision was to pave the way for an institutionalised judiciary, instead of local customary law. Its implementation was entangled with religious practices and institutions: arbitrating village affairs was the responsibility of a group of elders and prominent figures leading the five daily prayers.

A second initiative from Jakarta fuelled distrust towards the central power and further challenged the power of the local elite. In 1950, one year after independence, the briefly agreed federation was dissolved by Jakarta. The federalist agenda that was promoted by the Acehese elite was defeated in favour of a unitary state. In order to implement this policy, Jakarta reassigned a significant number of Acehese military and civil servants without any prior consultation. They were mostly sent to other parts of Sumatra Island, while non-Acehese were appointed in Aceh. The administrative structure headed by the Acehese during the five years of the nationalist struggle was further dismantled when Aceh province was included in a larger province of North Sumatra in 1950.

As both their ideals of the Indonesian state and their local power base were challenged, the Acehese elites – *ulamas*, civil servants, and military – joined the rebellion of *Darul Islam/Tentara Islam Indonesia* (the Indonesian Islamic Army).<sup>5</sup> This rebellion started in 1953 in west Java and aimed at transforming Indonesia into an Islamic state. Thanks to the *ulama* networks within local society,<sup>6</sup> the Aceh branch of the *Darul Islam* drew widespread popular support. As in the 1940s, seceding from Indonesia was

<sup>4</sup> Jacques Bertrand, *Nationalism and Ethnic Conflict in Indonesia* (Cambridge: Cambridge University Press, 2004), p.166.

<sup>5</sup> The leader of the Darul Islam in Aceh was himself a *ulama* and the former military governor during the Independence war. Tim Kell, *op. cit.*, p.11.

<sup>6</sup> Kees van Dijk, *Rebellion under the banner: Darul Islam in Indonesia* (The Hague: Martinus Nijhoff, 1981), pp.326-327. They were thus resuming their past role in resisting the colonial conquest and in contributing to the nationalist cause.

not part of the Acehese agenda.<sup>7</sup> Establishing a national state compatible with local issues remained the main motive for participating in this rebellion.

Nevertheless, it also reinforced a sense of a distinctive identity in Aceh. Although there was only limited fighting in the province until the end of this rebellion in 1962,<sup>8</sup> intermittent systematic slaughters of male civilians by the Indonesian army revived memories of past violence that occurred a generation earlier while resisting the colonial power.<sup>9</sup> Central powers, either Dutch or Indonesian, could be perceived as a recurrent cause of unleashed violence; this perceived common experience not only created a lasting mistrust, but also reinforced a perceived common experience of violence as part of Acehese identity.

The Indonesian army was not able to quell the rebellion; a negotiated settlement with some of the rebels was made in 1957. Although it facilitated an end to the conflict, it also contributed to enhancing the distinctiveness of Acehese identity; moreover, the Acehese elites relinquished their national claims and focused on local power and governance. Aceh was granted special status, re-establishing it as a region. After having been removed from the region, Acehese civil servants and soldiers were reappointed to Aceh; an Acehese governor was appointed and chosen within an organisation that supported the rebellion. A homogeneous Acehese administration was put in place. Furthermore, it was agreed that Islamic law was to be implemented in Aceh; this was fully recognised in 1962.

The events of 1965-66 that occurred in Indonesia might provide an example of this redefined agenda focusing on regional issues. Challenged by part of the army, President Sukarno and his 'Guided Democracy' regime was maintaining a precarious power balance between political parties and the military. He benefited from tacit and vital support from the PKI, the Indonesian Communist Party. In the wake of an attempted *coup* attributed to the PKI, General Suharto and his faction launched a campaign of repression against the PKI, which unleashed mass violence.<sup>10</sup> In Aceh, *ulamas* issued a fatwa that legitimised the murders of 'atheist' communists.<sup>11</sup> Resorting to violence was validated: Muslim youth organisations participated in the mass violence along with the Indonesian army. Thousands of people were killed in the name of anti-communism. As frequently happens in a mass violence situation, the overall legitimisation for the slaughters provided an umbrella for murdering individuals for motives linked to underlying cleavages and resentments. As PKI was locally regarded as being a Javanese organisation, Javanese migrants could also be targeted in slaughters that reflected Acehese hostility towards the central power, associated with the Javanese.<sup>12</sup>

Nevertheless, these Muslim youth associations contributed to providing popular support for the army, contradicting the Acehese agenda at the national level. The Indonesian army was the pillar of anti-federalist policy and strongly opposed the granting of special regional status. However, local agendas led to a *de facto* support to the army. Following this out-

<sup>7</sup> Jacques Bertrand, *op. cit.*, p.164.

<sup>8</sup> Geoffrey Robinson, 'Rawan is as rawan does: the origins of disorder in New Order Aceh', in Benedict Anderson (ed.), *op. cit.*, p.216.

<sup>9</sup> In 1913, the colonial power was fully in control of Aceh, after 30 years of war and guerrilla warfare. 10,000 colonial troops were killed during this period, while 75,000 Acehese lost their lives, i.e. 15% of the Acehese population. Cf. Henk Schulte Nordholt, 'A Genealogy of Violence', in Freek Colombijn and Thomas Lindblad (eds.), *Roots of Violence in Indonesia. Contemporary violence in historical perspective* (Leiden: KITLV Press, 2002), p.36.

<sup>10</sup> The Indonesian army later assessed that 800,000 communists – or alleged communists – were killed in 1965-66. On this period, cf. Benedict Anderson and Ruth McVey, *A Preliminary Analysis of the October 1, 1965, Coup in Indonesia* (New York: Ithaca, Cornell University, 1971); Robert Cribb, *The Indonesian Killings 1965-1966* (Clayton, Victoria, 1990).

<sup>11</sup> Tim Kell, *op. cit.*, p.28.

<sup>12</sup> Cf. Robert Cribb, *op. cit.*; Harold Crouch, *The Army and Politics in Indonesia* (New York: Ithaca, Cornell University Press, 1988).

break of mass violence, General Suharto and the army toppled Sukarno. They established the 'New Order' regime in 1967. An over-centralised government was steadily established. As in 1950, Jakarta reneged on past agreements and reinforced distrust towards negotiated settlement as a way to guarantee regional specificities in Aceh. In the early 1970s, the special regional status of Aceh was *de facto* erased. A new law on regional administration was adopted in 1974. It 'laid the ground for a tightening central control over the composition of regional administrations' and was considered by the military as an 'antidote to disintegrative forces':<sup>13</sup> provincial governors were appointed by the President, and their accountability to the provincial assemblies was abolished. Instead of their previous roles – advocating for regional interests to Jakarta – they became representatives of the central power. In order to strengthen its control over regions, the inner circles of the 'New Order' regime allowed part of the local elites to join their patronage networks. Some Acehnese were thus able to rise to prominent positions in the administration and the military.<sup>14</sup>

Moreover, the regime promoted the emergence of a new technocratic elite, both at the national and local levels. Local administrations then became tools of the government to implement policies decided in Jakarta without significant prior consultation. This extreme centralisation meant that Jakarta had become the only way to access power and wealth. As a consequence, local elites were competing for support from Jakarta and became increasingly disconnected from local populations. In Aceh, the *ulamas* also joined the patronage networks of Jakarta by adhering to an *ulama* national council. Moreover, a significant proportion of Acehnese technocrats belonged to *ulama* families. A certain consensus established itself among the various local notables; the popula-

tion was deprived of any intermediaries to convey its concerns to Jakarta.

Part of the local elite did not fully relinquish its local agenda. However, reshaping the past history of Aceh became one of the remaining issues on which they could have an impact. Some influential *ulamas* wrote and disseminated a consensual history of the past glory of Aceh. The fighting and violence in which the former Sultanate engaged in order to establish its control over Aceh were sidelined; the religious role of Aceh in spreading Islam in the current Indonesian archipelago was regularly highlighted. This rebuilding of history reduced local cleavages between communities, in particular between the hinterland and the coastal areas.<sup>15</sup> This further reinforced the sense of distinctiveness of the Acehnese and became part of the 'hidden transcripts'<sup>16</sup> – an unofficial history which was widely disseminated among the population and which subverted a national discourse allegedly building unity among Indonesians.

Moreover, a high level of grievance and dissatisfaction stemming from Indonesian economic policy further sustained this 'hidden transcript'. It added to memories of violence, political mistrust, and an entrenched sense of Acehnese separateness and distinctiveness: without being perceived by Jakarta, there was a growing gulf between Acehnese society and the central power.

## *2.2 Spreading dissatisfaction: the impact of Indonesian economic governance*

Like many decolonised countries, Indonesia adopted an import-substitution strategy as a key principle of its economic policy. Industrialisation was based on creating public companies

<sup>13</sup> Tim Kell, *op. cit.*, p.32.

<sup>14</sup> Jacques Bertrand, *op. cit.*, p.169.

<sup>15</sup> John Bowen, 'Narrative Form and Political Incorporation: Changing Uses of History in Aceh, Indonesia', *Comparative Studies in Society and History*, vol. 31, no. 4 (October 1989).

<sup>16</sup> James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990).

in strategic spheres, while trade barriers were put in place in order to favour the development of national entrepreneurs. In fact, its implementation created monopolies and reoriented trade routes towards Java. Moreover, it became an engine for clientelist networks and a pillar of the political system. Jakarta's inner circles of power resorted to an extremely centralised political and economic system to favour their allies and cronies. Well-connected private conglomerates established monopolies on the most profitable markets, while appointments in the main public companies were politically motivated. Thanks to its dominant influence, the military benefited from this system by raising extra-budgetary revenues via senior officers appointed in public companies or its own 'private' companies.<sup>17</sup> Beyond controlling the internal market, this policy was also based on exporting raw materials, gas and oil, as well as agricultural products. Without connections to the inner circles and their extended networks in the various provinces, limited economic opportunities remained.

Like several regions of Indonesia, Aceh suffered significant consequences of this system of economic governance. It affected a large range of people involved in local economic activities, from fishermen to petty traders and peasants. A former regional trade centre, Aceh became a province with fading economic prospects for its population. Its natural resources were exploited to the benefit of the inner circles in Jakarta, while limited investments were made locally. This further reinforced and spread resentment towards Jakarta, increasingly perceived as a predatory power.

In 1977, a liquefied natural gas refinery began to exploit offshore gas in the Lhokseumawe area, on the northern coast of Aceh and the former centre of the Acehnese kingdom in

the 14<sup>th</sup> century. By the end of the 1980s, Aceh represented 30% of the country's oil and gas exports. Around the refinery, an industrial zone was created, where fertilizer, petrochemicals or cement plants were installed. All these production centres were exporting to South-East Asia and Japan. This soon turned into a key symbol of 'Jakarta's exploitation'. These capital-intensive industries provided limited employment opportunities. Requisite skills were not available locally. Thus workers were 'imported' from other areas of Indonesia, in particular Java. The industrial zone and its suburbs were perceived as a 'rich ghetto of migrants'. This was in stark contrast to the living conditions of some of Acehnese who lacked access to water and electricity.<sup>18</sup> For some local inhabitants, the industrial zone 'only produced large-scale pollution'.<sup>19</sup> Actually, pollution contaminated the sea and affected fish stocks, with the result that 60% of the fishermen went under the poverty line. Some peasants were also affected, when the industrial zone was installed and enlarged. They were evicted from their land; compensation was promised but never reached the displaced people; no infrastructures were built, except for in the industrial zone.<sup>20</sup>

In other part of Aceh, the log industry led to similar resentment. Its development deprived local villagers from having access to forest and pasture land. Workers were often non-Acehnese. In a way typical of the Indonesian economic governance, these companies often belonged to Chinese businessmen associated with Jakarta's inner circles.<sup>21</sup> In the view of many Acehnese, alien entrepreneurs supported by an alien power were exploiting Acehnese resources.

Two traditional categories of the Acehnese economy were also affected by Jakarta's policies: merchants and peasants. The trade barriers

<sup>17</sup> Angel Rabasa and John Haseman, *The Military and Democracy in Indonesia. Challenges, Politics and Power* (Washington DC: Rand, 2002), pp.16-17.

<sup>18</sup> Tim Kell, op. cit., p.14-15.

<sup>19</sup> Ibid. p.17.

<sup>20</sup> Geoffrey Robinson, op. cit., p.222.

<sup>21</sup> Leon Jones, *The Security Disturbances in Aceh During 1990* (Victoria, Moniah Asia Institute, 1997), p.21.

ers disrupted traditional trading links with the Malaysian Peninsula. Besides, small manufacturing businesses had to trade via Medan port, in central Sumatra, as the Lhokseumawe port was now exclusively specialised in the export of gas and industrial products. In spite of the cost of shipping from Java, some of its entrepreneurs were able to be competitive, as they could avail of a corrupt licence system of imports. Formerly a well-connected trade route, Aceh now became a remote commercial area.

The peasantry also had to contend with the consequences of the 'development policy' implemented by Jakarta. From an economic point of view, Jakarta considered that Aceh should be a 'rice barn' for Sumatra, while a concession system was supposed to develop export-oriented agriculture. The increased production of rice led to a fall in its price. While prices of commodities were rising, producers were impoverished. Furthermore, limited alternatives to agriculture meant that 70% of the population had no choice but to live off the land, while local demography brought about a further fragmentation of properties. In such a context, absent landlords – living in Jakarta or Medan – plantations and the 'transmigrant programme' were additional causes of resentment. The 'transmigrant programme' was designed to support settlers establishing themselves in the area in order to increase agriculture production. In Aceh, tens of thousands of settler families arrived in the 1970s and 80s.<sup>22</sup> They were able to benefit from plots of 2.5 hectares and basic infrastructures. In a region where infrastructures were lacking and the average size of property was lower than 1 hectare, they were perceived as a favoured group. As most of them came from Java, social and identity factors once again became entangled as factors of resentment.

The relative wealth of the past, stemming from the production and exports of rubber, tea, coffee or pepper, was fading. Its memory was

associated with the past independence of Aceh or its *de facto* autonomy during the Independence war.

However, such resentment did not turn into a large-scale confrontation. It was limited to sporadic incidents – a couple of burnt log trucks, anti-Chinese campaigns (as they were allegedly corrupting Acehnese society by importing prostitution, alcohol or selling pork), or rare and rapidly quelled protest campaigns, such as calls urging people not to pay their taxes.<sup>23</sup> Gaining access to clientelist networks appeared to have been a higher priority. A local elite loyal to Jakarta was thus able to contain resentment and hinder popular support for open confrontation. In the mid-1970s, they significantly contributed to isolate the Free Aceh Movement (*Gerakan Aceh Merdeka* – GAM) and its first attempt to launch a separatist armed guerrilla group.<sup>24</sup>

### *2.3 Paving the way for a popular separatist agenda: the impact of Indonesian military intervention*

The GAM guerrilla army has always been militarily weak. Both in the late 1970s and in the 1990s, its military actions were limited to skirmishes with military or police forces. GAM was created in 1976. Two years earlier, its leader, Hassan di Tiro, returned to Aceh and along with an Acehnese group mainly formed of 'intellectuals', civil servants and small businessmen, prepared an armed movement. Di Tiro was himself a former representative in New York of *Darul Islam*. A couple of hundred combatants were gathered, with a limited number of weapons. In the 1970s, his movement neither benefited from significant popular support, nor from foreign aid. Lacking these

<sup>22</sup> Tim Kell, op. cit., p.26.

<sup>23</sup> Leon Jones, op. cit., pp.8 and 10.

<sup>24</sup> Jacques Bertrand, op. cit., p.170.

two crucial supports of any guerrilla movements, GAM was easily crushed by the military and their local allies among the Acehnese elite. However, while di Tiro left Aceh in 1979, a couple of dozen combatants remained in the central mountainous and forest area. Even if no military actions were launched in the 1980s, the continued existence of these local remnants of GAM have provided an argument for this movement to refer to a 'war of thirty years for independence'.

GAM activities resumed in 1989. It remained a small armed group of a couple of hundreds of combatants. Dozens of recently dismissed military and police officers joined 150 combatants who were reported to have been trained in Libya.<sup>25</sup> Nevertheless, as in the 1970s, GAM did not benefit from external support in the 90s. It also failed to coalesce with other Indonesian rebel movements. Di Tiro tried without success to establish links with Fretilin, the Eastern Timorese movement fighting for independence.<sup>26</sup> In the 1990s, re-establishing an Islamic Sultanate was a key element of GAM propaganda. However, GAM did not connect itself with the Jemaah Islamiyah, the Indonesian organisation linked to Al-Qaeda.<sup>27</sup> The Acehnese separatist movement remained an isolated and weak armed group in the 1990s and early 2000s, which could not secure regular supply lines to enlarge its number of weapons. In the early 1990s, seizing 21 weapons from a military unit was one of its major actions...<sup>28</sup> Murders of isolated soldiers occurred from time to time, while attacks against police stations and government buildings, arsons or riots

could be attributed to or claimed by GAM.<sup>29</sup>

Rather than implement Sharia law, GAM focused its propaganda on local issues: alleged discrimination against the Acehnese in employment and administration, exploitation of natural resources by Jakarta, stigmatisation of Javanese settlers, no payback for Aceh's participation during the struggle for independence.<sup>30</sup> Posters, slogans and leaflet campaigns frequently threatened Javanese residents and enjoined them to leave Aceh. Rather than aim to create an Islamic realm, GAM held up Brunei as a model for an independent Aceh.

In spite of its weaknesses, GAM benefited from a positive image in parts of Acehnese society. Myths around GAM were made up among Acehnese students on their campus. These myths were in continuity with the heroic images of past heroic fighters – against the Dutch or during *Darul Islam* – while separatist fighters were believed to have 'magical' powers, such as becoming invisible or invulnerable to bullets.<sup>31</sup> These stressed both discontent against national authorities and the positive image of warriors in Acehnese society.

Nevertheless, in 1989, most of the Acehnese 'were not supportive of the idea of an independent state, but they saw an opportunity to share in common grievances against the government'.<sup>32</sup> GAM could be an umbrella under which accumulated resentment could be expressed. This was not necessarily leading to active commitment towards a separatist agenda. However, the separatist agenda steadily gained widespread support in the 1990s. More than GAM, the Indonesian army and its prac-

<sup>25</sup> Di Tiro participated in Libyan-sponsored organization when he based himself in Tripoli.

<sup>26</sup> Geoffrey Robinson, op. cit., p.219.

<sup>27</sup> It might stem from distinct practices and interpretations of Islam. In Aceh, Islamic practices seem to be entangled with traditional 'cultures', while taking into account local interests. For example, cropping or using marijuana is considered to comply with Islamic rules, as marijuana is not mentioned in the Quran. This production often provides supplementary incomes to peasants. The Jemaah Islamiyah sent combatants to another Indonesian conflict, in the Moluccas. Cf. ICG reports on Indonesia.

<sup>28</sup> Leon Jones, op. cit., p.10.

<sup>29</sup> Such incidents were not uncommon in Aceh in the 80s. Unpopular institutions from time to time crystallised the hostility of mobs in the wake of a localised incident. Cf. Leon Jones, op. cit., p.9.

<sup>30</sup> Leon Jones, op. cit., p.1 et Geoffrey Robinson, op. cit., p.224.

<sup>31</sup> Leon Jones, op. cit., pp.10 and 21.

<sup>32</sup> Jacques Bertrand, op. cit., p.172.

tices played a crucial role in this development. The Indonesian army resorted to systematic terror strategies. Such an approach did not derive from an assessment of GAM political and military threats. As for East Timor, Irian Jaya or protest movements, systematic repression was the usual response of the military to any challenges. Dynamics within the military and the role of the military in Indonesian politics at the national level were leading to similar repressive responses, which did not take into account assessments of local dynamics and issues. Two dynamics within the military dominated the decision-making: the balance of power and rivalries within the institution, and a gradually developed doctrine of counter-insurgency, which was crystallising a long history of violence.

In 1989-90, the military region commander was playing down the various incidents in which GAM might have been involved. Clashes were 'groundless rumours', which were not causing major security disturbances.<sup>33</sup> According to the authorities, the increased number of incidents stemmed from anti-criminality operations, in particular against marijuana croppers.<sup>34</sup> In August 1990, his reappointment elsewhere was a *de facto* removal; central command decided and directed from Jakarta a military campaign. Military reinforcement was sent to crush the 'terrorists'. It was no longer an issue of law and order, but a national security matter. More than the local situation, such an approach enabled the central military command to reinforce its control over an outlying region. Both the types of units sent to Aceh and the profiles of new officers in the province illustrated this policy. Two types of elite units were deployed in Aceh: Special Forces and Strategic Reserve Unit. Most of the officers holding key positions in these units had close relations with the military inner circles. In the early 1990s, the

son-in-law of President Suharto, Prabowo Subianto, was himself appointed to Aceh at a time when his influence was rising in the army. Like Prabowo, several of these officers had previously implemented repression in Timor, or had even served in units deeply involved in the 1965-66 slaughters.<sup>35</sup> Their experience and training in implementing brutal methods framed the repressive policy. This put to an end to the limited efforts to solve the conflict through negotiation.

Statements by the military authorities significantly changed; a security matter was considered as justifying harsh methods. In November 1990, the military region commander stated to a Reuter journalist that he 'ha[s] told the community, if you find a terrorist, kill him. There is no need to investigate him [...] If they don't do as you order them, shoot them on the spot, or butcher them. The people know the unwritten laws so they won't kill anyone who is not in the wrong. Well, one or two maybe, but that's the risk'. Answering a question on a mass grave, he said that 'the grave certainly exists but I don't think it could have been two hundred bodies. It's hard to tell with arms and heads all mixed up'.

Such statements were in line with the military methods deployed. Units of Special Forces initiated the burning of house whose inhabitants were suspected of being members of GAM. Night-time raids and house-to-house searches became a routine. Arbitrary arrests were followed by torture. Some women who were allegedly GAM members were raped. Public executions took place. Dead bodies of 'disappeared' people were abandoned on the sides of roads.<sup>36</sup> Crossing military checkpoints became a source of fear, as recurrent shootings by the military occurred. In towns, people began to avoid going out after 8.00 pm, as they were afraid of arbitrary arrests. Crossing the path of

<sup>33</sup> Leon Jones, *op. cit.*, p.11.

<sup>34</sup> In the Acehese interpretation of Islam, alcohol is prohibited, but not marijuana. As it is not mentioned in the Koran, cropping and exporting it was said to be licit from a religious point of view. It formed part of their supplementary income for many peasants.

<sup>35</sup> Geoffrey Robinson, *op. cit.*, pp.236-237.

<sup>36</sup> Regarding the wide range of abuses committed by the military, cf. Human Right Watch reports and International Crisis Group, *Indonesia: Impunity Versus Accountability for Gross Human Rights Violations*, Asia Report n°12, February 2001.



soldiers became a major security concern. In addition to the military activities, GAM was occasionally attacking trucks. Combined causes of insecurity led to a significant drop in traffic on the roads; prices increased. Local prominent figures called on the military to restrain and discipline themselves, but remained unheard.<sup>37</sup> In the name of ‘civil-military cooperation’, civilians were compelled to participate in military operations. These took the form of compulsory night patrols for the youth, putting villagers in line and making them walk in front of the troops during anti-guerrilla operations, and the compulsory role of informers.<sup>38</sup> Rallies of villagers were also regularly organised: they were urged to ‘crush terrorist’ and to pledge that they would ‘crush them until there is nothing left of them’. Insufficient zeal in implementing such ‘commitments’ could be ‘punished’.<sup>39</sup> This terror context also favoured increasing corruption: at the checkpoints controlled by underpaid military, and in the administration, which overcharged for identity papers.

Between 1989 and 1991, 2,000 Acehneses were killed.<sup>40</sup> In 1993, the rebellion was crushed, except for scattered pockets of combatants. Nevertheless, Aceh remained a Military Operations Area. Such a status maintained an open pre-eminent power of the military. It also maintained opportunities for soldiers and officers to obtain financial benefits. Straddling networks of officers and economic players with Aceh-based businesses could be established. The rank-and-files, especially within the Special Forces, could also make additional money as debt-collectors, security guards, or by ‘arbitrating’ local business rivalries.<sup>41</sup>

Preserving these financial incentives did not have to involve a continuation of the terror strategy. Nevertheless, it was still implemented. The terror strategy was not based on an assessment of the situation in Aceh. It resulted from a common approach to any ‘security disturbances’ that was gradually established within the army and shared at the highest level of the regime. In 1989, President Suharto published his memoirs. To maintain order, ‘it had to be violence’. What he called ‘shock therapy’ was considered as a legitimate tool: ‘those who tried to resist, like it or not, had to be shot.’<sup>42</sup> Statements of the regional military commander of Aceh in November 1990 did not represent an isolated or extreme position. They reflected the way in which violence had become both commonplace and entrenched among the security apparatus. Both individual experiences of officers and a history of violence by the military were congruent to establish violence as a key principle of governance. Human rights were perceived as a western invention to weaken Indonesian cohesion. Contempt and benign neglect of the fate of civilians were widespread among the army. Violence was not an extreme but a commonplace and legitimate tool. Brutal methods were just techniques. Through the different regimes – colonial, Japanese occupation, ‘Guided Democracy’ and ‘New Order’–, some recurrent practices were selected and assembled into a corpus of routine practices.

Such methods never faced significant criticism from foreign governments.<sup>43</sup> Human rights issues were relegated to a position of secondary importance. Political priorities for foreign leaders were rooted in the Cold War agenda; then in the 1990s Indonesia became a model of economic growth. In the late 1990s, as

<sup>37</sup> Leon Jones, *op. cit.*, p.10.

<sup>38</sup> Freek Colombijn and Thomas Lindblad (eds.), and Geoffrey Robinson, *op. cit.*

<sup>39</sup> Geoffrey Robinson, *op. cit.*, p.230.

<sup>40</sup> Jacques Bertrand, *op. cit.*, p.172.

<sup>41</sup> Geoffrey Robinson, *op. cit.*, p.233.

<sup>42</sup> Quoted in Geoffrey Robinson, *op. cit.*, p.227.

<sup>43</sup> On the contrary, they occasionally benefited from external support. Hence, in 1965-66, the CIA provided a list of PKI members to the Indonesian military.

separatist or communal conflicts were numerous in Indonesia, preserving the unity of the country was a priority, as several foreign governments considered that this was crucial to the stability of South-east Asia.

In the 1990s, implementing such techniques in Timor or in Aceh could be perceived as 'business as usual'. Resorting to these practices was not questioned as a principle, although its scope and length of implementation varied.<sup>44</sup> Even if individuals in the army had qualms about these practices, if they raised objections they would have to oppose peer pressure supported by an official counter-insurgency doctrine and renounce their career. Officers in Timor or in Aceh who operated along these principles were often promoted faster. Under the 'New Order' regime, the military was influential enough to be protected from significant criticism originating from civilian figures. When international criticism eventually appeared in the late 1980s, it did not have a significant impact on the Indonesian army. Training of officers, the use of repressive measures, peer pressure within the military and the alleged efficiency of violent repression all combined to favour the recurrent use of brutal practices. In 1988, a first call for Indonesia to withdraw from Timor was issued by the European Parliament; the US Congress then expressed for the first time its 'deep concerns' regarding the human rights situation in Timor; in 1989, the Pope visited Timor, drawing attention to the human rights record of the Indonesian army. As illustrated by the case of Aceh, this did not prevent this usual approach from being extended to another region facing 'security disturbances'. Terror became institutionalised, and abiding by its principles was basically conformist behaviour for members of the army.<sup>45</sup>

Under the 'New Order' regime, 'shock therapy' was regarded as an effective response to a conflict, without any room of manoeuvre for a

negotiated approach. No matter how a situation might evolve locally, it would remain the most favoured option of the powerful military. Wider support for a separatist agenda could grow in Aceh without the military questioning this repressive policy.

## *2.4 The tortuous road to negotiations: a by-product of changes in Indonesia*

In 1997, a financial crisis took place in Thailand. It spread through the whole of South-East Asia. Although Indonesia was until then considered by the International Financial Institutions as a model of development, its financial system was close to collapse. Simmering tensions gradually led to protest movements against the 'New Order' regime. Unlike previous confrontations, President Suharto and his regime were in a weaker position to crush this. If the regime now pursued open and large-scale repression, it was unlikely to secure foreign financial aid. Furthermore, since the mid-1980s, dissent was growing in the military. In 1996, during an army internal seminar, nepotism and corruption were debated and criticised. A group of reform-minded officers was gaining more influence within the military. Retired prominent generals and the Speaker of the Parliament called the army to restrain itself in its repressive approach, as it was weakening its support among the Indonesian population. Various factions were vying for power, while Suharto was trying to curtail the influence of rival factions by appointing officers according to their personal loyalty to him. A parallel chain of command became reinforced: connections to the Presidency were challenging the official hierarchy and the corporate interests of the army. This intensified dissatisfaction among

<sup>44</sup> In 25 years of conflict in Timor, 200,000 people were killed out of a total population of 900,000 Timorese. The violence in Aceh, in 15 years, led 10,000 people to be killed out of a population of 4 million.

<sup>45</sup> Cf. Richard Tanter, 'The Totalitarian Ambition: Intelligence Organizations and the Indonesian State', in Arief Budiman (ed.), *State and Civil Society in Indonesia* (Clayton, Victoria: Monash Papers on South East Asia, n°22, 1990).

the military and reinforced the factional rivalries.<sup>46</sup> In 1998, mass demonstrations occurred, contesting the economic failure of the Suharto regime and its authoritarian rule. This time around, internal rivalries within the military and the security apparatus hindered all-out repression. Conversely, various factions within the regime used the mass demonstrations as an instrument to compel Suharto to resign in May 1998.

After the fall of Suharto, power struggles intensified in Jakarta and became a key priority for the inner circles. Like other formerly significant issues, the Aceh situation was relegated to a position of secondary importance. Reducing the terror strategy or maintaining it was occasionally a tool in the power struggle among the inner circles, either within the military or in military-civilian relations.<sup>47</sup> In this context, policies in Aceh had lost their previous cohesion; terror strategy could be criticised and contained, then resumed. Negotiations could be pursued and their implementation undermined. However, power struggles in Jakarta maintained a *de facto*, but precarious, check and balance among the various factions. In the wake of these rivalries, human rights investigations were occasionally launched to weaken or sack senior officers.<sup>48</sup> The media were granted greater freedom in 1999 and gave extensive coverage to this issue, while NGOs were increasingly active. These various elements coalesced to maintain criticisms against the methods of the military, and undermined its legitimacy as a 'guardian of the nation'. It participated in altering the power balance and put the army on the defensive for the first time.<sup>49</sup>

As a consequence of these various dynamics, policies implemented in Aceh seemed con-

fused. Neither repression nor negotiation became the sole policy pursued by Jakarta under Presidents Habibie (May 1998-October 1999), Wahid (October 1999-July 2001), Megawati (July 2001-September 2004) and Yudhoyono (since September 2004).

In August 1998, three months after the fall of Suharto, the Minister of Defence and head of the army, General Wiranto, issued a public statement, in which he apologised to the Acehnese population for the abuses they had suffered. He announced a withdrawal of troops and the end of the Military Operations Area. This apparent turning point was mainly related to his rivalry with the head of Special Forces and son-in-law of Suharto, General Prabowo. It underlined the role of Special Forces in the abuse of the population; the army propaganda focused on 'past mistakes' of 'certain officers'. Wiranto thus appeared as a reform-minded officer. In his attempt to enlarge his power base within the army, he then needed the support of 'reformist' officers.<sup>50</sup>

In September 1998, a withdrawal ceremony of Special Forces was interrupted, as stones were thrown at the troops. This incident may have been engineered by a youth organisation close to the Special Forces. It triggered riots and destruction of government properties and buildings, as well as premises of non-Acehnese businessmen. Accumulated resentment could turn a local incident into a demonstration against state representatives and institutions. Moreover, actual or alleged collaborators of the security forces were targeted and faced violent reprisals.<sup>51</sup> Withdrawal of troops was stopped and reinforcements were sent in. Repressive methods were maintained and justified by renewed skirmishes with GAM combatants.

<sup>46</sup> Henk Schulte Nordholt, op. cit., pp.75 and 81, Salim Said, 'Suharto's Armed Forces. Building a Power Base in New Order Indonesia', *Asian Survey*, vol.38, no. 6, June 1998.

<sup>47</sup> Cf. Terence Lee, 'The Nature and Future of Civil-Military Relations in Indonesia', *Asian Survey*, vol. 40, no. 4, July-August 2000.

<sup>48</sup> This tactic was already used by Suharto in the 90s. In November 1991, two rival generals were sacked after the shooting of demonstrators in Timor. In December 1993, he established a National Human Rights Commission. In accordance with post-Cold War international principles, such a measure was mainly a tool in the factional rivalry among senior officers. Henk Schulte Nordholt, op. cit., p.66.

<sup>49</sup> Geoffrey Robinson, op. cit., p.231.

<sup>50</sup> Jun Honna, op. cit., pp.165-167.

<sup>51</sup> Geoffrey Robinson, op. cit., p.230.

By January 1999, Wiranto had secured his position within the military. His alliance with 'reformist' officers was abandoned. While the latter were willing to redirect the armed forces' priorities towards maritime defence and not internal security, the Wiranto faction wanted to rebuild the cohesion of the army around them. Internal security was still an entrenched approach and commanded a significant consensus among the military. In May 1999, a seminar of the army reiterated that internal security was the priority of the Indonesian Armed Forces. Formerly sidelined by Wiranto, officers with an intelligence and counter-insurgency background were promoted. Officers who had been involved in brutal repression in Eastern Timor were appointed to key positions.<sup>52</sup>

While the army took up repression again as part of its usual approach to 'security disturbances', a delegation of Acehese leaders went to Jakarta and met President Habibie. They offered a statement that Aceh would remain part of Indonesia, while requesting the prosecution of human rights abuses, the release of political prisoners and a special autonomy. Although this offer was turned down by the military and the Parliament, President Habibie visited Aceh two months later and made commitments to improve the situation. In an attempt to enlarge his political base, he initiated various laws on local governance. Powers of local governments were increased; it was agreed that a percentage of the exploitation of natural resources would be returned to each province. In the case of Aceh, this represented 30% derived from natural gas, 80% from its forestry, mining and fishing industries. An additional law revived the Acehese 'special status'. However, this legislation did not satisfy Acehese demands, while the fact that the regime had previously reneged on agreements rendered the Acehese sceptical about its actual implementation.

Moreover, Habibie announced a referendum on self-determination in Timor and stated that Aceh could also benefit from such a measure, before then going back on his word. Both as a reaction to military repression and this reneged commitment by Habibie, Acehese human rights and students associations launched a campaign in favour of a referendum and large-scale human rights investigations. They organised successful and non-violent mass mobilisations, which maintained Aceh high on the agenda of Indonesian politics. The balance of power in Jakarta impeded Indonesian officials from negotiating with this popular and non-violent movement in order to sideline GAM. In the second half of 1999, Habibie was weakened enough to need the support of the army and its head, General Wiranto.<sup>53</sup> The military identified the pro-referendum campaign in Aceh with GAM activities, although the latter was suspicious towards it. Repression against the leaders and members of the civilian movement ensued. This movement got caught in resumed skirmishes opposing GAM and the army. GAM attacked soldiers and police officers, while the army attacked villages suspected of harbouring GAM combatants.

After Habibie was defeated in the October 1999 elections, the newly elected President, Abdurrahman Wahid, wanted to establish his influence over the army. He thus undermined General Wiranto by launching investigations into human rights abuses. This issue was now in the spotlight. In January 2000, a Commission of Inquiry on Timor incriminated General Wiranto and five other generals. In February, Wiranto had to resign. As a consequence of this change in the power balance, 'reformist' officers regained influence and benefited from Wahid's support.<sup>54</sup> Willing to appear as a peacemaker and facing less opposition from the military central command, Wahid was then in position to launch the first direct negotiations between Jakarta and GAM. Facilitated by

<sup>52</sup> Jun Honna, *op. cit.*, pp.173-175.

<sup>53</sup> Jacques Bertrand, *op. cit.*, p.176.

<sup>54</sup> Jun Honna, *op. cit.*, p.182.

the Geneva-based Centre for Humanitarian Dialogue,<sup>55</sup> a first agreement was signed in May 2000. It focused on a 'humanitarian pause' in order to ease dialogue between the parties. This potential breakthrough in favour of negotiations failed. Attacks by either sides on the ground did not halt. Moreover, Wahid got embroiled in conflicts with the Parliament and the military. The Parliament stalled adoption of a new specific status for Aceh, as it was supported by Wahid.<sup>56</sup> His attempt to control the military by appointing officers loyal to him backfired. Officers in favour of prioritising on internal security re-established their power and undermined Wahid by supporting his vice-president – and rival –, Megawati. In April 2001, Wahid adopted a six points policy for Aceh. A negotiated approach was not revoked, but in its sixth point, President Wahid authorised the 'Operation for the Restoration of Security', as a concession to the military. Once more, this operation aimed at eradicating GAM. In 2001, 1,300 people were killed in Aceh, twice more than in 2000.

In July 2001, President Wahid had to resign. President Megawati, his former vice-president, shared the 'unitary approach' of the military. More troops were sent to Aceh; incidents and casualties intensified. However, negotiations in Geneva were not interrupted and a presidential decree on special autonomy was signed, but was not followed by concrete implementation.<sup>57</sup>

GAM lost part of the territories it controlled, but maintained a force of 1,000 armed combatants. Even if some its military leaders on the ground were killed, its flexible, perhaps even weak, chain of command did not affect its capacities.<sup>58</sup> In December 2002, the Centre for Humanitarian Dialogue brokered a new agree-

ment. It included cessation of hostilities, an all-inclusive dialogue, local elections scheduled for 2004, confidence-building measures, and joint monitoring teams under a Joint Security Committee composed of GAM and Indonesian officers. In April 2003, monitoring teams of the JSC were withdrawn from Banda Aceh, as protests were organised against them and arson destroyed another one. In May 2003, martial law was imposed in Aceh and major military operations resumed. GAM was once more weakened, without being fully eradicated. Its supply lines were significantly disrupted.

When Susilo Yudhoyono defeated Megawati in the September 2004 elections, a new change occurred. A retired General, Yudhoyono used to be close to the 'reformist' faction of the military. As a former Minister for Political, Social and Security Affairs, he also dealt with the Aceh issue by promoting 'substantive negotiations'.<sup>59</sup> He was then considered as an 'architect of a more conciliatory approach'.<sup>60</sup> His vice-president entered into informal negotiations with GAM representatives in September 2004. In spite of temporary interruptions stemming from rivalries among Acehese figures, the talks were favoured by several combined elements: GAM was militarily weakened and its leadership was facing criticism from the inside (among other reasons, for its use of GAM taxes, and limited international attention being paid to its cause);<sup>61</sup> past attempts at negotiations facilitating its acceptance by the military; and increased international attention in the wake of the tsunami of December 2004. Furthermore, since the Bali bombings in 2002, the terrorist threat of Jemaah Islamiya has become a major issue for the Indonesian security forces.

<sup>55</sup> This mediation was financially supported by EU Commission, UNDP and USAID.

<sup>56</sup> Drafted by the Acehese provincial assembly, it included provisions to implement Islamic law in Aceh, 80% of revenues over natural resources accruing to the Acehese provincial body and allowed use of Acehese cultural symbols.

<sup>57</sup> Jacques Bertrand, *op. cit.*, p.182.

<sup>58</sup> Angel Rabasa and John Haseman, *op. cit.*, p.101.

<sup>59</sup> International Crisis Group, 'Aceh: Escalating Tension', *Asia Briefing*, n°4, December 2000.

<sup>60</sup> International Crisis Group, 'Aceh: Why Military Force Won't Bring Lasting Peace', *Asia Report*, n°17, June 2001.

<sup>61</sup> International Crisis Group, 'Aceh: A New Chance for Peace', *Asia Briefing*, n°40, August 2005.

Addressing such a threat provides a new legitimisation for the Indonesia army that is congruent with its internal security priority, as well as preserving the influence of the military in Indonesian politics. The importance of the Aceh issue has thus been balanced by this emerging threat.

This new context facilitated further negotiations, which benefited from previous attempts to frame the architecture of an agreement between the Government of Indonesia and GAM. In January 2005, a round of new talks began in Helsinki. Martti Ahtisaari, the former President of Finland, led the mediation team. His Crisis Management Initiative team studied the previous agreements, their weaknesses and the already agreed principles. They consulted figures who were involved in previous negotiations. By building on previous agreements while overcoming their weaknesses, the mediation team succeeded in brokering an agreement

after five rounds of negotiations.<sup>62</sup> On August 15, 2005, a Memorandum of Understanding was signed in Helsinki. It covered the governing of Aceh (including a law on the governing of Aceh, political participation, economy, and rule of law), human rights, amnesty and reintegration into society for former combatants, security arrangements, the establishment of the Aceh Monitoring Mission, and dispute settlement.<sup>63</sup>

However, as with past agreements, its implementation relies on an efficient monitoring mechanism to overcome the accumulated mistrust of the Acehnese towards Jakarta. In this perspective, the credibility and efficiency of the Aceh Monitoring Mission has been as important as the agreement to stabilise Aceh province. Unlike previous attempts to bring an end to the conflict, a significant international player was associated with the implementation of the agreement.

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<sup>62</sup> Financial support for the negotiations were provided by the European Commission Rapid Reaction Mechanism, and by the Dutch and Finnish governments.

<sup>63</sup> For the entire text of the Memorandum of Understanding, cf. [www.cmi.fi/files/Aceh\\_MoU.pdf](http://www.cmi.fi/files/Aceh_MoU.pdf)

## The Aceh Monitoring Mission: towards integrated crisis management

Giovanni Grevi

Peace talks between the Indonesian Government and the Free Aceh Movement (GAM) started on 27-29 January 2005, triggered by the humanitarian emergency and consequent mobilisation following the tsunami disaster, by a favourable domestic political conjuncture and by the authoritative personal involvement of former Finnish President Martti Ahtisaari through his Crisis Management Initiative. Following three rounds of negotiation in February, April and May, the parties came to an agreement on the content of the Memorandum of Understanding (MoU) at their fourth meeting on 12-17 July.

The Crisis Management Initiative conducted the peace process autonomously from EU structures and actors although, as reported below, the Commission provided funding for the pursuit of the negotiations. As the end of the talks approached, however, the question of monitoring the peace agreement came to the forefront. The hard lessons learned from previous failures to sustain peace in the region – most recently with the breach of the ‘Cessation of Hostility Agreement’ in May 2003 – made it crucial to identify a credible international partner to oversee the respect of the agreements. This was a particularly sensitive matter for the Indonesian government. The memory of the events in East Timor, where the intervention of the UN and the internationalisation of the crisis were perceived as the factors responsible for the loss of that province, was still fresh. At the same time, the contingent of observers had to be strong enough to be credible, and backed by political will. The attribution of the monitoring mission to neighbouring countries under the ASEAN umbrella was also politically sensitive.

The European Union was the top candidate for the job, in partnership with ASEAN nations. Following contacts between President Ahtisaari and HR/SG Javier Solana, and with the consent of the conflicting parties, the EU sent an ‘assessment mission’ to Aceh at the end of June.<sup>1</sup> At that early stage, EU officials encountered difficulties in carrying out fully-fledged planning because the terms of the agreement were kept secret and not disclosed until the official signature on 15 August. Uncomfortable with not being involved in a process likely to lead to a European commitment on the ground, officials from the Council and the Commission went to Helsinki at the time of the last round of talks in mid-July, where they met some of the participants in the negotiations without actually taking part in meetings. The EU was also briefed on the state of play through informal meetings with the representatives of the Crisis Management Initiative in Brussels.

On 18 July, the General Affairs and External Relations Council (GAERC) sent a positive but cautious message concerning the possibility of a European deployment in Aceh. The Council took note of the report of the ‘assessment mission’ and welcomed the successful conclusion, the day before, of the Helsinki negotiations. It ‘agreed that the EU was prepared, in principle, to provide observers to monitor implementation of the MoU’ and ‘asked the competent bodies to continue planning for a possible monitoring mission (...) and to establish contact with ASEAN.’<sup>2</sup> Within the competent bodies, notably the Political and Security Committee (PSC), there was little enthusiasm for the launch of the envisaged operation. While some countries,

<sup>1</sup> This was in effect an early fact-finding mission but it was not called as such in order not to raise sensitivities in Indonesian circles, at a time when the peace deal was not yet closed.

<sup>2</sup> Council Press Release 10813/05.

such as Finland, Sweden, the Netherlands and France, pushed for EU engagement, a 'silent majority' around the table conveyed the feeling that many Member States did not see the Aceh mission as a priority.

It was to be the first ESDP (European Security and Defence Policy) mission in Asia, at 10,000 km from home, in a region that most Europeans, with the exception of the Dutch, knew very little about. Some felt that the Union would do better to concentrate its efforts closer to home, notably in the stabilisation of the Balkans and in bringing order to Europe's backyard in sub-Saharan Africa and in the neighbourhood at large, tackling the urgent problems of migration and organised crime stemming from these areas. The British Presidency, initially not keen on the mission, subsequently took a more positive stance, aligning itself with the Nordics and France. The mission in Aceh was regarded as potentially beneficial in various respects. First, it would demonstrate that, notwithstanding the rejection of the Constitutional Treaty and the budgetary stalemate, ESDP was still up on its feet and able to deliver.<sup>3</sup> Second, a mission in Indonesia would match the vision of those who regarded the Union as a global player, not limited to stabilising its neighbourhood but nurturing more ambitious goals. Third, the mission would offer a test case for the functioning of the ESDP machinery for civil crisis management, and in particular of the newly established CivMil Cell. In addition, with a view to events on the ground, it was quite clear that the absence of credible and impartial monitors would lead to a breakdown of the peace agreement and the resumption of hostilities.

From mid-July onwards, developments unfolded along two parallel, though closely related, strands. Brussels-based institutional actors tackled the sensitive political, legal and budgetary profiles of the envisaged mission,

while teams on the ground paved the way for the deployment of the mission on 15 September. Following the GAERC conclusions on 18 July, it became obvious that the European Union's complicated and cumbersome procedures and budgetary processes would not allow for the deployment of a fully-fledged AMM on 15 August, when the MoU would be signed. At the same time, it was apparent that any vacuum between 15 August and the launch of AMM on 15 September could be potentially dangerous to the peace agreement. With this in mind, officials from the Council Secretariat and Commission, with participation of the Crisis Management Initiative, drew up a concept for an EU Initial Monitoring Presence (IMP) to cover the gap. The concept was noted by PSC on 29 July.

The simultaneous pursuit of the two processes immediately strikes the observer as an anomaly in EU crisis management. A clear political mandate by the Council was missing. Yet progress on the ground quickly outpaced laborious negotiations in Brussels, somewhat pre-empting them. The early identification of the Head of Mission designate of the AMM (also the Head of the IMP), who was the Deputy Director General for ESDP and Operations in the Council Secretariat – the Dutchman Peter Feith – was key to bringing the two strands together. Also, the Head of the Technical Assessment Mission (TAM), who subsequently became the Chief of Staff of IMP and AMM itself, was a senior and experienced official from the Secretariat's Civilian Crisis Management Directorate. This not only achieved continuity but also allowed for intimate knowledge of the EU's procedures and intricacies. This was essential for launching the mission at such short notice.<sup>4</sup> For the sake of clarity of presentation, progress on the ground and negotiations in Brussels are described separately in what follows.

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<sup>3</sup> According to Quentin Peel, 'As for the EU, it may be a small war in a distant place but success would demonstrate the effectiveness of its common foreign policy, precisely when so many have been writing it off as a failure.' *Financial Times*, 18 August 2005.

<sup>4</sup> This secondment of Council Secretariat personnel to key positions in the IMP and AMM was in itself highly unusual but followed the successful precedent of the Iraq Expert Team that was established in November 2004. The Iraq Expert Team was in many ways the first 'Crisis Response Team' deployed by the EU. The success of both the Iraq and Aceh experiences shows that the Council Secretariat needs the flexibility and personnel to deploy officials in crisis management, in conjunction with officials from the Member States and the Commission.



### 3.1 Progress on the ground

On 1 and 2 August, planners from the EU and Association of Southeast Asian Nations (ASEAN) met in Jakarta in order to clarify the respective tasks, in the context of the joint mandate received from the (yet to be signed) MoU. It was agreed that the EU would take the lead and that ASEAN would appoint the Principal Deputy Head of Mission. Of the 220 or so monitors, 120 would be from EU Member States. It was agreed that monitors from the EU and from ASEAN would operate jointly in mixed teams. The five ASEAN countries (Brunei, Malaysia, Philippines, Singapore and Thailand) also agreed to participate in the Initial Monitoring Presence. Officials from the Council Secretariat (DG E IX), the CivMil Cell and the Commission, along with the EU Presidency, took part in this early meeting, following which a Technical Assessment Mission (TAM) was immediately deployed to Aceh, including personnel from EU bodies but also from Member States, ASEAN and the Crisis Management Initiative.

Mandated with preparing the ground for the monitoring mission, the TAM ended up playing a very influential role out of sheer necessity and due to time pressure. Once in Aceh, it became the planning team and launch vehicle for the IMP on 15 August. On the ground, it was especially clear that there was a need to consolidate the achievements of the peace deal by building confidence and avoiding a boycott of the entire process. Devoid of EU procedural constraints for the IMP (in that it was without a Council mandate), the small TAM nevertheless drew up the necessary papers for the successful, safe and effective deployment of the IMP in twelve days. This included building on the concept noted by PSC, an Operations Order, Operations Plan, Deployment Plan, Safety and Security Plan,

Instructions to Monitors and a training programme for incoming monitors. Exceptionally, the concept of operations (CONOPS) for the AMM itself was drafted on the spot and sent to Brussels for discussion and finalisation. The TAM had to get involved in more mundane business too, such as hotel reservations and car rentals required to establish the first nucleus of the mission. This proved particularly complicated in a region with poor infrastructure, still far from recovery from the tsunami catastrophe. A wide range of international actors, already on the ground to focus on the humanitarian and reconstruction efforts, had already monopolised the few available logistical means.<sup>5</sup> Moreover, expectations amongst the locals were fast raising. The very considerable media interest generated pressure to define a coherent message and a media strategy.

Following the preparation of the mission in the first half of the month, HR/SG Javier Solana was in the position to declare, on 15 August 2005, that ‘the European Union now envisages, together with five ASEAN states, the deployment of a monitoring mission in Aceh on 15 September.’<sup>6</sup> The five ASEAN countries involved in the mission included Brunei, Malaysia, the Philippines, Singapore and Thailand. The EU Council Secretariat also announced that an initial monitoring presence (IMP) would be deployed on the very same day, numbering 50 monitors from both the EU and ASEAN, with a view to ‘contributing to confidence building amongst the population of Aceh during the early stage of the implementation of MoU.’<sup>7</sup>

The immediate deployment of the IMP was crucial to ensure that the mission *per se* could effectively start on 15 September. Expectations were high and there was an urgency to demonstrate tangible support to a peace process whose pace was accelerating. The Indonesian Government amnestied the GAM fighters on 30 August.

<sup>5</sup> It is telling that the small team which was deployed at the beginning of August started work in a hotel, eventually renting a private house as the IMP headquarters. The Headquarters of the AMM would eventually be located in a building on the campus of Banda Aceh University.

<sup>6</sup> Council document S279/05, 15 August 2005.

<sup>7</sup> EU Council Secretariat Fact Sheet ACH/00 (initial), 15 August 2005.

As a result, many of the GAM fighters were ready and willing to demobilise and decommission their weapons well before the start of the AMM, with a view to receiving in exchange the integration package promised by the government.

The establishment of the IMP was not without its problems. The process of force generation went very well, with a surprisingly swift, extensive and high-quality response to the Council Secretariat's hurried call for tender. The same could not be said, however, of funds. During the first part of August, it was not at all clear how the mission would eventually be financed (see next section). Pragmatic, temporary solutions had to be – and were – invented on the spot, rather than face not being able to proceed. Members of the IMP were asked, for example, to bring with them 7,000 euros in cash in order to be able to cover their own expenses: some brought their own money, and even paid for their own flight. At the same time, a simple bank account was opened in Banda Aceh and the spontaneous contributions of Member States to support the early stages of the IMP were warmly encouraged. At this 'pioneering' stage, the sizeable contribution both in kind and in cash of Sweden proved decisive in providing vital logistics. The British Presidency and Finland made substantial cash contributions. Thanks to this last minute 'fix', the IMP could start working. And it did, effectively.

Among other tasks, which included confidence building and investigating two serious breaches of the MoU that occurred before 15 September, the IMP looked after the organisation of adequate training for EU and ASEAN monitors upon their arrival between 10 and 12 September. IMP members could capitalise on their short but intensive experience on the ground to address all relevant topics, including modules on the political, cultural and social background of the province; on the Indonesian army and police, GAM, and the administrative framework in Aceh; and more technical sessions

on weapons decommissioning and human rights monitoring. Both senior monitors from the IMP and Indonesian experts were involved in the teaching. The overall assessment of the training phase was very positive: it was recognised that had a robust IMP not been in place, it would have been difficult to set up a training course of comparable quality, tailor made for the environment and the goals of the mission.

### *3.2 Negotiations in Brussels: money matters*

Setting up a mission at short notice, in the space of a few weeks during the summer break, was never going to be easy. Aware of the risk that the necessarily fast rhythm of decision-making in Brussels could outpace national capitals at that particular period of the year, the Council Secretariat prepared a precise roadmap including meetings of the PSC, CIVCOM and the group of RELEX Counsellors. Informed of the intensive summer agenda, capitals stayed on board. A cell was set up by the Council Secretariat to oversee and support the launch of the different stages of the mission over the month of August, from the TAM to the IMP up to the launch of AMM in September. In particular, the British Presidency insisted that the CivMil Cell should be put in charge of planning. Since, however, the CivMil Cell was yet to reach its full working capacity, a practical solution was found which entailed cooperation between the CivMil Cell and DG E IX responsible for Civilian crisis Management.<sup>8</sup>

On the very same day (18 July) of the Council conclusions paving the way for the EU involvement in Aceh, the Commission's External Relations Directorate General finalised a groundbreaking proposal for financing the mission.<sup>9</sup> The contribution was presented the following day to the PSC and led to a bitter confrontation between the legal service of the Council and the Commis-

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<sup>8</sup> The Aceh support team was headed by a senior official of DG E IX of the Council Secretariat and included another official from the DG E IX, as well as two officials from the newly constituted Civil Military Cell within the Military staff: one civilian and one military officer.

<sup>9</sup> The paper, cautiously presented as an 'Information Note', was not an official Commission position but reflected 'work in progress by Commission services and guidance from the Commissioner for External Relations.'

sion.<sup>10</sup> Because of the broader, long-term implications of the divergence between EU institutions, and Member States, with regard to the financing of the AMM, it is worth describing the terms of the dispute in some detail. The Commission's document made the following points and suggestions:

- ▶ *The Tsunami Indicative Programme makes an explicit link between Community development assistance and the peaceful solution of the Aceh conflict.*
- ▶ *The Commission is ready to align support delivered through Community instruments with the agreed political framework arrived at under CFSP and is ready to ensure that, at the operational level, Community action is guided by the strategic direction and political control of the PSC.*
- ▶ *The Commission cannot legally finance those parts of the mission that are of a military nature, such as weapons' decommissioning.*
- ▶ *The first part of the AMM would be financed by the Rapid Reaction Mechanism (RRM) from an amount of 3 million euros. The rest of the funding would be provided by the Asia and Latin America programme.*
- ▶ *The Commission would finance the mission through a grant to a framework Member State, after addressing a call for proposals to all Member States and selecting among those countries that have expressed interest to become the 'framework' Member State. Proposals submitted to the Commission would notably include the Crisis Management Concept, the CONOPS and a document corresponding to the OPLAN.*
- ▶ *The salaries of the staff would be borne by Member States. The budget would cover per diems and travel expenses, salaries of local staff, costs of rent of premises and all necessary equipment. Flexible and accelerated procurement procedures could be envisaged.*
- ▶ *The PSC would receive mission reports and provide overall political guidance. There would be parallel oper-*

*ational reporting to the Commission and the Council by the framework Member State. Only significant amendments to the original plan and budget would have to be submitted to the Commission for approval.*

- ▶ *The framework country could propose the Head of Mission. Alternatively, the framework country could propose a Head of Operations in charge of daily management and contractual reporting to the Commission. The Head of Mission would be appointed by the Council, with a primarily political function.*
- ▶ *The mission would be presented as an 'EU' mission with no distinction between ESDP and EC elements. The Commission would need to be associated to public statements, and its input ensured in the follow up of the mission.*

It is not surprising that the Commission's paper triggered considerable debate. The question of financing ESDP operations is directly related to the exercise of political control and strategic direction on the mission itself. This is the reason why some Member States felt that, had its proposal been accepted, the Commission would have acquired excessive political influence on the running of the operation. After a first tour de table in the PSC on 19 July, the decision was taken to address the subject in the subsequent meeting on 26 July. In between those two dates, the Council Legal Service submitted its opinion on the proposal of the Commission, and rejected it on legal, budgetary and political/institutional grounds. From a legal standpoint, it was argued that the RRM and the ALA programme could not finance a crisis management operation pertaining to CFSP objectives, and not those of the EC. The proposal would also infringe budgetary rules, whereby a monitoring mission would clearly fall within the remit of Title V TEU. According to Art. 28.3 TEU, the 'Operating expenditure to which the implementation [of the provisions relating to the areas referred to in Title V] gives rise shall also be charged to the budget of the European

<sup>10</sup> This is all the more interesting in the light of the fact that the Commission proposal had been drafted in close cooperation with senior officials from other services in the Council Secretariat.

Communities' except for the funding of operations with military or defence implications and cases where the Council unanimously decides otherwise. Within the Community budget, it is the CFSP chapter that is supposed to finance ESDP civilian missions.<sup>11</sup>

From a budgetary perspective, the Council legal service felt that funding from the RRM was not required, since the CFSP budget could finance the 3 million euros required for the first stage of the AMM with the unspent budget from other missions. In political and institutional terms, the legal service interpreted the Commission proposal as a take over bid for the mission chain of command, affecting the PSC's prerogative of political control. The legal service feared that the arrangement suggested by the Commission could set a precedent, allowing the Commission to implement actions in the domain of ESDP and leading over time to the loss of national control over civilian crisis management.

The proposal of the Commission and the opinion of the Council's legal service became the two poles of reference of subsequent discussions at the RELEX Counsellors' group and at the PSC. The RELEX Counsellors submitted various financing options, including full financing from the CFSP budget (which would have required complicated procedures to allocate additional funding), partial financing from Member States in addition to the CFSP budget, negotiations with the European Parliament to obtain an increase of the CFSP budget, and direct contributions made by Member States in place of the CFSP budget. In the course of the RELEX discussion, several delegations supported the Commission's proposal, while others opposed it. Yet another option envisaged that the scope (and budget) of the AMM mission could be narrowed down by extrapolating from the mandate those measures that could fall within the Community competence.

With the TAM due to be launched within the space of a few days, the PSC could not reach agree-

ment. But the sense of urgency was growing, and new 'emergency' options were considered, such as testing the ground with third parties (non Member States) with a view to receiving contributions in kind. Mention was also made of the need to flank the AMM with Community measures. The idea of slicing the mandate of the AMM was rejected, yet the complementarity of the mission with EC programmes was consistently stressed.

At the end of July, it still was not clear whether the EU would be in the position to fulfil its (half) commitment to launch a monitoring mission in Aceh. A considerable number of Member States were at best lukewarm as to the merits of the mission. Very few at Brussels headquarters knew much about the real situation on the ground, it was unclear where the money could come from and, for that matter, no serious estimation of costs had been carried out yet. In this context, 'constructive improvisation' was the only chance to break the deadlock. A team of three Council officials was requested to deliver almost overnight a financial assessment of the mission. The team, drawing from previous experience, delivered rough 'political figures' for an overall amount of 13 million euros.<sup>12</sup> It was foreseen that some money could be made available from budget surpluses from other ESDP missions, but that sum was difficult to quantify.

Short of money and confronted with the reluctance of a number of countries to engage in Indonesia, but resolved to enhance the EU's image of a trusted global player and to fulfil the informal commitment entered into with President Ahtisaari, Javier Solana addressed the PSC on 26 July. That session marked the turning point in the history of the AMM: basically, Solana stated that the EU had to deploy the mission and that a solution had been found to finance it from the CFSP budget: details were to be provided at a later stage. This assertive intervention of the High Representative tilted the balance in favour of launching the mission and using the CFSP budget: the Commission's pro-

<sup>11</sup> For a more precise description of the budgetary arrangements concerning CFSP, see the Inter-institutional Agreement of 6 May 1999, OJ 1999/C 172/01.

<sup>12</sup> Considering that, as illustrated below, the final budget amounts to 15 million euros, the team should be credited with a pretty good approximation at such an early stage.

posal was definitively abandoned, in favour of drawing on the CFSP budget.

The picture, however, looked rather different when the moment came to establishing the financial statement of the mission. Out of a total budget of about 15 million euros, the CFSP line could cover no more than 9. The rest had to be provided by 'willing and able' Member States on the basis of a 'costs lie where they fall' basis. This was an unconventional principle in the domain of EU civilian crisis management: there was no clear idea of how it would work. In the end, seven Member States offered contributions in kind for an overall amount of around 5 million euros, while 1 million euros came from bilateral contributions of non-member countries, notably Norway and Switzerland who deployed three monitors each. Sweden was by far the most committed of EU countries, delivering over 4 million euros' worth of logistical support and equipment.<sup>13</sup> Interestingly, in the run up to the adoption of the Joint Action in early September, no less than ten countries made clear that the peculiar solution consisting of bilateral contributions to finance an ESDP civilian mission did not set a precedent. The solution resided rather in an in-depth discussion on how to increase the budget allocated to CFSP within the overall EC budget.

### 3.3 *The mandate and the structure of AMM*

#### **A demanding mandate**

The mandate of the AMM, outlined in the Council Joint Action adopted on 9 September, is a demanding one.<sup>14</sup> The sensitivity of the mission cannot be fully grasped unless the mandate is read in conjunction with the Memorandum of Understanding signed on 15 August by the Government of Indonesia and the representatives of GAM. The AMM is an integral part and, in many

ways, the lynchpin of a wider political process set in motion by the peace agreement. The MoU requires that a new Law on the Governing of Aceh enter into force not later than 31 March 2006, envisaging wide margins of autonomy for the region. That law will set the framework for the elections in April 2006 of the Head of the Aceh administration and other officials.

In addition, the Government of Indonesia has agreed to facilitate the legitimisation of the two Aceh-based political parties which meet the national criteria and, in a significant political breakthrough, local political parties in Aceh. The GAM gave up its historic objective of independence in return for inclusion in the political process. Needless to say, this transition requires time and is paved with obstacles. In addition, a Human Rights Court is to be established for Aceh, as well as a Commission for Truth and Reconciliation tasked with formulating reconciliation measures. In the context of what might be defined as 'local government building', the AMM plays a vital role for building confidence and encouraging dialogue between the parties. In short, in parallel to the active political dialogue between the Indonesian Government and the EU and ASEAN, it is up to the AMM to guarantee an enabling environment on the ground.

The mandate outlined in the Joint Action<sup>15</sup> reflects almost literally the tasks entrusted to the AMM by the MoU, namely:

- ▶ *Monitoring the demobilisation of GAM*
- ▶ *Monitoring and assisting with the decommissioning and destruction of its weapons, ammunition and explosives*
- ▶ *Monitoring the relocation of non-organic military forces and non-organic police troops*
- ▶ *Monitoring the reintegration of active GAM members*

<sup>13</sup> Other countries included Belgium, Finland, Ireland, Luxembourg, the Netherlands and the UK.

<sup>14</sup> Council Joint Action 2005/643/CFSP, 9 September 2005. OJ L 234/13.

<sup>15</sup> See Joint Action 2005/643/CFSP, Art. 2.

- ▶ *Monitoring the human rights situation and provide assistance in this field in the context of the tasks listed above*
- ▶ *Monitoring the process of legislation change*
- ▶ *Ruling on disputed amnesty cases*
- ▶ *Investigating and ruling on complaints and alleged violations of the MoU*
- ▶ *Establishing and maintaining liaison and good cooperation with the parties*

The one change introduced in the Joint Action with respect to the MoU consists of the limitation of the scope of human rights monitoring to the implementation of the key tasks of the AMM (monitoring demobilisation, decommissioning, relocation and reintegration). For the rest, measured against initial expectations, the mandate of the mission broadened as the terms of the peace agreement became more clear and reliable information was collected in Aceh to inform the debate in Brussels. Initially, it was envisaged that the EU would be responsible for monitoring only. It soon became clear, however, that the mission's remit would need to extend to weapons' decommissioning: GAM fighters wanted a reliable third party to be involved, as they refused to surrender their weapons to the Indonesian forces. Taking charge of decommissioning required that the mission be equipped with tools to destroy weapons, and be manned by monitors with a military expertise.

Of even greater sensitivity was the involvement of the AMM in the monitoring of human rights and in the political process at large. While some Member States insisted that proactive human rights monitoring had to be a central feature of the mission, a compromise was achieved whereby the key tasks would consist of monitoring decommissioning and relocation. With fewer weapons in circulation, the security situation would inevitably improve and it would be easier for the parties to engage in the peace process. In other words, the approach was to

build confidence through concrete, tangible achievements and only then get more directly involved with the political dimension of the peace process. After some hesitation, it was agreed that the security of the monitors would be assured by the Indonesian forces.

### **The structure of the AMM**

The AMM has been organised in such a way as to ensure both a capillary presence on the ground and mobility across the region to ensure the implementation of the MoU. The Head of Mission is assisted by three deputies: the principal deputy is a Thai General, while the other two come from the EU, respectively Finnish and Italian. Likewise, the Chief of Staff is European but his deputy is from the Philippines. More generally, all the departments and units belonging to the Headquarters are led by an EU national, with a deputy from ASEAN. This repartition of the leading posts shows both the respective commitments and the good cooperation between EU and ASEAN.

The Headquarters includes four advisers to the Head of Mission (a political adviser, a legal adviser, a special adviser and one responsible for liaison with the EU Presidency). The most sizeable department is the operation department, where a Reporting and Analysis Cell has been set up. The 'Decommissioning component', the Press and Information Office, the Security Office, the Medical Cell (one doctor from Singapore) as well as supporting services (administration, finance, procurement, accounting, logistics) are also located at the Headquarters, giving a total staff of 57.

ASEAN team leaders head 6 of the 11 decentralised District Offices, each of them with 11 monitors. On the other hand, there is a predominance of EU personnel in the four mobile decommissioning teams, each of which has 9 monitors. A team from the Swedish Rescue Services Agency supports the whole mission, and has played a vital role in getting the mission off the ground in the first place. Total AMM staff amounts to 231, including seven with an international contract.

### 3.4 *The EU presence and activity on the ground*

The AMM was deployed in an area with a very high density of international presence, following the unprecedented damage inflicted by the tsunami in December 2004. In this context, the European Union has taken the lead in the relief effort and can legitimately claim to uphold to its reputation of main world provider of humanitarian assistance and development aid. Since the tsunami struck on 26 December 2004, the EU and its Member States have mobilised up to 1.5 billion euros. In particular, on the EU side, 123 million euros were allocated to immediate humanitarian assistance to all countries affected by the disaster, and 207 million euros were made available under the ALA programme and the RRM to support the long-term reconstruction of Aceh.<sup>16</sup> The Indonesian Multi Donor Trust Fund is co-chaired by the Head of the Indonesian Post-Tsunami Reconstruction Agency, the World Bank and the Commission itself, in recognition of its prominent role in providing aid.

With a more specific reference to the peace process in Aceh, the Commission had supported attempts to reach a stable ceasefire well before the natural catastrophe occurred. A co-chair of the Tokyo Preparatory Conference for Peace and Reconstruction in Aceh in December 2002, the Commission financed the monitoring mission led by the Henry Dunant Centre for Humanitarian Dialogue, which failed to prevent the outbreak of hostilities in May 2003.

In March 2005, the Commission gave around 220,000 euros from the RRM in support of a

project directed at involving local stakeholders and civil society in the drafting of the Master Plan for the recovery of Aceh. The consultation and involvement of civil society in the otherwise centralised preparation of the plan appeared ‘even more essential when seen against the backdrop of the long-standing conflict in Aceh, with a new round of peace talks recently initiated.’<sup>17</sup> A month later, the Commission provided additional funding under the RRM, with a 270,000 euro ceiling, to the Crisis Management Initiative conducting the peace talks.<sup>18</sup> On 29 July, almost simultaneously to the launch of the Technical Assessment Mission (to which a Commission official was associated), the Commission released a new 30 million euros contribution to support the first long-term projects for the rehabilitation and reconstruction of the province. In addition to rebuilding houses, public infrastructures and helping to restart the economy, the package was directed to strengthening the capacity of the new Reconstruction Agency as well as the local government. It was acknowledged that this project ‘should also facilitate later arrangements for self-government in Aceh, since a peace agreement has now been reached in Helsinki.’<sup>19</sup>

In this context, regardless of Brussels quibbles over financing, the Commission’s efforts and the AMM mandate can only be regarded as complementary and mutually reinforcing. This is even more the case because of the ethnic, political and religious cleavages crossing the region. The fair and equitable treatment of the different areas and groups is a priority in order to avoid a disruption of peace down the line. In particular, the right balance has to be struck between the aid provided to the coastal population, most hit

<sup>16</sup> On the European response to the tsunami disaster, and the reflection that it triggered, see in particular the Council doc. 5788/05, 28 January 2005 (EU Action Plan); the Commission’s Communication on Reinforcing EU Disaster and Crisis Response in Third Countries, COM52005) 153 final, 20 April 2005; the Commission’s Press Release IP/05/490, 27 April 2005, ‘More aid on the way for Tsunami victims’; the Tsunami Indicative Programme adopted by the Commission on 23 May 2005, C(2005)1490; and the Progress Report on The European Commission’s Response to the Indian Ocean Tsunami of 26 December 2004 and Reinforcing EU Disaster and Crisis Response in Third Countries, 18 November 2005.

<sup>17</sup> See the Commission’s Information Note RE A4 REG PA (05) D/505992. The project included the setting up of ten working groups and the presentation of the resulting working paper to the National Development Planning Agency.

<sup>18</sup> See the Commission’s Information Note RELEX/A4 REG PA (05) D/508248

<sup>19</sup> Commission, IP/05/1025.

by the tsunami, and to the population of the mainland, which suffered the most from the civil war. EU action must be clearly and perceptibly directed at building the future of the entire region, and not of one particular area or social component.<sup>20</sup>

Coordination and cooperation among EU institutions and bodies are working well on the ground. The Head of Mission and the Head of the Commission Delegation in Jakarta, as well as their advisors, meet regularly. It is envisaged that the Commission Delegation hosts regular meetings between the EU and other donors and becomes involved in meetings with the Head of Mission where the political aspects of the Aceh peace process are addressed. Furthermore, the antenna opened by the Commission Delegation in Banda Aceh – Europa House – and the AMM officials work in daily contact.<sup>21</sup> The quality and scope of cooperation can be detected by looking at the main issues falling within the remit of the AMM.

## Reintegration

On 1 September, the Commission proposed mobilising the RRM by investing 4 million euros to assist the 2,000 GAM detainees due to be released and the 3,000 GAM fighters to be demobilised, according to what was foreseen by the MoU. It was understood that this initial effort was to be followed by a wider reintegration programme, so as to provide a visible ‘peace-dividend’ and ensure the long-term viability of the

political process.<sup>22</sup> However, only part of the original Commission’s proposal was actually implemented: EU funding has so far been allocated to former prisoners only. The Government of Indonesia has decided to take charge of the initial phases of the reintegration of former-combatants. In so doing, the Indonesian authorities wanted to show their commitment to the peace process and get political credit out of that.

The challenge of reintegration is possibly the hardest confronting the EU efforts to make peace viable.<sup>23</sup> It is not only a matter of dispensing money in small instalments: it is a question of allocating land and housing, ensuring physical security and an enabling environment of economic prosperity, making healthcare available and organising professional training or re-training.<sup>24</sup> The response of the Indonesian authorities to these daunting needs is of questionable effectiveness, with a confused division of roles and responsibilities between central and local authorities and inconsistent procedures applied. Lack of reliable information on where to locate the beneficiaries of reintegration packages poses another problem, with former fighters uneasy with providing personal details to the authorities. In particular, it is not always clear who are the ‘affected civilians’ entitled to support.

The Commission emphasised the coordination of its initiatives with AMM. EC measures are prepared in close cooperation with the mission. In parallel to EC funding, for example, the AMM has carried out over 500 interviews with former prisoners across the entire region. These

<sup>20</sup> NGO officials repeatedly stressed the interplay between reconstruction efforts and initiatives to put an end to the conflict in Aceh. The two sets of measures were regarded as strengthening each other. Without a safe environment in which to operate, on the contrary, the delivery of aid was seriously undermined. See for example ‘Tâche titanessque, la reconstruction d’Atjeh est une chance pour la paix’, *Le Monde*, 24 August 2005.

<sup>21</sup> Europa House is not only responsible for liaising with the AMM but also for establishing direct, permanent contacts with local officials. In addition, Europa House looks after the coherent management of post-Tsunami assistance and offers a platform to officials from Member States on mission: only France and Germany have opened a bureau in Banda Aceh.

<sup>22</sup> Commission’s Information Note, RELEX/D(2005) 518845. According to the Commission’s plan, GAM detainees and fighters would receive immediate assistance at points of release or demobilisation. Former GAM members would receive a minimal subsistence cash allowance of 600 euros each to help them and their families – a total of 25,000 people – to go back to their villages. In addition, funding would be provided to establish a demobilisation database and to launch a communications and outreach programme to foster reconciliation and outline the perspectives for peace. The International Organisation for Migration (IOM) would implement the programme.

<sup>23</sup> ‘Without an adequate support system, observers warn that restless ex-GAM fighters could become a thorn in Aceh’s side.’ *The Christian Science Monitor*, 19 September 2005.

<sup>24</sup> The EU is not the only provider of aid to reintegration on the ground. Other institutions and countries include the World Bank, USAID, UNDP, UNICEF and Japan.



interviews enabled the monitors to gain a much better understanding of the perspectives and priorities of the recipients of aid, as the basis for fine-tuning financial support.<sup>25</sup> The AMM has expressed an overall positive assessment of developments on the ground together with concerns that lack of information on the next stages of reintegration might lead to frustration and a loss of confidence in the process.

### Law on the governing of Aceh

The Memorandum of Understanding envisaged that all the constitutive elements of the future autonomy status of Aceh be included in the Law on the Governing of Aceh. If adopted in time for the April 2006 elections, the law is going to be the cornerstone of a sustainable peace process, covering not only the division of competences between national and local authorities, the separation of power within Aceh and the establishment of its borders and symbols, but also the key provisions on the establishment of local political parties and on the nomination of candidates to top local executive posts.

Drafting is pursued at both the national and the regional level in a coordinated way, under the supervision of the Ministry of the Interior.<sup>26</sup> All options will be subsumed in a consolidated draft text to be submitted by the Ministry of the Interior to the national Parliament by the end of December, with a view to adoption by the end of March. The exercise is proceeding rather smoothly through wide consultations (some tensions may stem from the attempt of Islamic religious leaders to introduce Islamic law in Aceh). GAM is fully committed to the process and sees the law as the main dividend of peace and the guarantee of future self-government. It is vital that GAM is enabled by the new provisions to evolve into a local political actor, and to

integrate in the governing structures. For this to happen, it is crucial that the law is adopted in time for the local elections next year, which are scheduled to be held shortly after the expiry of the AMM mandate.

Cooperation between the AMM and the Commission is vital to outline a credible follow up strategy to the mission itself and to keep the peace process going. At the time of writing, the Commission is finalising a comprehensive package of measures to be submitted to Member States in the course of November. The package is directed to supporting the implementation of the MoU and the consolidation of the political process. The measures envisaged include a major communication campaign to make people aware of the content of the MoU, help with the organisation of the local elections in April 2006, as well as capacity building to set up viable police forces, a trusted judicial system and effective public administration as a whole.

### Human rights

The human rights situation in Aceh shows signs of improvement, with the AMM playing an irreplaceable role, slowly consolidating the rule of law. During the first month since the launch of the mission, however, two major human rights violations have occurred, both consisting of an excess of force on the part of Indonesian forces.<sup>27</sup> Both former GAM members and the civilian population are the subject of extortion, intimidation, harassment by the Indonesian army and police or by isolated gangs of GAM members beyond the control of their leadership.

Confidence in the rule of law and the effective pursuit of criminal offences by Indonesian forces is still low, but the overall situation is improving by all standards. Thanks to the distributions of district offices across the region, the AMM has

<sup>25</sup> Interviews on the phone with AMM staff at mission headquarters and personnel of the Aceh Support Team in the Council Secretariat, October/November 2005.

<sup>26</sup> At the regional level, three drafting exercises are ongoing: one is promoted by the Governor of Aceh, a second by civil society organisations and a third by the regional parliament. Interviews, see note 25.

<sup>27</sup> On the first occasion, a GAM member was shot dead by the police. The second episode saw the army shooting and wounding a former GAM member. Interviews, see note 25.

engaged in daily dialogue with civilian and military authorities at local level to raise awareness of international standards of human rights protection and of best police practice. Capacity building in this direction is also part of the Commission's above-mentioned proposals. Civilians are showing more willingness to come forward and denounce abuses, although that is a slow process. AMM officials proactively investigate the incidents that are brought to their attention.<sup>28</sup>

### Decommissioning and redeployment

The timetable of these two processes is closely interlinked. Understandably, the Indonesian army and police will maintain their commitment to disengage non-organic forces<sup>29</sup> from the region only on the condition that weapons' decommissioning proceeds according to plan. Both decommissioning and redeployment are supposed to take place in four stages, three of which have already been successfully completed under AMM scrutiny. The Mobile Decommissioning Teams of the mission play a crucial role in supervising decommissioning and destroying the weapons surrendered by GAM fighters. Risks of clashes remain, notably due to the transfer of considerable stocks of weapons across the region and to the loose control exercised by GAM on a small number of its district commanders, who are more or less openly reluctant to abide by the MoU. So far, Indonesian forces

have fulfilled their engagements with over 15,000 troops withdrawn by the end of October. The third phase will start in mid-November.<sup>30</sup>

### 3.5 The AMM and EU civilian crisis management: incremental progress

Set in the context of the ongoing efforts to strengthen the civilian crisis management capabilities of the Union, the AMM seems to go in the right direction. Emphasis on the ability of the Union to deploy a wide toolbox to address crisis management is central to the European discourse. Civilian capabilities are in short supply yet in growing demand worldwide: the Union is a candidate to become the main security provider in its neighbourhood and beyond.

#### Monitoring under ESDP

Following the early definition of the four basic areas for the development of civilian capabilities – police, rule of law, civil administration and civil protection – at the European Council in Feira in June 2000, Member States pledged personnel and resources and the Union has since undertaken six civilian crisis management operations up to August 2005.<sup>31</sup> In parallel to

<sup>28</sup> It is encouraging that, at the national level, the Indonesian Parliament has ratified two basic UN instruments for the protection of human rights: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. National legislation will have to be amended accordingly, which cannot but benefit the human rights situation in Aceh over the medium term.

<sup>29</sup> Within the Indonesian military structure, non-organic forces are those that are not deployed on a regular basis in a given region. Non-organic troops, such as the Special Forces, are dispatched when a conflict situation escalates to a degree that cannot be handled by 'organic', territorial units. For a detailed report of the military movements related to the conflict in Aceh since 1998 see 'Security Disorders', *Inside Indonesia*, January-March 2003, available at [www.insideindonesia.org](http://www.insideindonesia.org)

<sup>30</sup> Consideration should also be given to the 'quality' of the forces withdrawn from Aceh. While the redeployment of special forces has started ahead of the schedule originally proposed by the Indonesian Army, it is likely that intelligence units will remain on the ground till the end of the year. Interviews, see note 25.

<sup>31</sup> Feira European Council, 19-20 June 2000, Presidency Conclusions. ESDP civilian crisis management operations include the Police Mission in Bosnia and Herzegovina (EUPM), launched in January 2003 (Joint Action 2002/210/CFSP); the Police Mission in FYROM (EUPOL Proxima) in December 2003 (Joint Action 2003/681/CFSP); the Rule of Law mission in Georgia (EUJUST Themis) in July 2004 (Joint Action 2004/253/CFSP); the Police Mission in DRC (EUPOL Kinshasa) in April 2005 (Joint Action 2004/847/CFSP) and the integrated Rule of Law mission for Iraq (EUJUST LEX) in July 2005 (Joint Action 2005/190/CFSP). The action launched to support the efforts of the African Union with its intervention in Darfur – AMIS II – also has a civilian component. It was launched in July 2005 (Joint Action 2005/557/CFSP). 'From Copenhagen to Brussels – European Defence: core documents', *Chaillot Paper* 67, Volume IV, December 2003 and 'EU security and defence – Core documents 2004', *Chaillot Paper* 75, Volume V, February 2005.

progress in the field, the Union has produced 'concepts' that frame the missions to be launched under ESDP, defining in broad terms their scope, principles and requirements. By their very nature, these concepts tend to be static, not really suited to a continuous updating according to lessons learnt from each mission. On the other hand concept papers are part of a process of progressive convergence of national views around the essential characteristics of ESDP missions.

The EU adopted a Concept for EU Monitoring Missions in October 2003<sup>32</sup> according to which a monitoring mission's primary activity 'is to observe, monitor and report...on the general political and security situation in the host country or in relation to a specific agreement.' Other tasks might include 'contribution in confidence building...low level conflict resolution and de-escalation assistance, facilitating contacts between civil society and government and/or disputants etc.' EU monitoring missions were also defined by referring to what they are not: they do not have a coercive deterrent capacity, do not have inspection authority and are not involved in implementing programmes. Different sorts of monitoring missions were envisaged in the concept, depending on the phase of conflict at which they are deployed and on the specific monitoring tasks including ceasefires, demobilisation and disarmament, refugee return, human rights etc.

Moreover, it was made clear that a monitoring mission 'constitutes an integral part of an overall EU effort to prevent or resolve a conflict. There should be a clear coordination with other EU actors and instruments in the same area.' The rapid deployment of an 'advance party' with a sort of fact-finding function was also envisaged to identify needs and prepare for procurement. One year after the adoption of the concept, in June 2004, the Action Plan for Civilian

Aspects of ESDP identified monitoring as one of the areas where the EU needs to develop its capacity further.<sup>33</sup> As a result, monitoring was pointed out as a new important area for EU civilian crisis management at the Civilian Capabilities Commitment Conference in November 2004.<sup>34</sup> Member States declared that they would commit 505 monitors to equip this arm of EU crisis management.

Assessed against the Concept for EU Monitoring Missions and the subsequent steps towards setting up a real monitoring capacity for ESDP, the AMM measures up well to the outlined objectives and expectations. From this standpoint, three priorities can be extrapolated from the landmark Action Plan and Capabilities Conference of 2004, as well as from the document on the Civilian Headline Goal 2008<sup>35</sup> adopted by the European Council in December 2004: integrated crisis management, rapid reaction and adequate financial resources.

### Integrated crisis management

Drawing upon the full range of instruments available for crisis management – be they within the toolbox of CFSP, Community competences or Member States' capabilities – is the key to confronting increasingly complex crisis management situations. A horizontal approach is advocated to deploy multifunctional civilian crisis management resources in an integrated format. The AMM is a good example of a 'complex' mission where the breadth of the mandate required a diverse expertise among the monitors, many of whom had a military background and know-how. More particularly, the 2004 Action Plan envisaged that the Union should seek additional expertise in areas ranging from human rights to Security Sector Reform (SSR) and from Disarmament, Demobilisation and Reintegration (DDR), to mediation. Some of these are among

<sup>32</sup> EU Doc., 14536/03, 28 October 2003.

<sup>33</sup> Action Plan for Civilian Aspects of ESDP, adopted by the European Council, Brussels, 17-18 June 2004.

<sup>34</sup> EU Doc., 14848/04, 22 November 2004, Civilian Capabilities Commitment Conference, Ministerial Declaration, Brussels.

<sup>35</sup> EU Doc., 15863/04, 7 December 2004.

the tasks that the AMM is mandated to oversee and, in many cases, assist with. The high quality of the numerous national candidates that responded to the last-minute call from the Council Secretariat in August bodes well for the ability of the Union to draw upon a wider pool of expertise. It is worth noting that the AMM has achieved some notable 'firsts' in terms of integration. Not only is it a viable operation with ASEAN partners, but it has also brought military, ex-military and civilians together to form a credible and extremely efficient team. The EU has successfully deployed human rights monitors alongside Explosive Ordnance Disposal experts, which constitutes a model for how future ESDP operations could be conducted.

Concerning another important dimension of the implementation of the Action Plan, one could argue that the TAM and, as of the 15 August, the IMP went some way towards filling the notion of Civilian Response Teams (CRT).<sup>36</sup> Developed by the Council Secretariat in close dialogue with the Commission, and upon the strong initiative of some Member States including Sweden, the concept of CRT responds to the stated requirement to deploy multifunctional civilian crisis management resources in an integrated format. A CRT is a 'rapid reaction capability of flexible size and composition' mandated to 'carry out assessment and fact finding missions [and] provide input to the development of a crisis management concept' before the adoption of a Joint Action, 'establish a rapid operational presence in the field' after the adoption of a Joint Action and provide 'timely reinforcement of existing EU mechanisms for crisis management' in response to urgent needs. Leaving aside the distinctive procedures envisaged to establish the CRT, the launch of the AMM provided a sort of test case for the future implementation of the concept. The TAM and the IMP provided tangible evidence of EU commitment and enhanced the confidence of the parties in the peace process, assessed the context and the requirements for the launch of the mission and

made a decisive contribution to the elaboration of the crisis management concept.

The 2004 Action Plan also acknowledged that the 'Community makes a substantial contribution to civilian crisis management and its instruments will continue to be a core element in the EU's response.' As illustrated above, cooperation on the ground in Aceh is proceeding satisfactorily, with a particular emphasis on the long-term sustainability of the reintegration of former fighters and prisoners and on support to local institutions and political actors. As pointed out in the Action Plan, the added value of the Community intervention lies primarily (although not exclusively) in the continuity that it provides to the measures adopted in the context of ESDP missions. The progressive elaboration of a follow up strategy to the AMM, whose mandate is due to expire on 15 March 2006, seems set on the right path.

### **The means for rapid reaction**

The AMM was set up in the space of essentially six weeks over the summer period, and the TAM and IMP were deployed within only a few days: this is no time by crisis management standards. Contrary to what is duly envisaged for the future CRT, however, the logistic support capacity was sorely lacking. As reported, even accommodation and office facilities had to be sought *in situ* by the team. Basic equipment such as computers and mobile communication was provided by Member States on an ad hoc basis and in a rather uncoordinated manner.

With the Civil Military Cell yet to be fully in place, a small team in the Council Secretariat carried the burden of a hectic planning phase. In this connection, one should go back to the shortcomings listed at the Civilian Capabilities Commitment Conference at the end of 2004, notably including 'mission and planning support capability, adequate financing, the ability of the EU to deploy at short notice, and procurement.' It was also urgent to address 'arrange-

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<sup>36</sup> EU Doc., 10462/05, 23 June 2005.

ments and mechanisms in the areas of operational support, logistics, security of personnel and mission protection.<sup>37</sup> These issues are at the centre of the Civilian Headline Goal 2008. Drawing from the Aceh experience, a lot of ground has arguably yet to be covered, although the right priorities have been identified.

### Financial resources

The 2004 Action Plan recognised that ‘the level of ambition for EU civilian crisis management operations require the strengthening of the CFSP budget.’<sup>38</sup> In the same vein, Javier Solana reminded Heads of State and Government at the Hampton Court informal summit that a CFSP budget of at least 85 million euros would be required next year simply to meet existing commitments.<sup>39</sup> The fact that EU CFSP requires more money to deliver is widely acknowledged by both Member States and EU institutions, but solutions diverge as to how to achieve this.

In the course of the negotiations preceding the launch of the AMM the Council legal service restated the clear-cut separation between the CFSP budget line and EC funding. The argument of the legal service is backed by the key provisions under EU law concerning CFSP funding. As recalled above, according to Art. 28.3 TEU, the CFSP budget covers the operating expenditure stemming from the implementation of the provisions of Title V, with the exception of ESDP military operations and of those

cases where the Council acting unanimously decides otherwise. Paragraph H of the 1999 Inter-institutional Agreement explicitly states that ‘The total amount of operational CFSP expenditure will be entered entirely in one budget chapter (CFSP).’<sup>40</sup> It follows that the common costs of ESDP civilian crisis management operations are borne by the CFSP budget, whereas Member States cover the salaries of their nationals.

Some, however, argued that the Council legal service provided a rather restrictive interpretation of these provisions. In its response to the Commission’s proposal concerning the funding of the AMM, the legal service asserted that the EC could not finance civilian crisis management operations pursuing objectives that pertain to CFSP and not to the Community. It added that the financing of a monitoring mission clearly fell within the remit of CFSP under Title V and was therefore regulated by Art. 28 TEU. Surely, monitoring falls in the context of CFSP/ESDP.

Some of the objectives pursued by civil crisis management operations, and monitoring missions in particular, however, are not dissimilar from the objectives set for Community action by a number of legal instruments.<sup>41</sup> Reintegration and reconciliation, for example, are arguably not exclusive objectives of CFSP, but respond to the priorities set for the external action of the Union to stabilise post-crisis situations. This seems notably the case when looking at the wide, political mandate of the AMM. An intimate link

<sup>37</sup> Op. cit. in note 34.

<sup>38</sup> Op. cit. in note 33. For an early analysis of the debate surrounding the financing of ESDP operations, see Antonio Missiroli, ‘Euros for ESDP: financing EU operations’, Occasional Paper 45, EUISS, June 2003.

<sup>39</sup> Daniel Donbey, ‘Solana to stress strain on EU foreign Policy’, *Financial Times*, 27 October 2005. The 2005 CFSP budget amounts to only 62.5 million euros. Following the launch of two missions in the Palestinian Territories, the amount required to sustain the running costs is closer to 100 million euros which is the amount around which an agreement seems to have been reached for the 2006 budget. The missions in question are EUPOL COPPS, established with Joint Action 13696/05, 14 November 2005 and the EU Border Assistance Mission at Rafah Crossing Point (EU BAM Rafah), operational as of the opening of the Rafah crossing point on 25 November.

<sup>40</sup> Op. cit. in note 11.

<sup>41</sup> See for example the CARDS Regulation, (EC) 2666/2000, 5 December 2000, whereby the Community assistance can support ‘reconstruction, aid for the return of refugees and displaced persons and the stabilisation of the region’ as well as ‘the creation of an institutional and legislative framework to underpin democracy, rule of law and human and minority rights, reconciliation and the consolidation of civil society, the independence of the media and the strengthening of the legality and of measures to combat organised crime.’ (Article 2.2). See also the ‘Human Rights’ Regulation (EC) 975/1999, 29 April 1999, according to which the Community can support ‘measures to promote respect for human rights and democratisation by preventing conflict and dealing with its consequences [and] measures facilitating the peaceful conciliation of group interests, in order to prevent conflict and restore civil peace.’ (Article 2.3).

exists between the fulfilment of the AMM mandate and the establishment of a comprehensive framework of flanking measures by the Commission.

On the other hand, it would be questionable to extend this line of argument as far as blurring the distinction between Community intervention and ESDP missions and, by implication, between their budgets and lines of command. ESDP civilian operations arguably present three distinctive features: there is an important security dimension to EU intervention, Member States wish to retain the strategic control and political direction of the mission through the Council structures, and the implementation of the mandate requires a degree of political authority and responsibility in engaging with local actors that the Community cannot deliver.

The debate on whether, where and how to draw the line between action by the Community and ESDP civilian operations in crisis situations abroad goes beyond the scope of this paper. Various, and often divergent, arguments have been deployed by the relevant institutional actors, and by Member States. It seems at the very least important that decisions on these matters are taken with a view to softening, and not hardening, the separation between the instruments available to the EU, moving beyond institutional jealousies.

### *3.6 Conclusion*

With the AMM, the EU has taken yet another step on the path towards becoming a global actor and security provider. It is important to stress once again that the EU, in association with ASEAN, was the only body acceptable to all parties to oversee the implementation of the MoU. That is a telling recognition of the international credibility of EU intervention under ESDP. Cooperation with ASEAN also provides

an additional demonstration of the determination of the Union to support regional organisations as effective partners in enhancing peace and stability across the world, following the significant but not entirely successful cooperation with the African Union. This is an important, tangible contribution to the concept of effective multilateralism.

Learning from past experiences, all EU actors on the ground have done their best to establish regular and constructive cooperation with a view to maximising the output of the AMM and to prepare a sustainable perspective for peace over the long term, although much will of course depend on the enduring commitment of local parties. Lessons should be drawn from the proactive and highly professional performance of the AMM and of Commission officials with a view to joining forces for new, more demanding operations, such as those in Palestine and perhaps Kosovo.

At the same time, the success of the AMM should be assessed with a more critical eye, and put in perspective. The size and the financial burden of the mission are modest, although not negligible by ESDP standards. The difficulty in launching the mission is a telling reminder of the shortcomings undermining the long-term sustainability of ESDP. Issues of financing, procurement, logistical support and capabilities for rapid deployment can no longer be avoided, as acknowledged by the 2004 Action Plan and the subsequent document on the Civilian Headline Goal 2008. The envisaged establishment of CRT and progress towards a comprehensive planning process for ESDP missions go in the right direction. In the spirit of the Constitutional Treaty and of the European Security Strategy, however, further steps should be envisaged to more effectively mobilise the resources and capabilities available to the Union, bridging institutional divides while preserving the respective competences and prerogatives of national and European actors.

# Annex

## Abbreviations

ALA	Asia and Latin America (programme)
AMM	Aceh Monitoring Mission
ASEAN	Association of Southeast Asian Nations
CFSP	Common Foreign and Security Policy
CRT	Civilian Response Teams
CONOPS	Concept of Operations
EC	European Community
EU	European Union
ESDP	European Security and Defence Policy
GAERC	General Affairs and External Relations Council
GAM	Free Aceh Movement (Gerakan Aceh Merdeka)
IMP	Initial Monitoring Presence
MoU	Memorandum of Understanding
OPLAN	Operation Plan
PKI	Indonesian Communist Party
PSC	Political and Security Committee
RRM	Rapid Reaction Mechanism
SG/RH	Secretary-General of the EU Council and High Representative for CFSP
TAM	Technical Assessment Mission
TUE	Treaty on European Union





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