DEMOCRATISATION, CIVIL SOCIETY, AND THE FUTURE OF ACHEH

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Introduction

One noteworthy feature of the recent landmark changes in Indonesian politics is the collapse of the Soeharto government in the name of democracy, which was followed by a wider crisis of the Indonesian nation-state. One aspect of this crisis is the strengthening of the secessionist movement in Acheh (Sumatra) calling into question the country's national boundaries, very much a legacy of the Dutch colonial era. It is intended here to examine first the current crisis of the Indonesian nation-state by focusing on how Indonesian nationalism emerged and how Indonesia as a nation-state was formed as well as the process by which Acheh became a part of that republic. This will be followed by the question of whether the current process of democratisation in Indonesia will strengthen its national unity and prevent Acheh from seceding. In other words, will Acheh achieve its independence from Indonesia as Indonesia takes the road towards deepening democratisation? The role of the Achehnese NGOs in the dissemination of democratic ideas and the coalition between civil societies and political parties in addressing the Acheh question will also be evaluated. Another extremely important point which needs to be looked at is the obstacles to the peace process in Acheh. Considering the intensity of the character of the nationalist orientation observable in the emerging democracies all over Indonesia's provinces, it can be expected that the preservation of democracy in Indonesia will depend critically on its ability to accommodate the demands of

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politically-mobilized ethnic constituencies expressed through the democratic process.Indonesian Nationalism and Crisis of the Nation-State

Indonesia is a geographic anomaly, a product of Dutch colonisation, bringing together more than 13,000 islands with disparate histories, civilisation, cultures and languages. [1] The name "Indonesia" itself is derived from "Indo Nesos", "Indian islands", a name given to the archipelagos by a German writer in the 19th century. To the natives, this archipelago is known as "Nusantara" (countries in between, referring to its geographical location between the Indian and Pacific Oceans). The Dutch call it "Indonetie" which comprised the islands "owned" by VOC, the Dutch East Indies Company.[2] When the VOC went bankrupt, having offered big dividends to its shareholders for decades by borrowing money from the Dutch government, Indonetie was taken over by the Dutch government and became its colony.

Indonesia only gained its national identity in the fight against Dutch colonialism. Soeharto, to a much greater extent than his predecessor, Soekarno, was careful to shape this national identity. From the early 1930s, the nationalist movement as a politically organised expression was effectively curtailed by the Dutch colonial government, but Indonesian nationalism continued to thrive and spread as a broad cultural movement. The Japanese occupation of the Netherlands East Indies (1942-45) fundamentally transformed the political landscape in the colony. The Japanese provided the Indonesian nationalists with important opportunities to reach out to people across the archipelago. Imperial Japan also set up auxiliary armies in Sumatra, Java and Bali, training native officers and providing the nationalists with a future source of military power. By 1945, with the imminent defeat of Imperial Japan, Indonesian nationalists hastily laid the groundwork for an independent republic. On 17 August 1945, just after the Japanese surrender, the new government of the independent Indonesia was declared with Soekarno as the first President and Hatta as Vice-President.[3] However, as those memories of shared struggle fade, parochial identities in the form of "ethnic nationalism" have come to

the fore as is happening now all over Indonesia. It is believed that the success of Timor Larose to break away from Indonesia's rule, might have strengthened the determination of the armed resistance movement in Papua, Moluccas as well as in Acheh.

Between the 1945 proclamation of independence and the rise of Soeharto's New Order government in 1965, there was a series of bitter armed conflicts in Indonesia. However, those conflicts were mostly about the composition of the national government or the philosophical foundations of the nation-state, but not about its national borders. The success of a coup attempt by military officers on September 30, 1965, headed by then Major-General Soeharto, paved the way for the removal of Soekarno as the President of the Republic.

The New Order government founded its claim to legitimacy on the pursuit of a national development agenda, but the core of the regime was the military. Although the New Order government, through its 'national development' project, has delivered significant material improvement for key segments of the population, at the same time it has laid the groundwork for new forms of discontent. The economic changes in this period of the New Order were combined with an increasingly pervasive and intrusive civilian and military apparatus which oversaw the standardization and centralisation of administration trying to force the archipelago's diverse traditional types of local governance into a mould based on the Javanese model of villages. Research has shown that, this led to the destruction of widely varied forms of local government,[4] and generated considerable resentment. Unfortunately, the New Order regime regarded any expression of discontent on a regional basis to be comparable to the regionalism of the 1950s and had to be suppressed. In addition to this resentment, the implementation of the state philosophy that emphasised the subordination of individual and group interests to the greater interests of the society as a whole, safeguarding the "unity and oneness of the state", in the end produced the repressive policy which prevented the open articulation of "regional" political agendas.

Although the Soeharto New Order had presided over far-reaching economic and social changes by the mid-1990s, his regime's political infrastructure had remained relatively unchanged since the early 1970s. The army remains as the key political institution and repression still lay at the foundation of the political system. In response to the pressure from multiple sources, including rising middle and working-class opposition, internal conflict related to the unrestrained growth of cronyism and growing international pressure on human rights, the New Order simply recycled its old methods of political control and in the end produced the contradiction between the regime's political framework and the logic of the country's integration into global capital, finance and currency markets. This resulted in the Asian financial crisis of 1997-98 affecting Indonesia seriously in the sectors of finance, light manufacturing and construction which were most exposed to the global market. Most of these sectors tended to be concentrated in the big cities such as Java and Medan in North Sumatra while the movement that toppled Soeharto emerged from among the middle classes in these cities and was led particularly by university students.[5]

By forcing the President's resignation in May 1998, the anti-Soeharto movement fundamentally altered the political balance in the country and, as part of this process, regional aspirations were expressed rapidly and forcibly. Within a week of Soeharto's resignation, human rights organisations in Acheh such as SIRA, IFA, FPHAM, KONTRAS, SMUR, FAMIDIA, KARMA, YADESA and FOPKRA, launched a publicity campaign to expose the abuses which had taken place in the province during the previous decade of military operations there. By early 1999, new non-violent movements calling for referenda on independent statehood were growing rapidly in Acheh based on the following proposed resolutions at the ECOSOC of the United Nations no: E/CN2.4/Sub.2/1993/L.21,[6] and E/CN.4/Sub.2/1994/L.25.[7] It is believed that the civil movement that emerged after May 1998 was driven by tensions that had accumulated during the New Order regime of Soeharto. It is important for us to acknowledge that, under Soeharto's New Order, the official representation of national identity had become inextricably linked to authoritarianism. This ensured that

the downfall of the Soeharto regime could rapidly give way to a questioning of the national project as a whole. Only a single set of symbols (Pancasila) was used both to both construct national identity and legitimise an increasingly unpopular authoritarian regime. As a result, opposition to the government in Jakarta was, after the fall of the New Order, readily formulated as a challenge to the nation. This was reflected in calls for an "independent Celebes" or a federal "state of East Indonesia", voiced by student protesters and others on the streets of the capital of South Sulawesi, Makassar, in October 1999 in the immediate aftermath of the failure by the province's son, Habibie, to retain the Presidency. The same thing also happened when Abdurrrahman Wahid's (Gusdur's) hold on the presidency was challenged in May 2001.

Some of his supporters threatened to declare the independent states of East Java and Madura. Although both cases were not serious threats, it was nevertheless obvious that dissatisfaction with changes of the head of government should immediately give rise to threats to secede from the nation-state. These events underline how the images of national unity and identity had lost their sacrosanct character and at the same time underscore the extent to which the New Order structuring of the political domain was productive of new forms of political conflict. Indeed, Indonesians did not really learn how to live in a pluralistic society because, in the application of the concept of state corporatism, the government tried to deny the real ideological differences in society. In a civil society, those differences are well recognised and even become multiple sources of social creativity. Many have an expectation that with the emergence of a civil society in Indonesia in the post-New Order regime, there will be restoration of a public sphere where there is no monopolisation of influence by the state, instead ample opportunities exist for any social and political group to have a say in the production of social life.

Acheh's Integration with Indonesia.

When the Dutch East Indies empire collapsed after World War II, no formal process of decolonisation ever took place. The name of the colonial territories was simply changed from "Dutch East Indies" to "Indonesia", a geographic expression with no cultural roots.[8] No referendum was held anywhere in the archipelago as to whether or not local inhabitants wanted to join the "Indonesian Republic."

The Dutch never fully conquered Acheh, and were evicted from the territory in 1942. Yet on December 27, 1949, the Netherlands signed the "Round Table Conference Agreement" with Indonesia,[9] in which they claimed to transfer "sovereign" power over Acheh to the new government in Jakarta. The exercise was not in accordance with the major principles and resolutions of the United Nations concerning decolonisation. The Dutch had no authority to hand over to Indonesia any territory that was not theirs. By the same reasoning, the United States and other Western countries had refused to recognise the former Soviet Union's annexation of the Baltic states in 1940. If the Indonesian model of decolonisation had been applied to other colonial territories in the world, colonial fictions such as "Indochina" or "French West Africa" would have also become independent states.

The United Nations General Assembly Resolution 1514 on the granting of independence to colonial countries and peoples, stated that a colonised territory must go through one of the following to attain independence: (1) become a sovereign independent state, (2) associate on its own free will with an existing independent state, or (3) integrate freely with an existing state.[10] Neither "free association" nor "free integration" existed between Acheh and Indonesia. By international law and convention, therefore, the struggle of the Achehnese may be deemed to be keeping with the right of self-determination. There is a case for examining the relationship between the concept of nation and the principle of decolonisation. One appears togo directly against the other. Decolonisation requires the liquidation of colonial empires by specific steps and definite procedures. It is not the same as a nation

which emerges on the principle of preservation of the territorial integrity of the previous colonial empires such as "Indonesia". In this respect, Indonesia may be deemed to be still an "unliquidated" and "undecolonised"empire.

It is not surprising that most of the Achehnese totally reject the existence of the "Indonesian nation" on historical, cultural and political grounds. As the United Nations affirmed in 1990:

> It is widely accepted that a group of people that is presently subjected to military occupation that traditionally has formed a nation of its own or has been a part of a different nation than the one which occupies it, is entitled to assert or restore its self-determination.[11]

Indonesia: The Democratisation Process

Democratisation is a highly contentious concept. In much of the democratisation literature, definitions tend to converge around some procedural aspects of liberal democracy, typically equalising democracy with the existence of free and fair elections combined with a minimum of civil and political liberties. It is known that within the period of five decades under the rule of former presidents Soekarno and Soeharto, the establishment of democracy was imposed from above in one way or another. Only in mid-1998 did Indonesia witness the collapse of authoritarian government and embark on a process of democratisation. It did show some progress in a number of important distinguishing features of democratisation, namely, structural changes in the political system in favour of democracy, the invocation of multiparty politics, transparent and accountable policymaking, and the preservation of fundamental liberties of expression and association.

Thus, the creation of a genuine democratic policy is very much a new phenomenon that needs to be continuously empowered. The problem is that most of the Indonesian population do not have access to education and information which might enable them to participate

meaningfully in the process of public decision-making. Although Indonesia's post-Soeharto politics is more democratic now, it is by no means a guarantee of a more participatory handling of public affairs. The former president, B.J. Habibie, was the first Indonesian leader to introduce a democratic legislation on elections paving the way for the Indonesian national general election in June 1999 which received an overwhelming response.

A relatively large number of organisations and groups fielded candidates, representing a total of 48 registered political parties. The main contenders of power, however, were from just a few political parties. PDI-P (Indonesian Democratic Party-Struggle), led by Megawati Soekarnoputri, took first place with some 35 per cent of the total votes cast, followed by GOLKAR with 20 per cent. The reformist Muslim political parties led by Abdurrahman Wahid and Amin Rais won 16 per cent and 7 per cent of the votes, respectively.[12] The overall strong showing by Islamic political parties and the formation of the Muslim Axis in parliament later allowed for Abdurrahman Wahid's election to the presidency in November 1999. Since then, there has been growing awareness that building a democratic political system is more than just the establishment of modern political institutions such as political parties, general elections, and a representative parliament. Important as these institutions are, they are not in themselves a guarantee of a stable and sustainable democratic society. As Stephen Macado puts it: ". . . the foundations of democracy lie as much in civil society as in formal political institutions."[13] Thus, the establishment of civil society as a countervailing force vis-a-vis the state in post-Soeharto Indonesia is a real challenge in the entire process of democratisation.

Although there is a commitment to the process of democratic reform, evidenced by the general election of 1999 and the emergence of multiparty competition for political legitimacy, a number of problems remain. To achieve a smooth and orderly transition towards democracy in the midst of economic hardship and widespread sectarian violence will be a challenge. In addition to this, the existence of strong centrifugal tensions also have tended in the direction of secessionism since the

referendum in favour of Timorese independence in August 1999. As a result, the Indonesian government faces the difficult challenge of maintaining the state's territorial integrity and subduing sectarian violence and working towards democratic governance.[14]

The extreme heterogeneity of the Indonesian population also makes governance that much more difficult. Its status as an archipelagic state of more than thirteen thousand islands, spanning more than 5,000 kilometers from Sumatra to West Irian, encourages the dissipation of state power away from the centre. These difficulties encourage the military's continued claim to political involvement. Moreover, the willingness of the previous elites to sow discord leading to violence exacerbated the problems of democratic governance. Nonetheless, the current Indonesian government was democratically elected, and reformist elements are eager to take advantage of this historic opportunity.

It is true that the political parties are likely to become a permanent feature of Indonesian domestic politics. Nevertheless, the leading parties tend to galvanize around charismatic personalities rather than identify themselves on the basis of political or policy references. Although there is a push for more transparent and accountable government and, along with the greater openness of the new government, there has been a growing number of Indonesian NGOs which focus specially on the promotion of good governance. The one thing which has disappointed many people in Indonesia is that the establishment of democratic institutions after the 1999 election has not satisfactorily led to the practice of good governance. Rampant corruption, collusion and nepotism remain intractable problems both at the central and local levels. The dominant political parties which have now become the new power centres tend to be more concerned with a seemingly endless struggle for power and wealth. It is believed that efforts to control the management of lucrative state enterprises has become a new battlefield among political parties which need financial resources in the lead-up to the 2004 election. Based on this fact, it is not an exaggeration to say that the dominance of the political

parties in new democracies like Indonesia may lead to the reduction of politics into an oligarchy especially when civil society groups have no adequate mechanisms to prevent it.

The latest move of President Megawati in her efforts towards the process of democratisation in Indonesia is the "amendment of the Indonesian Constitution" which will provide the rights for every voter to elect their president directly through the general election in the 2004 election; but at the same time it will deny the right of voters to choose directly their representatives in the legislative bodies. It is the management of each political party that will determine in advance a list of candidates for members of legislative bodies. The DPR decision of "Phasing- Out" of 38 remaining military seats in parliament in the parliamentary formation of 2004 is another contribution of the Megawati government to the process of democratisation in Indonesia.

Nevertheless, if we look carefully at the mentioned reforms in Indonesian law of general elections, it shows the existence of a tendency for the process of democratisation in Indonesia to be reduced to an exclusionary power game among the political elite at the expense of the people. It is, therefore, not an exaggeration to say that the Indonesian reforms clearly require much more time to mature and refine themselves. They are more difficult to implement, given the extensive linkages among the TNI, PDI-P, the DPR, the MPR and the territorial administration. The territorial administration of TNI and the violence in many parts of post-Soeharto Indonesia also present TNI with immense opportunities to appropriate a political role in the future.

The Democratisation Process and the Acheh Question

It is quite difficult for us to make a general claim on whether the democratisation process in Indonesia will in due course give rise to the independence of Acheh or closer unification with Indonesia. We have observed that in certain countries democratisation was associated with forces of unification such as in Germany and with independence

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forces as in Taiwan. This indicates that democratisation itself does not decide the direction of unification or independence.

The question of whether the democratisation process in Indonesia will strengthen independence forces in Acheh or unification forces would be influenced by other background conditions and other factors. It is important, for instance, to look at the history of Acheh as an "independent state" before Indonesia was formed in 1949 through a "round table conference agreement." It should be borne in mind, too, that Acheh is economically better off than other provinces. Moreover, its people are less keen to support unification than its Java counterpart, more especially because of the New Order regime's suppression of the Achehnese society during the implementation of the "Military Operation Era" (DOM) 1989-1998. These are some of the factors that have strengthened anti-Indonesia feelings and the pro-independence movement in Acheh. All these factors interact and, when the democratisation factor comes into play, the result is that democratisation has pushed Acheh towards independence through empowering a growing native nationalism which defies the Javanese/Indonesian unification policy.

In addition to the above factors, it is a fact that, in the context of a global trend towards independence and the marginalisation of reunification, democratisation plays only a minor role in contributing to reunification, and according to Boagang He: "democratisation is associated with far more political "divorce" than "marriages." [15] This thesis is reflected by the UN membership. Among the 47 new states in the UN since 1974, the independence of 26 has been closely associated with the democratisation of their "parent states". By comparison, among seven of the states which have successfully achieved reunification since 1974, only the unification of the two Germanys and the two Yemens were related to democratisation. The reason for the imbalanced effect between "reunification" and "independence" as a result of the democratisation process is due to the notion that democracy presupposes the political autonomy of one people rather than the reunification of the people. Since the logic

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of democratisation itself indicates that people will tend to use democracy to support their independence rather than unification because democratisation creates favourable conditions for the construction of new national identities, the democratisation process in a country, particularly in a divided nation such as in Indonesia, has empowered ethno-nationalism and contributed greatly to the cause of independence. On the other hand, it is much more difficult to bring different peoples together into a nation through democratisation than it is to establish an independent state. Of importance is the distribution of state powers among different ethnic groups.

To settle the Acheh question, it maybe political to adopt a "democratic confederation" system. Those against confederation argue that if Acheh is given more rights and autonomy, other provinces will follow suit and, as a result, central power will be weakened. However, the Acheh question appears unlikely to be resolved unless the province is granted at least "confederation" status. It is believed that if a complex "confederation" system is developed in order to meet the different aspirations of the Indonesian regions and provinces, then such a system would be able to maintain the unity of the country and reduce the potential for conflict within Indonesia. Moreover, if confederation and autonomy do not work, the independence of Acheh becomes an option. It is true that the state of Indonesia is not naturally predisposed towards recognising the rights of those who seek to undermine its territorial and national sovereignty. It was the economic crisis that led to Indonesian democratisation; and it is democratisation that has impacted on the way in which the Indonesian government has signed a cease fire agreement with the Acheh Sumatra National Liberation Front (GAM) on May 10th 2002, with the promise that: "a democratic All Inclusive Dialogue (AID) should be pursued in finding a solution to Acheh's conflict".[16]

Abdurrahman Wahid (Gusdur) and Megawati have offered Acheh comprehensive autonomy (NAD package). Compared to the Soeharto era, the offer of autonomy to Acheh is a considerable advance. Gusdur and Megawati have been motivated to offer such a concession because

the conflict surrounding Acheh has been a major burden for them. Yet, although such a proposal has gone some way towards resolving the Acheh problem, it has not gone far enough. The majority of Achehnese want independence. When Gusdur and Megawati offered autonomy, dialogue and negotiation were going on. However the Achehnese felt that it was too little, too late. If the autonomy proposal had been offered by Soeharto before the implementation of DOM, they would probably have been happy to accept it, but thereafter their sights have been set higher full independence.

The shift in opinion and the change of mood over the past few years is so profound that it is difficult to imagine it being reversed without a war of repression, more severe and prolonged than those that the Indonesian government has so far waged internally. Given the present demoralisation of the TNI, and the government led by President Megawati Soekarnoputri, it is necessary for Asian policy makers to begin thinking about how messy and prolonged the transition of Indonesia to some form of statehood will be, what kind of Acheh will emerge from it, and what effects this process may have on the Asian trade route or on MNCs as well as on Acheh and Indonesia.

Acheh's NGOs and the Coalition with Civil Societies

The process of democratisation cannot be understood only in relation to global economic factors. Civil society is another domain that has received much attention in efforts at understanding and explaining the processes of democratization. Although there are many meanings attributed to the notion of civil society, there are a number of contemporary interpretations that can be cited. Ernest Gellner, for example, holds a micro-view of civil society, seeing it as "the sphere of non-governmental organizations (NGOs)",[17] and Charles Taylor clarifies that there are three senses of civil society. First, a minimal sense, according to which civil society exists where there are free associations such as the family, church and club which are not under the tutelage of state power. Second, a stronger sense, in which

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civil society is seen as existing where society as a whole is able to structure itself and coordinate its actions through associations, such as the green movement, which is free of state tutelage. In the third sense, civil society is said to denote that group associations, for example, interest and pressure groups, can significantly determine the course of state policy.[18] This indicates that one of the most important dimensions of the democratisation process is the activation of civil society and the growth of non-governmental organisations (NGOs).

Based on historical evidence, it is believed that the development of civil society nurtures a plurality of interest groups which, when reaching a certain stage in their growth in the economic and other sectors, will in a variety of ways demand the expression of their interests in the political domain. These aspirations and activities are a powerful impetus towards the creation of democracy. In this sense, civil society is a necessary condition for democracy, and no democracy has existed and developed without the institution of civil society. The civil society, then, lays down a solid foundation for democracy.

Although civil society is an integral part of a democratic order, different theorists of democracy prescribe different political roles for civil society. In a pluralist model of democracy, an accountable government is secured by various associations, which are crucial obstacles to the development of excessively powerful factions and an unresponsive state. One of the features of a pluralist democracy is a functioning civil society: "if men living in democratic countries have no right and no inclination to associate for political purposes, their independence would be in great jeopardy".[19] According to the pluralist perspective, the existence of a democratic regime is secured by the existence of multiple groups or multiple minorities.[20] Civil society is, therefore, a necessary condition for a pluralist model of democracy. It is unlike the elitist theory of democracy which emphasizes the insulation or autonomy of elites from the influence of peoples and their associations and organisations and discourages the direct participation of civil associations.[21] The participatory democratic theory stresses the direct participation by citizens in the regulation of the key institutions

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of society.[22] It is believed that without active participation on the part of citizens in civil associations and politically relevant organisations, there would be no way to develop and maintain the democratic character of a political culture or of social and political institutions. It is through various associations that individuals participate in democratic life. In this sense then, civil society is seen as an institutional instrument for individuals to advance their interests, develop their political skills and contribute to the improvement of democratic life. A genuine democracy then, depends very much on the existence of a public sphere for the formation of a rational public opinion.

As civil societies play an important role in developing democracy, they also perform different functions in addressing the boundary question. Apart from referenda and the right to self-determination, the participation of people and the institutions of civil society in the decision-making process is also a democratic approach which contributes to the peaceful resolution of the boundary question. It is true that, in the past, national boundaries were largely decided by force, with states claiming their prerogatives and manipulating popular opinions. Nation-states appear to be the major players in the matter of determining national boundaries. This approach tends to exclude civil society groups from the decision-making process. However, owing to the impact of globalisation, the power of states has weakened and is now seen to contribute to boundary problems. In other words, faith in the capacity of nation-states to deal with the boundary issue at least partially is lost. As Freeman points out, the state-centred theories of self-determination neglect the importance of non-state, trans-state and super-state actors.[23] This indicates that the idea of civil society has challenged the state's monopoly of national territory. By competing against nation-states, civil society has become an increasingly important agent in defining national boundaries. In this context the linkage between the boundary issue and civil society is thus established as a result of which the civil society is seen as an alternative to the statist approach.

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What makes the civil society approach, however, stronger then the statist approach is its existence based on fixed borders. Nation-states have a static view of what constitutes the boundary and they are reluctant to make changes. Civil societies, on the other hand, in particular global associations such as the International Forum for Acheh (IFA), Human Rights Watches and SIRA, may raise and discuss issues that go beyond the fixed borders of nation-states. Since these NGOs of civil societies do not have privileged interests within the nation-state system, they are able to consider issues concerning the justice of national boundaries. In addition to the above reason, unlike the statist approach which gives power to a few politicians, the civil society approach also empowers NGOs and assigns them an important role in the process. In short, the civil society approach enables more people and social organizations to participate in diverse spheres, making it much more representative than states in articulating the will of the people.

To understand how the civil society plays its role in defining the political boundary, it is necessary to look at civil society as a means of conflict resolution. The statist approach normally prefers imposing a single-state centred notion of national identity and naturally commit themselves to use force to manage the boundary problem. By contrast, civic associations in Acheh such as SIRA, FARMIDIA, KOSTRADA, HANTAM, JEUMPA MIRAH, PERTISA, SMIPA, KAMPI, SKAR, SAPEMAG, YADESA and many other Achehnese NGOs generally advocate non-violence, a new means for resolving conflicts such as non-violence and dialogue, and reject the terrorist view that violence, terror and bloodshed are necessary means of dealing with the boundary issue to bring about more desirable results. For instance, on February 4, 1999, 50 Achehnese NGOs which represented politicians, academicians and student organisations conducted a closed door meeting and surprised one another in a straw poll by their overwhelming preference for a "referendum" on independence as a "solution" to Acheh's conflict,[24] and successfully convinced the Achehnese public not to participate in the last Indonesian general election which was held on June 7, 1999. Again, on November 8, 1999, with the tacit support of the independence movement (GAM),[25] the Achehnese civil

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organisations under the leadership of SIRA pulled off the huge mass rally (one million claimed, but perhaps half million is believable) which successfully pressured both religious and political elites to line up behind the referendum campaign. It is opined that with the development of civil society and civic culture in Acheh, prior to the collapse of the Soeharto regime, the war, human casualties and destruction could be avoided and the disintegration could be managed in a more civilised way.

A direct impact on the process of democratisation and the emergence of civil societies in Acheh was seen via the media. When the media was under the strict control of Soeharto, the Acheh question was not a major issue because most of the international community believed that Acheh was an integral part of Indonesia. There had been little information available in the public domain about what had happened in Acheh. When controls upon the media in the Habibie era became more relaxed, the Achehnese found the will and the courage to come forward and bring to the attention of the international community the harsh action taken against them. They started to document the legacy of the military operations era of 1989-1998 (DOM era) as hundreds of Achehnese victims provided testimonies of more than a decade of human rights violations. When the truth about the army's killing of Achehnese civilians began to emerge, it led to the international community becoming more aware of the Acheh issue and more sympathetic to its independence movement.

The Acheh Peace Accord

On December 9, 2002, an agreement on cessation of hostilities in Acheh was concluded in Geneva, bringing hope that an end to the 26-year old conflict between Indonesia's government forces and the guerillas of the pro-independence Free Acheh Movement (GAM) was in sight. The signing was witnessed by delegations from both parties, that is, international diplomats and media.[26] Both sides thus agreed that from hence on enmity between them should be considered a thing of the past, according to the six-page accord.

In short, we can say that the deal is a de facto admission by the Indonesian government that it cannot win the 26-year war against GAM by military means alone or as Indonesia's Major-General Djalil Yusuf publicly admitted; the government cannot defeat GAM by bullets alone.[27] The agreement, however, is not a peace settlement. It is a framework for negotiating a resolution of the conflict, and it remains extremely fragile. The first two months were supposed to be the confidence-building phase of the accord, but far from generating confidence, the period has actually seen the reinforcement of each side's wariness of the other's long-term intentions. The Cessation of Hostilities Agreement (CoHA) on Dec 9th outlined a conventional roadmap calling for a first phase of demilitarisation culminating in the GAM placement of its weapons in independently verified locations and the government of Indonesia (GoI) reformulating its armed forces to limited defensive locations. This process of demilitarization was to be followed by AID which would focus on deeper political resolutions and a third phase focused on reformed governance in the elections in 2004. This roadmap was an appropriate process used successfully with many conflicts to postpone the most difficult issues to later stages and de-escalate the conflict in the earlier phases.

This agreement is different from all those that preceded it. It has international monitors in place. Its structure for investigation and reporting of violations is already far more transparent than those in the previous accords. It enjoys backing at the highest levels of the Indonesian government and by a broad range of international donors. It is the best and may be the last chance that the 4.4 million people of Acheh have for a negotiated peace. It may also be their best chance to get international backing for local government reform and substantial post-conflict reconstruction aid. Yet the distance between the conflicting parties remains enormous. Sofyan Daud, a local GAM commander, insists the rebels have not abandoned their goal of independence. They see this agreement as a way to get it without so many Achehnese dying along the way while the Jakarta government insists that Acheh must remain a part of Indonesia.[28] In addition to this, GAM has on paper accepted a special autonomy (NAD package)

as a starting point for discussions but not as a political end as GAM's leadership also accepts Indonesia as a geographical term and not as a nation-state.

For the first two months of the implementation of the Cessation of Hostilities Agreement (CoHA), positive development was on the ground with a dramatic reduction in the incidence of killing and atrocities. However, in the early part of 2004, the critical situation resurfaced, particularly regarding the issues of placement of GAM weapons and the withdrawal of Indonesian Military informal posts from the village level to its barracks. Instead of solving the issues through the assessment of the Joint Security Committee (JSC), reports from local peace monitors indicated that the Indonesian Military backed militias to intimidate the Joint Security Committee (JSC) members. At the same time, the Government of Indonesia complained that GAM had mobilized pro-independence rallies. Unfortunately, the complaint was accompanied by the arrest of Muhammad Nazar, the chairman of SIRA, the detention of four humanitarian workers and the forced disappearance of two others.

In April, the Indonesian government issued an "ultimatum" that GAM be given the deadline of 12 May 2003 to accept the terms of the "additional conditions" given by the Indonesian government unilaterally: that GAM should renounce the political goal of independence, surrender their weapons, and accept autonomy (NAD package) as pre-conditions for further dialogue. These conditions are beyond the roadmap of the December 9 agreement. Indeed, these actions contravene the spirit of the Cessation of Hostilities Agreement, which had envisaged the deadline of disarmament by July 9, 2003, and would obstruct the international commitment which was made at the Tokyo Conference on Peace and Reconstruction in Acheh on December 3, 2002. Although earlier the Indonesian government had called unilaterally planned joint council meeting of CoHA which was scheduled by HDC for 26-27 April 2003, however, owing to international pressure, an agreement was reached among the US, Japanese, and EU's ambassadors as well as the top security

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minister of Indonesia, Susilo Bambang Yudhoyono, that the talk between GoI and GAM held in Tokyo on 16-17 of May 2003. Unfortunately, the talk failed owing to the "additional conditions" given by the Indonesian government. This situation paved the way for President Megawati to issue a decree numbered 28/2003 on May 19, for a military operation against GAM and declared martial law in the province of Acheh as a result of which a new wave of war restarted. In short, the following are many of the factors which can be regarded as having contributed to the obstacle in the peace process in Acheh:

1. The existence of a "dualism of government policy" on the Achehese conflict. At the beginning of 2002, the government of Indonesia was trying to reconcile the two conflicting approaches between politicians who favoured a negotiated solution to Acheh's conflict, and military leaders who wanted to use force and declare Martial Law in the province. Prior to the CoHA agreement on Dec 9, 2002, the TNI general staff had stated their stand clearly by saying: "it is the government who are going to negotiate with GAM, not us (TNI), for our duty is to protect the territorial integrity of Indonesia" (Kompas, July 12: 2002). Prior to that on July 20, 2001, in Banda Acheh, the TNI leaders told the international mediator (HDC) that: "the TNI has no business with them". The question is what do "territory of a country" and "integrity" mean?: Territory can be defined as "a place in geography" or, in other words it is a "space". In mankind's long history, people tend to defend their space, as if they are defending their own property. The same reason also applies to the Achehnese; they are fighting because they want to defend their "property" and that property is their homeland, the province of Acheh. "Integrity" in the Indonesian context is not just a matter of territory. It can also mean "petroleum, natural gas, or natural resources, the rich of store of culture, the social life as well as the balance of ecology". If these aspects are regarded as the components of "integrity", then, what is the point of preserving integrity when the Achehnese schools and homes are burned, when the rice fields are destroyed and the society is in a mess? Or when a group of people who differ from others are killed?

2. The reluctance of the Indonesian Military to accept the involvement of foreign arbitration. After the first agreement known as "Humanitarian Pause" was reached between the conflicting parties, the TNI did not agree on the creation of the "Security Mechanism". After the second agreement, namely, the CoHA agreement, instead of using the agreed Joint Security Committee mechanism, the TNI backed the militia to intimidate the JSC members which consisted of foreign observes.

The Democratic Strategy for Accommodating the Acheh Conflict

The question that remains to be asked here is how to accommodate the Acheh conflict through the democratic process. Related to this, Arent Lyphart's idea of "Consociational Democracy" could be used as a framework for solving the Acheh conflict. Although some political scientists argue that a "Consociational Approach" is unlikely to work in the Indonesian archipelago owing to the huge size of the territory, the imbalance of power among ethnic groups, and the lack of political parties representing the major segments of ethnic constituencies which in turn will lead to the lack of elite representation at the centre. Nevertheless, with the fulfillment of the following four characteristics, "consensual democracy'" could be workable for Indonesia:

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

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

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

4. The Existence of Veto Power: This veto power will allow each ethnic group to defend its main interests. It is believed that if the 'Commonwealth Independence States of Indonesia'(CISI) is not possible, a democratic "confederation" system could be developed in order to meet the different aspirations of the Indonesian regions and provinces, for such a system would be able to maintain the unity of the country and reduce the potential conflict within Indonesia.

Through this act of justice and democracy, the most important source of conflict, one ethnic group dominating the others, could be neutralised. Once peace and security are restored, the road to development and progress, which has been blocked for many decades, would be wide open. The problem of administration would be reduced to a manageable size, and economic planning would be made possible and practicable.

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