

ACEH: CAN AUTONOMY STEM THE CONFLICT?

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ACEH: CAN AUTONOMY STEM THE CONFLICT?

EXECUTIVE SUMMARY

Indonesia is offering broad autonomy to the province of Aceh in the hope of ending an increasingly bloody conflict with Acehese separatists. The aim of autonomy is to allay Acehese resentments at the political domination and economic exploitation of the province by the central government, thereby reducing support for independence.

This autonomy is encapsulated in a law now being debated by Indonesia's parliament. Although its final details have yet to be determined, the law is likely to give Aceh a greater share of income from its natural resources, chiefly gas, to allow it the freedom to run its internal affairs, to refashion local government in line with local traditions and to base the legal system of the province on the Islamic Sharia. This "special autonomy" for Aceh is much broader than the "regional autonomy" applied across Indonesia since the start of this year.

Indonesia's armed forces are currently mounting a military offensive with the aim of destroying the armed wing of the Aceh Liberation Movement (GAM). An earlier ICG report concluded that this military solution is unlikely to succeed because human rights abuses by the security forces will further alienate ordinary Acehese.¹ Since GAM cannot defeat the Indonesian forces either, and given that there is no international support for Acehese independence, the autonomy plan is the only alternative at the moment to prolonged conflict.

ICG's research for this report focussed on the better-educated, urban minority of Acehese,

whose views are nonetheless likely to influence public opinion among the largely rural population. This research suggests that if Acehese were asked to choose now between autonomy and independence, a deep distrust of the government would lead most to choose independence. However, if autonomy reduces poverty and brings people in Aceh a greater sense of justice and identification with the governance of their province, then support for independence may gradually diminish.

There are varying views within Aceh on the merits of autonomy. GAM is opposed, because it wants independence, and the movement's control over large parts of Aceh's territory means that it may be able to block or impair the implementation of autonomy in many places. Acehese legislators in the provincial and national parliaments are in favour of autonomy and played a key role in designing the law, but they appear to command only weak legitimacy in much of Aceh.

Some religious leaders and NGO activists support self-determination for Aceh via a referendum on independence, an event ruled out by Jakarta. Others believe autonomy is a good option, while yet others assert that the priority is peace, irrespective of political arrangements. After a history of broken promises by the government that dates back to the 1950s, there is little belief in Aceh that Jakarta means to implement the autonomy law in good faith.

Amongst those Acehese who are prepared to consider autonomy as an alternative to independence, the redistribution of revenues is considered the most important issue, followed by

¹ "Aceh: Why Military Force Won't Bring Lasting Peace"; ICG Asia Report No 17, 12 June 2001.

clauses in the draft law that would give the province a greater say in its own security arrangements. The latter clauses may not survive into the final law, however, because of objections by the Indonesian military and police. Many Acehnese may support the application of Islamic Sharia to the legal system, but this provision is not generally seen as relevant to the conflict or acceptable as a substitute for political and financial autonomy.

Autonomy will have to be implemented in the midst of a conflict in which both armed sides use murder and terror to intimidate civilians. GAM could prevent autonomy from being successfully implemented in areas under its control by blocking or disrupting government programs. The widespread practices of murder, torture and robbery by members of the Indonesian military and police could erase any goodwill that autonomy creates amongst the Acehnese.

There is also a risk that if the central government meets its commitments under the autonomy law in an ambivalent or poorly coordinated way, or if the implementation of autonomy within Aceh itself is not seen to be transparent, then many Acehnese will conclude that the government is deceiving them again. The likely result would be a rise in support for independence.

RECOMMENDATIONS

TO THE GOVERNMENT OF INDONESIA

In order to ensure the successful implementation of a special autonomy law that reflects the aspirations of the Acehnese and reduces support for independence, it would be appropriate for the Government of Indonesia to consider the following steps:

In the short term:

1. Ensure that the final version of the autonomy law is as close as possible to the draft law submitted by Acehnese legislators
2. Cease offensive military operations in Aceh, which are likely to erode any goodwill gained through the autonomy law.

3. Resume the legal process initiated by the Independent Commission on Aceh for human rights abuses by the military, using court trials to establish the command responsibility for such abuses
4. Consider wider compensation for victims of military and police abuses

After the special autonomy law is passed:

5. Appoint a Coordinating Minister or Special Minister for Aceh, with the task of overseeing all aspects of Aceh policy
6. Ensure that all funds due to Aceh under the special autonomy law are obtained promptly and in full by the provincial government
7. Make public the amount of funds that Aceh can expect each year under special autonomy and the calculations by which this amount is decided
8. Continue negotiations with GAM on the future of Aceh, with a view to involving other Acehnese parties (such as NGOs and ulama) as soon as is practicable.
9. Ensure that the forthcoming revision of the national election law allows political parties based on one province, and that the law's provisions are not so restrictive as to prevent GAM members joining such a party.

TO THE PROVINCIAL GOVERNMENT IN ACEH

10. Prioritise development spending on small-scale, labour-intensive projects that generate an immediate economic benefit for local communities, such as infrastructure repair projects using local labour and materials.
11. Involve local communities as fully as possible in the planning, implementation and monitoring of development projects, making use of locally accepted mechanisms such as *musyawarah* (a process of community consultation guided by local elders)
12. Ensure transparency by publishing public spending plans in the media and consider

commissioning independent audits of public spending.

13. Involve NGOs as fully as possible in the monitoring of public spending, after a vetting process to ensure these NGOs' suitability. The latter could be organised in conjunction with foreign or multilateral aid agencies.

TO THE INTERNATIONAL COMMUNITY

14. Continue to press Indonesia to cease offensive military operations in Aceh
15. Make clear that continued human rights violations by the military and police in Aceh will incur tangible sanctions such as the suspension of existing military cooperation and sales of military equipment
16. Insist that humanitarian workers be given full access to the field in Aceh, and that the security forces cease the intimidation of local NGO workers

17. Make clear to GAM that human rights abuses by its members, including acts of terror against non-Acehnese civilians, will lead to direct measures such as designation as a terrorist organisation or action to cut external sources of funds
18. Offer to provide technical assistance and training to support the implementation of autonomy in Aceh.
19. Consider ways to continue providing capacity-building assistance to NGOs in Banda Aceh, to help them act as monitors in the implementation of autonomy, even if conditions are too dangerous to work elsewhere

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ACEH: CAN AUTONOMY STEM THE CONFLICT?

I. INTRODUCTION

Indonesia's government is hoping to end its armed conflict with separatists in Aceh by offering the people of the province more autonomy over their own affairs, with the aim of reducing support for Acehnese independence. This autonomy is to be offered in the form of a law, now being discussed by Indonesia's parliament and likely to be finalised within the next few months.

Indonesia's armed forces have recently launched an offensive against the guerrillas of the Free Aceh Movement (*Gerakan Aceh Merdeka* – GAM). The conflict is becoming increasingly bloody: more than six hundred people have been killed since the start of this year and the daily death tolls are rising.² The violence not only undermines the government's attempts to negotiate with GAM: it is also marginalising the many people in Aceh who oppose the use of force to resolve the conflict.

An earlier ICG report, "Aceh: Why Military Force Won't Bring Lasting Peace" concluded that the Indonesian military's attempts to crush the rebellion are unlikely to succeed.³ This report examines the autonomy law and asks whether its implementation could stem the conflict, which is driven by Acehnese resentment of economic exploitation and human rights abuses by the central government.

² For this year's death toll see Associated Press, 16 June 2001. The level of violence is now as bad as, if not worse than, during past rebellions in Aceh. An independent Indonesian commission, which reported in 1999, concluded that between 1,000 and 3,000 people were killed during the nine years between 1989 and 1998 and another 900-1,400 were missing, believed dead. Death tolls are disputed and some estimates by Acehnese NGOs go higher.

³ "Aceh: Why Military Force Won't Bring Lasting Peace"; ICG Asia Report No 17, Jakarta/Brussels 12 June 2001.

The details of the law are still being debated in parliament, but it would be likely to offer Aceh a greater share of the income from its natural resources than that offered to other parts of Indonesia under the recently-introduced regional autonomy laws. It would also give the Acehnese the freedom to run their own internal affairs, to refashion local government in line with local traditions and to introduce a legal system based on the Islamic Sharia.

This report takes no stance on what the ultimate status of Aceh should be. At the moment, Indonesia rejects any possibility of Aceh's secession and foreign governments support this position, albeit with strong misgivings about the human cost of military operations. GAM is too weak to defeat the Indonesian forces, but will probably survive attempts to crush it. Under these conditions, Aceh is unlikely to become independent in the near future. The autonomy plan is therefore the only conceivable alternative at the moment to a protracted war that neither side can hope to win.

The report analyses the history of the autonomy plan, its likely contents and the attitudes towards it of those groups in Acehnese society who are in a position to influence public opinion. The report is based mainly on interviews with legislators, bureaucrats, NGOs, political and religious activists in the provincial capital, Banda Aceh. Their views will be important for the outcome of special autonomy in Aceh, though they are not necessarily synonymous with the views of the majority of Acehnese, who are farmers or labourers and their families.

All parties in the conflict make generalising statements about the aspirations of Aceh's people, from GAM's insistence that most people want independence, to the government's claim that they

do not, to the view that the majority of Acehnese are more worried about poverty and the risk of violence than about the issue of who holds sovereignty over Aceh.

The only objective way to find out what Acehnese think on this issue would be to hold a referendum with the options of independence or autonomy, or to carry out a province-wide opinion poll. Indonesia has ruled out such a referendum, for fear that Aceh would choose independence as East Timor did in 1999, while an opinion poll would be difficult to carry out in the midst of a guerrilla war. All claims about Acehnese aspirations should therefore be treated with caution.

Caveats aside, ICG's research in Aceh strongly suggests that a majority of Acehnese, if they were given the choice now, would probably choose independence rather than autonomy. However, the autonomy law might succeed over several years in allaying Acehnese grievances, leading to a falloff in public sympathy for the independence movement. For this to happen, several major obstacles have to be overcome, including the opposition of GAM, the abusive behaviour of the security forces and the central government's lack of credibility in Aceh.

II. THE HISTORY OF AUTONOMY IN ACEH

Indonesia's attempt to resolve the conflict through an offer of greater autonomy is taking place against a historical background of Acehnese resistance to domination from outside. Aceh emerged as a sovereign state in the 16th century and preserved its independence until a conquest by Dutch colonial forces which began in 1873 but took more than 30 years to complete. At the end of a Japanese occupation during the Second World War, local resistance prevented the Dutch from returning. Aceh gave financial and material help to the nascent Indonesian republic in the late 1940s, and there is a widespread sentiment amongst Acehnese that they entered Indonesia as equal partners, not subordinates, of the national leadership in Java.

In 1950 the central government curbed the de-facto autonomy that Aceh had enjoyed within the republic by merging it into the province of North Sumatra. This threatened the influence of local elites and unnerved the ulama, Aceh's influential Islamic scholars, who feared that the role of Islam

would be undermined. The result was an armed rebellion that began in 1953 and only petered out in the early 1960s, after President Soekarno had returned Aceh's provincial status and its autonomy in religious and cultural matters. The settlement calmed tensions between Aceh and Jakarta for more than a decade.⁴

The notion that Aceh should secede from Indonesia does not seem to have become widespread until the late 1970s, after the centralising and authoritarian government of President Soeharto had stripped the content out of the autonomy promised by President Soekarno. The growth of oil and gas-based industries along Aceh's northeastern coast also created social dislocations and fuelled resentment at the way the profits of these industries were siphoned out of the province by the Soeharto regime and its allies in Indonesian and foreign business, with little benefit accruing to the Acehnese.⁵

At the same time, the Soeharto regime fostered a new class of Acehnese administrators with a stake in Indonesian rule. Often the children of the ulama, they were educated in state universities and rose through the civil service and military, in some cases reaching high rank. Though strongly aware of their distinctive Acehnese identity, these people were nonetheless able to thrive within the centralised bureaucracy and political system of Soeharto's New Order. Members of this group now form an influential constituency in favour of broad autonomy for Aceh within Indonesia, as opposed to independence, though they share the general discontent in the province at its treatment by Jakarta.

The first secessionist uprising against Indonesian rule began in 1976, under the leadership of Hasan di Tiro, who founded the Aceh Liberation Movement (GAM). The movement had little military strength and was quickly contained by the Indonesian security forces.⁶ Hasan di Tiro fled to

⁴ This rebellion was linked to several other revolts across the country, known collectively as the Darul Islam (House of Islam) because of their advocacy of a central role for Islam in the state. The aim of these revolts, like the PRRI and Permesta rebellions of the same period, was to change the character of the government in Jakarta, not to separate from Indonesia.

⁵ Tim Kell: *"The Roots of Acehnese Rebellion, 1989-1992"*; Cornell 1995, pp 14-18.

⁶ An elderly man in North Aceh told ICG there had been only 150 rebels in 1976, including himself, and few guns.

Sweden where he lives in exile, now ageing but still regarded by GAM members as Aceh's head of state (*wali negara*).

The uprising erupted again in 1989, aided by the return to Aceh of a group of guerrillas, reportedly more than 250 strong, who had been trained in Libya.⁷ The rebellion was most intense in the regions along Aceh's northeastern coast, which are home to the major industries of the province and half its population, and led to a guerrilla war which has continued intermittently to this day. Jakarta responded with persistent military repression. The brutality of Indonesian soldiers and policemen, manifested in murder, rape, torture, robbery and other abuses, created a deep resentment and distrust of the government which continues to fuel demands for independence, particularly in the northeastern areas.

The fall of President Soeharto in May 1998 created an opportunity to break with the repressive policy adopted a decade earlier. The government of President B.J. Habibie scaled back the activities of the security forces in Aceh, known as the DOM, in August 1998⁸. Habibie visited Aceh in March 1999 and made a number of pledges to its people. These promises included legal action against human rights abusers, scholarships for children orphaned during the conflict and measures to boost the economy, such as the repair of a defunct railway to neighbouring North Sumatra and the reopening of the port of Sabang, closed a decade before.

The Habibie government offered more political and economy autonomy to all of Indonesia's provinces, including Aceh, through Laws No 22 and 25 of 1999. These laws, which did not take effect until the start of this year, transferred extensive governmental powers from the centre to the regions, along with a share of the net income from natural resources in each region. The aim of these two laws was to forestall the rise of separatism by giving more autonomy and funds to those regions of Indonesia which, like Aceh, are

comparatively rich in natural resources and might be tempted to secede in future.⁹

Aceh was given its own additional law, No 44 of 1999, which defined the 'special status' of the province as the right to organise its own religious, cultural and educational affairs within the national guidelines set by Jakarta. This law offered no significant economic or political rights to Aceh beyond those already contained in Laws No 22 and 25. It was passed a month before Habibie fell from power and has since been overtaken by plans for a much more extensive autonomy law which is now being discussed by Indonesia's parliament, the DPR. The Habibie government also authorised an independent commission which investigated human rights abuses in Aceh and produced a damning indictment of the military, but only two of the 11 cases it investigated were actually brought to trial.¹⁰

With hindsight, it can be said that the Habibie government missed a valuable opportunity to resolve the conflict. It failed to deliver on its promises and the level of military violence against civilians increased during its tenure, including some of the worst recent massacres by Indonesian soldiers in Aceh.¹¹ GAM re-emerged during this period and spread outwards from the northeastern coastal areas into the west, the south and the mountainous centre of the province. By offering a referendum on independence to the people of East Timor, Habibie inadvertently encouraged Acehnese civil activists to widen their demands from justice to self-determination for Aceh.

By the time President Abdurrahman Wahid took office in October 1999, opposition to the central

⁹ The laws allot the regions 15 per cent of net public income from their oil, 30 per cent from natural gas and 80 per cent from forestry, mining and fishing. These funds, and the powers delegated by the centre, are divided between the provinces and their constituent districts and municipalities in such a way as to stop the provinces becoming too powerful.

¹⁰ See *"Aceh: Why Military Force Won't Bring Lasting Peace"*; page 3.

¹¹ The worst massacre was of Islamic preacher Teungku Bantaqiah and followers in Beutong Ateuh, West Aceh, on 23 July 1999, which claimed at least 56 lives. The case was investigated by the independent commission and eventually went to trial, but only low-ranking personnel were jailed. An account by one of the investigators, Amran Zamzami, is *"Tragedi Anak Bangsa"*, PT Bina Rena Pariwara, February 2001. See also *"Indonesia, Impunity Versus Accountability for Gross Human Rights Violations"*; ICG Asia Report No 12, 2 February 2001.

He had not taken part in later rebellions, he said, because he was too old.

⁷ *"Roots of Acehnese Rebellion"*, p 73. Hasan di Tiro was based in Libya during the late 1980s.

⁸ Short for Daerah Operasi Militer or Military Operations Zone, this term is widely used to refer to the period of military operations from 1989 to 1998.

government – both violent and non-violent – was broader and more entrenched in Aceh than it had been in 1998. There was some hope that Wahid, an Islamic leader and a scholar with a reputation for broadmindedness, would lead the government to embrace a new approach. Once in office, he did indeed try to negotiate a solution, at first through informal discussions with the ulama and other opinion-leaders and later through formal negotiations between the government and GAM.

But Wahid raised, then dashed, Acehnese expectations by first stating that Aceh had the same right to a referendum on independence as East Timor, then scaling this back to an offer of a ballot on the far more limited question of whether Islamic Sharia law should be implemented in the province. It seems likely that his initial stance met strong opposition from the military leadership, which regarded East Timor's secession as a national disaster. The referendum on Sharia has since dropped off the agenda.

There has been constant wrestling in Jakarta since late 1999 between politicians who favour a negotiated solution in Aceh, including the president, and military leaders who want to use force. Both approaches have been pursued simultaneously and in mutual contradiction, with negotiations in Aceh and overseas taking place against a backdrop of intermittent military crackdowns.¹²

The government's current policy is a six-point plan, outlined in March 2001, which attempts to reconcile these two conflicting approaches. The point that has attracted the most attention is a military operation against GAM. The other points include the passing of the autonomy law, the revitalisation of Aceh's local government, economy and society, the reassertion of the rule of law and an information campaign to explain the strategy to the Acehnese.

This policy is reflected in Presidential Instruction No 4 of 2001 on "Comprehensive steps in the context of resolving the Aceh problem". This instruction, generally referred to in Indonesia by the abbreviation Inpres, was issued to ministers, security chiefs and senior Acehnese civil servants and reported by the press on 11 April 2001. The Inpres defines the problem as "the dissatisfaction

of the people and the existence of an armed separatist movement". It does not specify how the six points are to be implemented, nor is it clear how the various government agencies will work together.¹³

The Inpres is said to have disappointed military commanders who wanted a much stronger endorsement for offensive operations, including some legal protection against future accusations of human rights abuses.¹⁴ Nonetheless, the Inpres is seen in Aceh as an attempt to justify a military crackdown by presenting it as only one part of a broader strategy. Indeed, the military began to scale up its operations against GAM even before the Inpres was issued, according to Acehnese activists, and an offensive was officially announced on 2 May.¹⁵ There has been no discernible progress on the other five points of the program.

In theory, both the government and GAM are committed to resolving the conflict through dialogue, with a new round of negotiations now planned to start in Geneva in July.¹⁶ In practice, the Indonesian military appears to have taken advantage of the president's political weakness to push its own agenda in Aceh, while GAM continues to attack the security forces.¹⁷ At the time this report was written in June 2001, President Wahid seemed to be on the point of losing his long-running power battle with the DPR, and that he would either be replaced within months by his deputy, Megawati Soekarnoputri, or would have to cede his presidential authority to her while remaining a symbolic head of state.¹⁸ Either outcome would be likely to increase the influence of Megawati over Aceh policy. She is generally seen as more sympathetic than Wahid to the views of the military and nationalist politicians.

The view in Aceh is that a Megawati-led government would be more likely to allow the

¹² See "Aceh: Why military force won't bring lasting peace"; page 4.

¹³ Text of "Instruksi Presiden Republik Indonesia No 4 Tahun 2001 Tentang Langkah-Langkah Komprehensif dalam Rangka Penyelesaian Masalah Aceh."

¹⁴ Jane's Defence Weekly, 2 May 2001.

¹⁵ The Australian, 17 May 2001.

¹⁶ Jakarta Post, 16 June 2001.

¹⁷ Throughout the first half of 2001, President Wahid was locked in a political battle with the DPR. Thirty-eight of the DPR's 500 seats are reserved for the military and the police, making them an influential political force to be courted both by the president and by his opponents.

¹⁸ See ICG Indonesia Briefing: *Indonesia's Presidential Crisis: The Second Round*, 21 May 2001

military a free hand. At the same time, the government will be obliged to implement the autonomy law for Aceh which is expected to be passed soon by the DPR. The dualism within government policy is therefore likely to continue and there may be an increasing emphasis on the use of force against GAM. Such a strategy would probably be counter-productive, however, as the resentment and fear caused by prolonged offensive military action could well erase any gains in popular support that the government might win by granting autonomy.

III. THE DYNAMICS OF AUTONOMY

There are important dynamics that underpin both the conflict and prospects for autonomy and help to shape the debate both in Aceh and Jakarta. The views of the main actors on both sides are detailed in Section V but there are several broader factors which influence perceptions of autonomy and shape the environment in which it will be implemented. These are economic conditions in Aceh and the prevalence of fear and suppression of open debate in the province.

A. THE ECONOMY

The conflict in Aceh is underpinned by poverty and lack of economic opportunities. Many Acehnese believe Aceh is a rich province but its people are poor because Jakarta skims off the wealth. There is some truth to this perception, for Aceh has been a significant contributor to Indonesian exports but little of the resulting income has returned to the province, and a third of its people live below the official poverty line.¹⁹ If the autonomy plan is to succeed in reducing the conflict, it will need to create a sense in Aceh that autonomy is bringing more jobs and better living standards to the province and not merely benefiting a narrow political and business elite with links to Jakarta.

Aceh's economy is mainly agricultural, though its biggest source of income is the PT Arun natural gas complex near Lhokseumawe in North Aceh, which is operated by US company ExxonMobil on behalf of Pertamina, Indonesia's state oil company. This complex and the downstream industries which rely on its gas are described by economists as an

"enclave" industrial economy which is focussed outwards, towards its export markets in northeast Asia, and has few linkages with the agricultural areas around it.²⁰ The complex grew up during the 1970s. The appropriation of its revenues by the government and its business cronies created resentments in the surrounding regions of Aceh which fuelled the growth of an independence movement.

Oil and gas-related industries account for about 40 per cent of Aceh's gross domestic product (GDP) but employ less than 10 per cent of the workforce.²¹ Farming and fishing, by contrast, account for only a quarter of GDP but employ more than half the workforce. The importance of natural gas is slowly declining, with production expected to fall from an average of 11.3 million metric tonnes a year in the late 1990s to three million metric tonnes a year in 2010.²²

Aceh has been affected by the economic crisis that afflicted Indonesia after 1997. The provincial economy contracted by 5.3 per cent in 1998, compared to a contraction of nearly 14 per cent in the Indonesian economy as a whole, and contracted another 2.9 per cent in 1999 when national economic growth was flat.²³ Official statistics suggest that Aceh's economy is capable of creating new jobs at a rate equal to the number of people entering the job market, but not fast enough to deal with the existing backlog of unemployed people.

Local officials say the rate of unemployment is about 30 percent of the labour force: several thousand college graduates, perhaps the most politicised segment of Acehnese society, enter the job market each year. A majority of the unemployed live in the three districts most affected by the rebellion: Pidie, North Aceh and East Aceh. With no stake in the existing political and economic order, this group will continue to be a source of support for independence.²⁴

The conflict itself creates disruptions in the economy. Farm production has fallen off in some areas because farmers are afraid to go to the fields, while the frequent blockages of roads and the

¹⁹ ICG interviews with senior officials of Aceh's provincial government.

²⁰ See Kell: "*The Roots of Acehnese rebellion*"; page 28.

²¹ Source: Central Statistics Bureau (BPS). These figures date from 1998.

²² Estimate supplied by ICG source.

²³ Paper prepared for Aceh's governor by BPS.

²⁴ Source: ICG interview with Iskandar Daud, head of the Regional Planning Authority in Aceh.

illegal tariffs extorted principally by members of the security forces have raised the costs of transporting goods and sometimes mean that no transport is possible at all. Those banks which used to serve the towns and villages around Lhokseumawe, one of the worst-hit areas, have closed their branches outside the town for security reasons, making it harder for farmers and traders to raise credit. The conflict has also led to much of Aceh's heavy industry either suspending operations or closing down: the closure of the Arun gas facility in March 2001 forced two nearby fertiliser plants and a paper factory that use its gas to stop production.²⁵

B. "TRAUMA"

The autonomy law will have to be implemented in the midst of an armed conflict in which both sides make use of organised terror - ranging from verbal intimidation to assassination - to silence people who oppose their views. Few Acehnese, whatever their views, are willing to speak if there is a risk of being overheard. The principal source of this terror from 1989 until now has been the security forces, though GAM is also responsible for violent intimidation on a significant scale.²⁶

The daily lives of civilians in the areas worst affected by the fighting are lived in a state of constant insecurity where there is no guarantee of being able to earn a living wage and a constant risk of being caught in crossfire or harassed by the security forces. A word commonly used by Acehnese to describe this atmosphere is "trauma". This may apply less in remote regions where fighting is rarer, but it is very strong in the heavily populated areas. For autonomy to ease the conflict, people in Aceh will need to be convinced that its implementation - and the government's overall approach to the province - will make their lives more secure.

Acehnese who openly support autonomy, or simply advocate peace, risk being labelled as traitors by GAM, while those who want self-determination or independence risk being seen as subversives by the security forces even if they have no direct relationship with GAM. The recent assassinations of Syafwan Idris, the rector of the IAIN Ar-Raniry religious college, and of retired general and local politician Teungku Djohan, have

made government officials and human rights activists very nervous, although (or perhaps because) the identity and motive of the killers is not yet clear. In other cases the identity of the killers is known, as in the case of the abduction and murder of three activists from RATA, an NGO working with torture victims and funded by the Danish government, in December 2000. A fourth activist who escaped described the killers as soldiers and Acehnese civilians known to work with the military, and a villager is also thought to have been killed in the same incident.²⁹

The local press also receives threats, direct or implicit, leading it to censor itself.³⁰ Any kind of public consultation or debate about autonomy will be difficult in this climate of fear, meaning that the autonomy law will be implemented in a situation in which it may be difficult to solicit inputs from the public or to measure its impact on popular sentiments.

IV. THE LEGAL FRAMEWORK

A. THE AUTONOMY LAW

There have been discussions in Indonesian political circles since the Habibie presidency about granting a form of "special autonomy" to Aceh and Irian Jaya that would go beyond the regional autonomy offered to other regions through Laws No 22 and 25. The aim of this special autonomy is to stem the growth of separatism in the two provinces by alleviating the sense of injustice that feeds it. These discussions resulted in October 1999 in a ruling from the MPR, Indonesia's highest law-making body, that laws should be prepared by 1st May, 2001 to grant special autonomy to Aceh and Irian Jaya.³¹ These laws do not involve an amendment to the constitution.

A draft of the Aceh law is being discussed by a special committee (pansus) of the DPR before being presented to a plenary session of the parliament. The deadline of 1 May was not met because of delays in the drafting process and the

²⁵ Kompas, 12 March 2001.

²⁶ See Section V below.

²⁹ "Indonesia: Sole Survivor of Attack on Humanitarian Aid Workers Speaks"; Human Rights Watch press release, 13 December 2000, on www.hrw.org.

³⁰ ICG interview with local newspaper editor.

³¹ "Special autonomy" (otonomi khusus) has no specific legal meaning, but only implies that the law will offer more than the "regional autonomy" (otonomi daerah) of Laws No 22 and 25.

government and DPR agreed to take joint responsibility for failing to meet the MPR's stipulations.³² A new deadline of 19 July has been agreed: if the law is accepted by the DPR on that date, then it will be sent to the president for approval. If the president does not approve the law within one month, it comes into effect anyway.

There had been suggestions from the DPR that the law might be finished before the end of June.³³ It is possible, however that the completion of the law will be delayed for weeks or even months by the ongoing conflict between President Wahid and the DPR. The law only needs the votes of a simple majority of legislators to pass and is likely to do so: the political battle is over the contents of the law, not over whether or not it should be passed.

The draft law emerged from long discussions involving Acehnese legislators, civil servants, academics and businesspeople. This group is quite diverse but combines a sense that Aceh has been treated unfairly with a desire that the province remain part of Indonesia. Some members of this group are also said to have business interests in Aceh which they hope will benefit under autonomy.³⁴ ICG's research suggests there has been little consultation with the majority of Acehnese who do not belong to this elite, and such a consultation would be difficult in the midst of the conflict. Most people appear to know little about the law and its implications for their own lives, and there has been no serious attempt to explain it to them.

The draft was finalised at the end of last year, but according to Acehnese involved in the process, the government was unhappy with the broad-ranging powers offered to Aceh and decided to submit its own, much more restrictive draft to the DPR. However, the DPR decided in January to base its discussions on the draft prepared by Acehnese legislators, and the government then agreed to withdraw its draft. The political manoeuvrings behind this are unclear, but the efforts of government officials to tone down the autonomy law through their own draft were in effect outflanked by the DPR. Yet although DPR members in general support greater autonomy for Aceh, there are deep differences amongst legislators on what its contents should be.

B. THE CONTENTS OF THE DRAFT LAW

The draft law gives the central government authority over Aceh's foreign political relations, external defence and monetary affairs, with all other responsibilities falling to the provincial government. Aceh would receive 80 per cent of the income from its natural resources, with the other 20 per cent going to the central government, and take equity stakes in state-owned companies operating in the province. The implications of this last clause for the state-owned oil company Pertamina and for ExxonMobil, which jointly own the PT Arun natural gas plant, are not made clear in the draft law.

Civil and criminal law within Aceh would be based on the Islamic Sharia and the province would have the right to form its own police force and to be consulted on the deployment of Indonesian military units. The senior official in the province would be the governor, as at present, but he would be chosen by a body of Acehnese experts. The makeup and nature of this body is not clearly defined in the law. An Advisory Council of Ulama would also be created, composed of religious scholars, to give inputs to local government policy and the legal system.

As well as these substantive issues, the draft law also has a large symbolic element in the form of new practices and institutions which are intended to give Acehnese a greater sense of ownership over autonomy, but have little practical impact. For example, Aceh would be allowed its own flag and its own, non-executive head of state, called the *Wali Nanggroe*³⁵, and the terminology of local government could be changed to replace Indonesian terms with Acehnese ones.

The draft law, if enacted in its present form, would transfer unprecedented amounts of power and resources from the central government to Aceh, giving the province much greater control over its own affairs than that granted to other regions. The table below contrasts the main points of the draft special autonomy law, the aborted government version and Laws 22 and 25. An important distinction is that under Laws 22 and 25, the main beneficiaries of autonomy are not the provinces but their constituent districts and municipalities. This appears to have been done in order to prevent the

³² The MPR is distinct from and superior to the DPR, but 500 of its 700 seats are reserved for DPR members, so that the two institutions are in practice overlapping.

³³ DPR legislator quoted in Jakarta Post, 20 June 2001.

³⁴ ICG confidential interview.

³⁵ Wali Nanggroe literally translates as "guardian of the state." It has Islamic connotations but is not a religious term.

latter from becoming powerful enough to secede from Indonesia. In the draft special autonomy law, on the other hand, the devolved power rests with the province of Aceh, not its districts, for the decision to grant more power to the districts was seen by some Acehnese as an attempt by Jakarta to foster rivalries within the province in order to keep it weak.

1. Redistribution of revenues

The most important provision of the draft law, from an Acehnese perspective, is that 80 per cent of the revenues generated from Aceh's natural resources would be allocated to the province, with the remaining 20 per cent going to the central government. This is more generous to Aceh than Laws 22 and 25, which allot to the central government 85 per cent of oil revenues and 70 per cent of natural gas revenues from each province and divide up the rest between that province and its constituent districts and municipalities. For other natural resource income, derived from fishing, mining and forestry, the percentage derived by Aceh would be 80 per cent under both sets of legislation.

The main source of such income in Aceh is the hydrocarbon complex around Lhokseumawe, which is operated by ExxonMobil of the US and produces natural gas, and its associated downstream industries. This complex is regarded by many Acehnese as a symbol of the status quo's unfairness, since Jakarta takes the lion's share of its earnings and returns little to Aceh. It was shut down in March because of the conflict. The economic value of this complex is already in decline: ExxonMobil had extracted 70 per cent of the gas from the surrounding fields by last year and two of the six gas liquefaction trains were closed.³⁶ Little consideration seems to have been given to Aceh's economic prospects after the gas runs out and the issue is not dealt with in the draft autonomy law.

Aceh's gross revenues from oil and gas exports, mostly gas, were thought to be between U.S.\$1.2 billion and U.S.\$1.5 billion a year. Indonesia's budgeting processes so are complex and opaque that it is hard to calculate what Aceh's share of this would be, once operating costs and fees have been deducted. One Acehnese legislator estimates that if the 80 per cent figure is kept intact in the final law,

Aceh would receive U.S.\$500-600 million a year.³⁷ A more conservative estimate by foreign development experts is that Aceh would receive a maximum of about U.S.\$240 million a year.

Even this lower figure would be a significant boost to Aceh's public revenues from all sources, which were estimated at around U.S.\$160 million in the 1999-2000 financial year, though it may disappoint those Acehnese who believe their province to be fabulously wealthy. In fact, the 80 per cent figure appears to be a bargaining position and some Acehnese legislators might be willing to accept a lower figure.³⁸ Regardless of the final figure, it is important that the allocation be calculated and distributed in a transparent way, to avoid the perception that Aceh is being cheated.

It is not clear whether Acehnese legislators will get their way on an important and related clause in the draft, which says that natural resource income would be collected directly by the provincial government, which would then pay Jakarta its 20 per cent share. At the moment, all revenues are collected by Jakarta and then disbursed to the regions. The aim of this clause is to stop the central government from delaying or even withholding the money, whether because of its own financial constraints or as a way of putting pressure on Aceh in future. However, there may well be strong opposition to it from non-Acehnese legislators and government officials who do not want to set a precedent for other regions which would lessen Jakarta's control over the national finances and deprive it of a powerful tool for exerting influence over the regions.

2. Governmental structures

In terms of political and administrative arrangements, the draft is a compromise between existing nationwide structures and demands for the revival of Acehnese tradition. Like other provinces, Aceh will still have a governor and local legislatures at the provincial and the district level (DPRD Levels One and Two). These will be renamed using Acehnese terms, as will the various units of civil administration: for example, the district (*kabupaten*) may be renamed the *sagoe*.

The draft law envisages several new institutions, the most symbolically important of which is the

³⁶ Petroleum Report 2000 on usembassyjakarta.org.

³⁷ ICG interview.

³⁸ ICG confidential interviews.

Wali Nanggroe. The *Wali Nanggroe* will be a head of state who embodies the distinct history and traditions of the province, but will not have any political powers. To reflect this non-political status, the *Wali Nanggroe* is to be chosen not by the local legislature but by a separate body called *Ahlul Halli Wal Akdi*, whose nature and powers are not defined in the law but left to secondary legislation.³⁹ Acehese legislators agree that this post would be offered to Hasan di Tiro, leader of the Free Aceh Movement, as a way of inducing GAM to abandon its fight for independence. GAM dismisses this possibility.⁴⁰

The draft is a sketch rather than a detailed blueprint: numerous details, such as the roles and interrelationships of the new institutions, remain to be worked out. It does not touch on the roles of ethnic minorities within Aceh, notably the Gayo of central Aceh and the Alas and other minorities of southeastern Aceh, or the exact status of Indonesians of non-Acehnese origin (like the sizeable populations of Javanese transmigrants)⁴¹. These details are all left to be filled out by local regulations. The reason for this lack of detail is to stop the debate over the draft being caught up in argument over specifics and to ensure that decisions on detail are taken within Aceh, not in Jakarta.⁴²

3. Security arrangements and guarantees

The draft stipulates that an Acehese police force will be set up to handle internal security: it was envisaged by the drafters that GAM guerrillas could be absorbed into this force as part of a settlement of the conflict. Indonesian military units would be deployed only for external defence and after prior consultation with the Acehese parliament. The military's territorial system, a network of posts that parallels the civilian

bureaucracy down to the village level, would be abolished within Aceh.

The implications of these points are very far-reaching because the territorial system is the cornerstone of the Indonesian military's influence in politics and an important source of revenues, both licit and illicit. Military and police leaders say these clauses are unacceptable because they would compromise the ability of the security forces to defend the state, and this is a point that the Acehese legislators are unlikely to win.⁴³ ICG has earlier recommended that the Indonesian military phase out the territorial system as part of becoming a politically neutral force under civilian control.⁴⁴

Another key provision of the draft is that any change in the law, once enacted, must be approved through a referendum of the Acehese people. This clause is intended to stop the central government reneging on its promises as it has done in the past. It is not clear, however, that this provision would be legally binding on the government or the DPR, whose authority is set out in the constitution.

C. ISLAMIC LAW

A provision of the draft law which has attracted much attention within and outside Indonesia is that Aceh's legal system should be based on the Islamic Sharia. This is a sensitive issue for secular nationalists in the DPR and the military, as well as for devout Muslims. There has been an intermittent dispute since the founding of the republic in 1945 over whether the state and its laws should be based on Islam or on secular models inherited from the colonial period. The secularists won the argument by a large margin, and calls for an Islamic state in Indonesia were treated as subversion by the Soeharto regime. There seems to be a general acceptance in Jakarta that Aceh is more "Islamic" in character than the rest of Indonesia, but there is still unease amongst some politicians and military officers about a clause in the draft law allowing Aceh to base its legal system on the Sharia with no recourse to Indonesia's Supreme Court. A compromise has been discussed whereby the law would allow recourse to the Supreme Court in Jakarta, but the latter would create a special "Aceh

³⁹ This is an Arabic term which translates as "Those who Loose and Bind" and refers to a group of expert decision-makers.

⁴⁰ ICG interview with Amni Ahmad Marzuki, a member of GAM's delegation at the negotiations with the Indonesian government in Banda Aceh.

⁴¹ ICG has found no firm data on Aceh's ethnic composition, though the proportion of ethnic minorities was estimated by one ICG source at roughly 10 per cent and by another at 30 per cent. The Acehese majority itself has quite diverse ethnic origins, and some people in the province like to say that Aceh stands for "Arab, China, Europe, Hindi".

⁴² ICG interview with Acehese legislator in Jakarta.

⁴³ Jakarta Post, 5 April 2001, quoting Armed Forces Commander Admiral Widodo A.S. and national police chief General Surojo Bimantoro.

⁴⁴ See "Indonesia: Keeping the Military Under Control"; ICG Asia report No 9, 5 September 2000

chamber” with Sharia-qualified judges to hear appeals.⁴⁵

The Sharia is a body of precepts touching on many aspects of social and religious life. Although it contains legal injunctions, its range is broader than that of the discrete legal codes commonly used by modern states. Aceh was granted the right to implement Sharia precepts in its cultural and educational affairs by Law No 44 of 1999: the provincial government has since issued several regulations concerning appropriate Muslim dress, alcohol, gambling and other issues, but there has been little attempt until now to enforce them. One academic familiar with the issue says that Jakarta failed to provide the necessary funds to back up the implementation of Sharia.⁴⁶

The provincial government and the local parliament are discussing ways to implement Sharia once the special autonomy law is passed. There are now plans to create an Advisory Council of Ulama, which would be selected by its peers, within the next few months. The law itself says little about how implementation would be carried out, so this body could play a significant role. The signs are that it plans to give itself a fairly free hand in adapting Sharia precepts to Acehnese conditions.⁴⁷

The debate could be quite protracted and complex because, although there is no overt opposition amongst Acehnese to the idea of Sharia being implemented, there seems to be little consensus either about how Sharia would be applied and in what contexts. ICG’s research found a range of views from those people who regarded the implementation of Sharia as a religious necessity, to those who valued the Sharia as an element of Aceh’s distinct identity, to those who said that they did not see the issue as relevant. One religious figure said Sharia was as necessary as political autonomy: a DPR legislator said by contrast that the phrase “implementation of Sharia” was largely rhetorical and what he preferred was a law that was “influenced” by Sharia precepts, a milder formulation.⁴⁸

Some critics have raised concerns about the social impact: feminists, for example, worry that the

concerns of women may not be adequately heeded.⁴⁹ Popular religiosity in Aceh can take forms that many people find disturbing. There has been a popular campaign, led by men but also joined by some women, to force all Muslim women to wear the jilbab, or Islamic headscarf. This campaign reached a peak in late 1999 with the public shaving of the heads of several prostitutes in Banda Aceh, but seems to have diminished since then.⁵⁰ It cannot be ruled out that the application of Sharia could spark this kind of behaviour, even if this is not the intention of the implementers.

Almost all Acehnese are Muslims and the level of popular religiosity appears to be quite high compared to many other regions of Indonesia, though highly-educated Acehnese bristle at the suggestion that the people of the province are religious fanatics. Given the high level of religiosity, and the social pressures to conform to religious norms, it seems likely that many Acehnese will either support the idea of Sharia or would at least passively accept it.

The most important point about Sharia in the context of autonomy, however is that few Acehnese believe it has any relevance to the conflict. The issue is seen as one that concerns the Acehnese themselves and does not touch on the root of the conflict, which is Aceh’s relationship with the central government. ICG’s interviewees emphasised that the a greater role for the Sharia would not be accepted as a substitute for the transfer of political power and resources to the province from Jakarta.

V. THE MAJOR PLAYERS

A. THE ACEH LIBERATION MOVEMENT (GAM)

GAM rejects the concept of special autonomy within Indonesia because its goal is a separate state. The movement maintains that Aceh’s absorption into Indonesia in 1949 was illegitimate because the Acehnese people were not consulted,

⁴⁵ ICG interview with Acehnese legislator.

⁴⁶ ICG interview with Dr Alyasa Abubakar, assistant rector of the IAIN Ar-Raniry religious college in Banda Aceh.

⁴⁷ As above.

⁴⁸ ICG confidential interviews.

⁴⁹ See for example Jakarta Post, 27 April 2001 for the comment of Indonesian feminist Chusnul Mariyah during consultations with the DPR over the draft law: “I am not against Islamic law but we have to admit that such a law could lead to violence against women...it needs further discussion and a definition as to what aspects of life Islamic law can apply to.”

⁵⁰ ICG interview with Acehnese woman activist.

and says it is fighting for the return of Aceh's sovereignty. GAM has no explicit position on what an independent Aceh would be like, other than that it would be a monarchy headed by its exiled leader Hasan di Tiro, and there appear to be variety of views within the movement on what the form of the state should be. GAM says it is not fighting specifically for an Islamic state, though some of its members may support the idea.⁵¹

GAM's goal is in direct opposition to the position of the government, which rejects any possibility of independence. During negotiations in Geneva in January 2001, the two sides agreed to seek a peaceful resolution of the issue and hold a "democratic consultation" involving other groups within Acehnese society. These negotiations have not formally been abandoned though in practice, both GAM and the Indonesian military are trying to achieve their aims through violence and there is no sign that either side is willing to compromise on the core issue of sovereignty.

GAM's political influence in Aceh is quite large in relation to its military power. The membership of its armed wing, Angkatan Gerakan Aceh Merdeka (AGAM) has been estimated at between 15,000 and 27,000 people, but they only have a few thousand modern firearms between them.⁵² Nonetheless, the movement holds sway over large areas of Aceh's territory. The size and nature of this influence is open to debate. GAM controls "almost 75 per cent" of Aceh at the village level, according to one of its representatives.⁵³

Some Acehnese sources think this claim is near the truth, though others argue that GAM's influence in southern and western Aceh and in the mountainous centre of the province is not as strong as in its heartlands near the northeastern coast. All sources agree that its influence in this latter area, comprising the districts of North Aceh, East Aceh, Pidie and Bireun, is very powerful, and this is the area where most armed clashes take place. It is hard to see how GAM could operate so openly across such a wide swathe of territory without the freely given support of much of the population, or

at least its passive acquiescence. This does not imply that all the people in these districts necessarily sympathise with GAM, however, and there are reports of disgruntlement with the banditry and extortion practised by some GAM guerrillas.⁵⁴

In its propaganda, the movement has made much of the riches that will accrue to all Acehnese if the province becomes independent. GAM members have on occasions told villagers that education will be free in an independent Aceh, that every family will receive monthly payments from the state, and that Aceh will be "like Brunei". The wealth of Aceh's natural resources, notably the Arun gas complex at Lhokseumawe is an important symbol in this propaganda.⁵⁵ The movement has also encouraged the idea that independence was imminent, though the failure of this prediction is said to have made some Acehnese disillusioned with GAM.

Acehnese NGO activists, who do not necessarily support GAM, often explain its influence by depicting it as a vehicle for a deeply-rooted anger in Aceh at the exploitation of its natural resources by Jakarta and, most of all, the abuses of human rights committed by the security forces. The implication is that even if the current incarnation of GAM were to be driven back underground, as happened in the late 1970s and again in the early 1990s, then the movement will re-emerge as long as the underlying causes of Acehnese discontent are not comprehensively addressed.

At the same time, GAM is ruthlessly single-minded in suppressing dissent. People suspected of collaboration with the Indonesian authorities have been killed, while NGOs or local politicians and religious figures who do not espouse GAM's message have been threatened and in some cases abducted.⁵⁶ ICG has heard credible accounts of atrocities by members of GAM, including the murders of 19 people over a period of several

⁵¹ ICG interview with GAM spokesman Amni Ahmad Marzuki. Hasan Di Tiro has said in the past that a free Aceh would be an Islamic state, but GAM is not a religious movement and is regarded with suspicion by some Islamic activists.

⁵² "Aceh: why military force won't bring lasting peace"; page 7.

⁵³ ICG interview with Amni Ahmad Marzuki.

⁵⁴ ICG confidential interviews with Acehnese and foreign sources.

⁵⁵ ICG interviews with Acehnese activists.

⁵⁶ Three prominent Acehnese activists from different organisations told ICG they had been verbally threatened by GAM members for not taking a stance in favour of independence. ICG has heard two accounts of local legislators being detained by GAM: one was merely lectured and released, but the other was reportedly threatened with death and only freed because of a family connection to local GAM members. ICG has corroborated the first report but not the second.

months in 2000 and the recent killings of ten non-Acehnese residents of Central Aceh who were accused of collaborating with the security forces. Since the latter event, dozens more people have been killed in the same area in circumstances that remain unclear.⁵⁷

GAM's sympathisers tend to play down this aspect of the movement, while its Acehnese enemies put great emphasis on the role of terror (having often experienced it themselves.) It seems unlikely that a guerrilla-based movement like GAM could become as powerful as it has without a significant level of genuine support from the population. At the same time, fear is a factor in some cases and there is a clear threat to Acehnese who disagree with GAM, as well as to non-Acehnese people living in the province.

There have long been complaints in Aceh that GAM's original focus has been diluted by its rapid growth since 1998, which has loosened its internal controls and led to various forms of gangsterism. One activist told ICG of a local GAM leader who in was a former hoodlum. Since joining the movement, his house had been filled with electronic gadgets and other expensive furnishings. In another area, an source reported claims by villagers that the local GAM leader was growing marijuana, a major cash crop. There have also been persistent claims, by GAM leaders and others, that the Indonesian military makes use in its operations of armed Acehnese groups bearing the name of GAM, as a way of discrediting the guerrillas

It is hard to judge how important opportunities for personal gain are as a motivation for GAM members. Victims of extortion say they cannot tell if the perpetrators are really members of GAM or people using the name of the organisation for their

own ends.⁵⁸ The picture is further complicated by the fact that members of the security forces are involved in various kinds of financial and property crime, ranging from the extortion of protection money to demanding illegal fees (*pungutan liar*) from truck drivers to the looting of shops which are then burned. As discussed in other ICG reports, illegal fund-raising is a structural problem within the Indonesian military and police.⁵⁹ Administration and gangsterism can be difficult to tell apart on both sides of the conflict.

The Indonesian military officially launched an offensive in Aceh in May. Given GAM's roots in the local population, the rugged nature of the terrain and the poor quality of many Indonesian troops, the offensive will likely fail to destroy GAM although it could damage it. The Indonesian military leadership, under considerable domestic and international pressure to avoid further human rights abuses, has made some effort to avoid atrocities, such as issuing guidelines instructing soldiers not to harm civilians or fight in built-up areas.⁶⁰

However, numerous reports from the field suggest that security personnel are still killing civilians.⁶¹ The upshot could well be that GAM survives while abuses by the military create a ready source of new recruits for the guerrillas. Any calculation about the outlook for special autonomy has to consider the likelihood that there will still be an armed rebellion in Aceh, though possibly a weaker one than at the moment.

B. GAM AND LOCAL GOVERNMENT

The strength of GAM means that, in effect, the Indonesian government no longer operates in those parts of Aceh under its influence. At the village (*desa*) and subdistrict (*kecamatan*) level, state

⁵⁷ The first report is unconfirmed but relayed to ICG by a credible source. In the second case, ICG spoke to a journalist who was told by a GAM leader in May 2001 that his men had recently killed ten non-Acehnese "collaborators" in Central Aceh. In June there was another spate of killings in the same area, with as many as 80 people, including children, reported dead by mid-month and a thousand houses burned. The security forces blame GAM, and there is some independent evidence that this is the case, according to an ICG source. GAM says, however, that the victims belonged to a militia formed by the military and the killers were either local people or the military itself. See Kompas, 12 and 13 June 2001; Koran Tempo, 12 June 2001; Serambi, 13 June 2001, Reuters, 13 June 2001.

⁵⁸ ICG interview with commodities trader in Banda Aceh.

⁵⁹ Both sides blame each other for burning buildings. Some burnings appear punitive, others to cover the evidence of robbery. On fund-raising activities by the security forces, see ICG reports "*Indonesia: Keeping the Military Under Control*", "*Indonesia: National Police Reform*" (Asia Report No 13, 20 February 2001) and "*Aceh: Why Military Force Won't Bring Lasting Peace*."

⁶⁰ The idea has also been floated by the Indonesian military itself of inviting foreign military observers to monitor operations in Aceh. See The Australian, 17 May 2001.

⁶¹ See for example Jakarta Post, 15 June 2001, in which human rights activists describe bodies being fished from a river in East Aceh after a military and police raid.

officials are widely said to have either left their posts or come to an arrangement with their local GAM guerrillas. Even at the district (kabupaten) level, civil servants are reported in some areas to be inactive, while a number of bupatis (district chiefs) have moved to Banda Aceh for their own safety.⁶² The legal system has almost ceased to function: out of eighteen district courts, only two courts have their normal complement of three judges. Five had no judges at all and the rest had only one or two.⁶³

Local government has not ceased altogether in GAM-controlled areas. A senior local government official told ICG that GAM allowed state health and education programs to continue in areas under its control, for example a campaign of inoculation against polio. GAM objected to family planning, however, possibly on religious grounds. GAM itself is purely a political and military force and provides no social welfare services.

Villagers still need official stamps for certain forms of documentation, such as identity cards, which they get from local officials who operate discreetly from their homes or in coffee shops, rather than from their offices. However, GAM members officiate over other legal and social issues and collect taxes, said to be eight per cent, on transactions such as land purchases. GAM's fund-raising activity targets businesses of all sizes, from small traders to the Arun oil and gas complex near Lhokseumawe. As discussed earlier, this activity is often hard to distinguish from banditry and extortion for private gain.

In parts of North and East Aceh and Pidie, the uniform structure of administration imposed by the Soeharto regime on all villages in Indonesia is being replaced by Acehnese institutions which have lain dormant for years. One example of this is the revival of the *tuha peut*, a group of four village elders including the headman (*keucik*) and the *imum meunaseh*, a person who looks after the village place of worship and leads the five daily Islamic prayers. This group is responsible for managing village affairs and leading debates amongst villagers on community issues. Disputes that cannot be dealt with at the village level are passed upwards to the *mukim*, a group of several villages with a shared mosque, which has its own group of eight elders.

⁶² ICG interview with member of local parliament in Banda Aceh.

⁶³ Kompas, Agence France-Presse, 5 June 2001.

It is unclear how extensive these arrangements are or how they work in practice: the underlying point is that GAM is sponsoring the dismantling of Indonesian rule in parts of Aceh and its replacement by Acehnese structures and practices. This is theoretically in accordance both with Law No 44 of 1999 and with the special autonomy law, both of which offer more freedom to the Acehnese to deploy *adat*, or customary law, in the public life of the province. But to the extent that the new arrangements are managed by people sympathetic to GAM, which opposes autonomy, it may well be difficult in practice to smoothly implement the autonomy law in the villages.

C. LEGISLATORS AND CIVIL SERVANTS

Aceh is unlike other Indonesian regions with separatist movements, notably Irian Jaya and (formerly) East Timor, in that its political elite is comparatively well-represented in national politics, in proportion to the size of Aceh's population. To give only a few examples, there have been several recent cabinet ministers from Aceh, one head of an opposition political party, at least one senior general, a number of legislators and two former heads of the state commodities agency, Bulog.⁶⁴ Acehnese are also well-represented in academia.

The draft special autonomy law is the work of a diverse group of legislators, academics, state officials and businesspeople of Acehnese origin. The members of this group have found roles for themselves within the Indonesian state and some also have business interests in Aceh which they hope will benefit from the grant of special autonomy to the province. At the same time, there is great scepticism amongst supporters of the autonomy package that the central government will implement it in good faith. This is why the law's

⁶⁴ The Aceh-born Bustanil Arifin was Minister of Cooperatives and head of Bulog, the state commodities board, and the latter post was also held by former Aceh governor Ibrahim Hasan.

H. Ismail Hasan Metereum was the former head of the United Development Party, one of two opposition parties permitted by Soeharto, as well as a deputy speaker of the MPR. Fachrul Razi was deputy commander of the armed forces until the post was abolished by President Wahid, who also appointed the Acehnese Hasballah Saad as Human Rights Minister. The current head of the General Election Commission (KPU), Nazaruddin Sjamsuddin, is an Acehnese academic. By contrast, two Irianese have served as ministers (both under Wahid) and no East Timorese.

drafters have tried to “lock in” the central government with the stipulation that any future changes to the law must win the consent of the Acehnese through a referendum.

It could be argued that this group is an elite which is not particularly representative of Acehnese opinion in general, since many of its members are based in Jakarta rather than in the province. The popular legitimacy of the current generation of Acehnese legislators throughout the province is open to question. These legislators were elected in the general election of June 1999, which was cancelled in North Aceh and Pidie, which account for more than a third of Aceh’s population, because of the conflict.⁶⁵ ICG’s urban, educated interviewees in Aceh generally praised the draft autonomy law and did not voice strong criticism of its drafters. There does appear, however, to be suspicion amongst the poor and less-educated majority towards legislators, particularly in the provincial parliament.⁶⁶

D. NON-GOVERNMENTAL ORGANISATIONS (NGOS)

NGOs have proliferated in Aceh since the fall of Soeharto, as they have across Indonesia. According to one NGO umbrella group, there are now more than 300 NGOs in the province. As elsewhere in the country, the ranks of NGOs include both genuine organisations and others set up to misappropriate aid or development funds for the benefit of their members, sometimes in collusion with state officials.

The most politically significant role carried out by Acehnese NGOs is human rights activism. Human rights NGOs in Aceh have been active in exposing abuses by the security forces though, according to one activist, they have been reluctant until recently to report on similar abuses by GAM. As a result, the Indonesian police and military tend to regard human rights NGOs as being in league with GAM. Human rights groups are often harassed by the security forces, the most gross recent example being the RATA murders in December.⁶⁷ Some

human rights activists in Aceh are forging links with international activists based in the West, including some of those who campaigned against Indonesian rule in East Timor. If reports continue to emerge from Aceh of human rights violations by the security forces, it is likely that these links will strengthen.

Amongst NGO members, there are a variety of views on autonomy and independence. While all the activists interviewed by ICG were critical of the government and the security forces in particular, some were also hostile to GAM and its attempts to repress Acehnese who do not support the movement. Others were reluctant to criticise GAM, possibly out of sympathy for the goal of independence. One prominent activist, expressing a common view amongst educated Acehnese, said he believed the best solution was for Indonesia to become a federation, of which Aceh would be a member.⁶⁸

ICG interviewed nearly a dozen NGO activists and despite this range of views, almost all of them agreed that the autonomy law was a good thing in theory, particularly its stipulations about the return to the province of most of its natural resource income and about the formation of an Acehnese police force in place of the Indonesian security forces. All of them said, however, that they had little or no confidence that Jakarta would implement the law.

E. STUDENT-BASED GROUPS

There are a number of campaigning groups whose principal support comes from students and former students, and whose main demand is a referendum offering the Acehnese a choice between Indonesian rule and independence. The biggest of these groups is the Centre for an Aceh Referendum (SIRA) which was formed in January 1999, following President Habibie’s offer of a referendum on independence for East Timor.

SIRA has campaigned for self-determination for the Acehnese because it believes that this approach will be more palatable internationally than calling for outright independence. Nonetheless, SIRA’s own polling suggests that more than 90 per cent of

⁶⁵ Figures from the General Election Commission (KPU). The turnout was just over 60 per cent on average across the province.

⁶⁶ One civil servant who works in the DPRD, or local parliament, complained to ICG that his neighbours had accused the DPRD members of being “dogs”, a harsh insult in a Muslim society.

⁶⁷ See Section III B above.

⁶⁸ The federation concept is taboo in Jakarta because of its historical association with Dutch attempts to undermine the new born Indonesian republic in 1949-50. It is not on the agenda of any major political party and remains a highly sensitive subject.

all Acehnese would choose the independence option in a referendum, so that the call for a referendum is in practice a call for independence. SIRA only accepts the idea of special autonomy as one option in this referendum, not as a substitute for it.

GAM is said to have been initially suspicious of SIRA, whose leading members are students or former students, but swung round to a position of tacit support for a referendum campaign.⁶⁹ Some members of SIRA are now thought to be close to GAM, though comments in private by other members suggest that they are wary of the movement and its espousal of armed struggle.

SIRA and the various student groups with similar views are committed to non-violence. SIRA was very successful during 1999 in converting popular demands for independence into demands for a referendum, with its high point being mass rallies in November 1999 and November 2000. The first rally was peaceful and brought hundreds of thousands of people onto the streets of Banda Aceh. In the runup to the second rally as many as 32 people were killed by the security forces.⁷⁰

SIRA depends heavily on freedom of movement to spread its message amongst the people and to organise rallies. In recent months the security forces have put heavy pressure on the group: its most public figure, Muhammad Nazzar, is currently serving a ten-month prison term for “displaying hostile intentions towards the state.”⁷¹ Following a bomb blast at a dormitory for Acehnese students in Jakarta in May 2001, the police began investigating members of SIRA. Press reports suggest that the police have no strong case that activists were involved in the blasts. SIRA’s office in Banda Aceh has been ransacked and is now empty, and its members in other areas have taken to meeting in private to avoid attention. SIRA’s influence on the autonomy question is hard to measure, though it may well have been dimmed by the constrictions imposed by the security forces.

F. THE ULAMA

The ulama, or Islamic scholars, are still an influential force in Acehnese society though they

no longer have the same political prominence that they did during the Darul Islam rebellion, which was led by an ulama called Daud Beureueh⁷². There are said to be less than a thousand ulama scattered across the province and while some individual scholars are highly respected in their districts, none have the prestige that Daud Beureueh enjoyed across the province.

The ulama were associated with Acehnese resistance to Dutch occupation in the late 19th century and their political influence was consolidated by the weakening of the Acehnese aristocracy, the *uleebalang*, in the turbulence that followed the Second World War. But the Soeharto regime managed to co-opt or intimidate many scholars, turning them into propagandists for the central government through the institution of the Council of Indonesian Ulama (MUI). MUI endorsed the military crackdown against GAM in after 1989.⁷³ Those scholars who refused to be co-opted were pushed to the political margins and in at least one case in the early 1990s, killed.⁷⁴

There has been one recent attempt to build a political movement from the ranks of the ulama since 1998, a group called *Himpunan Ulama Daya Aceh* (the League of Ulama of the Religious Schools of Aceh). HUDA gathered together Acehnese ulama in support of a non-violent resolution to the conflict through a referendum on independence. Its youth wing, the Rabitha Thaliban Aceh, claims 75,000 members across the province. HUDA is said to have some influence on President Wahid but fell foul of one or both of the armed parties: its secretary-general had his house burned down and is now living in Jakarta.⁷⁵

Many educated Acehnese outside the ulama argue that the scholars have lost their ability and their desire to play an active part in politics, partly because of intimidation from GAM and the military, and now confine their attention to ritual and social matters. An alternative view is that the ulama, being highly respected within Acehnese

⁶⁹ ICG discussion with foreign observer visiting Aceh.

⁷⁰ Jakarta Post, 15 November 2000. The security forces said 14 people were killed, while the rally organisers said there were 32 deaths.

⁷¹ Jakarta Post, 29 March 2001.

⁷² Acehnese sources variously define ulama as Islamic scholars who head a religious school (*pesantren* or *daya*) or a major mosque, or as scholars who can understand core Islamic texts in Arabic. There is no formal hierarchy, though some ulama are more respected than others.

⁷³ “*Roots of Acehnese Rebellion*”, page 78.

⁷⁴ Reuters, 30 April 1991, on the disappearance of Achmad Dewi, an outspoken ulama who was believed to have been killed by the military.

⁷⁵ ICG interview with Acehnese source who said that the intimidation had come from GAM.

society, could still be a powerful voice against violence and in favour of a peaceful solution to the conflict, but choose not to exercise their influence for fear of losing public support or being targeted by the armed parties to the conflict.

G. THE INDONESIAN GOVERNMENT, PARLIAMENT AND MILITARY

There are two dominant perceptions of the Aceh problem amongst civilian politicians and military leaders in Jakarta. One is that the Acehnese have been unfairly treated in the past and therefore deserve some recompense in the form of greater autonomy. The other is that the Acehnese are perennial troublemakers who are asking for more than they deserve. Both these sentiments are widespread in Jakarta and it is possible for the same person to hold both of them at once.

The first and more conciliatory view is quite frequently stated by civilian politicians and some former generals, including the architect of the current Aceh policy, former Coordinating Minister for Politics, Social Affairs and Security Susilo Bambang Yudhoyono.⁷⁶ This view provides the impetus behind the autonomy law, though people who hold it can be further divided into opponents of any offensive military operation in Aceh (Acehnese legislators, for example) and those like Yudhoyono who believe military action is a necessary part of a wider solution. There is strong resistance in Jakarta, from all quarters, to the possibility that Aceh could become independent from Indonesia.

The second and more hard-line view appears to be widely held within the military leadership, as well as by some civilian politicians. There is a common assumption amongst Indonesia's elite that ordinary people are ignorant of politics and essentially passive in their political behaviour unless guided by members of the elite or misled by malcontents. This assumption, applied to Aceh, implies that GAM and the Indonesian government are competing to influence the majority of Acehnese who would otherwise be passive. If GAM can be destroyed by military force, then the Acehnese will

automatically drift back into acceptance of Indonesian rule.⁷⁷

At the moment, the second view has not carried the debate in Jakarta but it is dictating events on the ground in Aceh, where the political weakness of the Wahid government has enabled the military to obtain a licence in the form of the Inpres and then to launch offensive operations. This is not to say that the military leadership necessarily approves of the atrocities against civilians that are committed by troops in the field. But despite a rhetorical insistence by senior officers on the need to prevent human rights abuses, there has been no sustained attempt to punish troops who commit them. Recent cases from Aceh, notably the RATA murders, suggest that violence aimed at terrorising the population is still seen in some quarters within the military as a necessary part of operations against separatism. Reports of people being abducted and murdered appear daily in the local press: although perpetrators are rarely identified, it seems likely that many killings are committed by security personnel, though some may be the work of GAM or third parties.⁷⁸

The Aceh conflict is often seen in Jakarta not in its own terms, but in terms of what it might signify for the country as a whole. There is a fear amongst the political and military leadership that Aceh is the keystone of the unitary state: if it becomes independent, other regions will follow and the republic will disintegrate. This fear is probably overstated, both within Indonesia and abroad, but it is a powerful factor influencing attitudes towards the Aceh conflict.

The preoccupation with national unity is particularly strong in the military. Senior officers are determined that Aceh should not follow the example of East Timor, whose secession in 1999 is regarded as a humiliating blow to the integrity of the state.⁷⁹ It has also been suggested that by keeping the conflict going in Aceh, the military can portray itself as the only force capable of preventing national breakup. This perception would boost its political influence and strengthen

⁷⁶ "Aceh Perlu Keadilan, Kesejahteraan dan Keamanan," Kantor Menko Polsoskam, Jakarta, April 2001. Yudhoyono was abruptly replaced in June 2001 for reasons not connected to Aceh.

⁷⁷ Discussion between the author of this report and senior general in mid-2000.

⁷⁹ ICG discussion with Asian military official in regular contact with the Indonesian military.

the case for keeping the territorial system, the source of much of its income.⁸⁰

The fear of national disintegration is the driving force behind Jakarta's offer of special autonomy to Aceh, but autonomy itself creates ambivalent feelings amongst some politicians and military leaders. They fear that if the province is given broad powers to run its own affairs, other regions will demand the same treatment, and the net effect will be to weaken the unitary state. This view was expressed in a statement by the governor of Lemhanas, a think tank close to the military that if the law were implemented, "the possibility cannot be ruled out that other regions will make the same demands." This objection was rejected, however, by the DPR committee discussing the draft autonomy law.⁸¹

At the same time, Aceh is only one of numerous problems facing a government and legislature that tend to give more priority to power struggles in Jakarta than to problems in outlying regions. There is a risk that even if the autonomy law is implemented, there may be little political will in Jakarta to carry it out in a sustained and coordinated fashion. The government's decision to issue its own draft of the special autonomy law earlier this year was a clear indication that some of its officials were unhappy with the broad powers offered by the DPR draft. Even though the government draft has been withdrawn, it may be these same officials who oversee the implementation of autonomy. But any sign of reluctance or stalling by Jakarta would be seen in Aceh as evidence of bad faith, and this could have a significant negative effect on efforts to reduce the conflict.

H. FOREIGN GOVERNMENTS

Foreign governments, without exception, believe that Aceh should remain part of Indonesia but most prefer that the conflict be solved peacefully through the implementation of special autonomy, not through military means.⁸² In theory all foreign governments accept the right of the Indonesian state to use force against insurgents, but in

practice, many doubt that the Indonesian security forces have the discipline and self-control to do so without committing widespread human rights abuses against civilians. The behaviour of the military and its paramilitary proxies in East Timor in 1999 has made foreign governments more sensitive about its practices elsewhere.⁸³

A number of foreign governments, notably that of the United States, have expressed strong misgivings about military operations in Aceh in their meetings with the Indonesian government. The United States is said to have made detailed proposals to Indonesia on a negotiated solution in Aceh, and these proposals are reflected in five of the six points in the government's plan for resolving the conflict. The sixth point, added by the government itself, was the current military operation. The United Kingdom, which supplied Hawk combat aircraft to Indonesia during the Soeharto period, has reportedly delayed the export of spare parts for these aircraft for fear they will be used for ground attack in Aceh.⁸⁴ This diplomatic pressure, combined with the ambivalence of President Wahid and other civilian politicians towards a military operation, may have helped to delay an offensive by several months. However, the limits of lobbying are indicated by the fact that this operation has now begun.

The United States and other governments are said to be willing to support the implementation of autonomy in Aceh with funds, expertise and training for Acehnese officials and NGOs. Foreign governments have a vested interest in seeing autonomy succeed because of their desire that Aceh remain part of Indonesia and their unease about attempts to solve the problem by force. International opinion is not static, however. Gross abuses of human rights by the Indonesian military could tilt it towards greater sympathy for Acehnese self-determination, just as abuses by GAM could erode the objections to more forceful measures against the separatists and their sources of support.

VI. CONSTRAINTS TO IMPLEMENTATION

The passing of the draft autonomy law by the DPR would be only the first step in the long process of winning back Acehnese sympathies to Indonesia.

⁸⁰ See "Aceh: Why Military Force Won't Bring Lasting Peace", page 14.

⁸¹ Kompas, 16th May 2001.

⁸² Libya provided military training to GAM in the late 1980s, but there have been no reports since then to suggest that Libya, or any other state, provides support to the guerrillas.

⁸³ ICG interviews with Jakarta-based diplomats.

⁸⁴ Far Eastern Economic Review, 24th May 2001.

The Indonesian government will need to make a concerted and holistic effort, both in Jakarta and within Aceh, to overcome three interlinked obstacles to the successful implementation of autonomy. These are the opposition of GAM, the behaviour of the security forces and the government's lack of credibility amongst the Acehnese.

A. OPPOSITION FROM GAM

The first priority of the provincial government, once the autonomy law is passed, will be to use the extra funds allocated to Aceh to stimulate the local economy and create jobs. GAM has no interest in seeing these efforts succeed, however, because this would undercut its own campaign for independence. Given that GAM either controls or influences large areas of Aceh's territory, the movement clearly has the capacity to block or disrupt economic development projects. Even if government officials were able to run such projects in GAM-controlled areas, it is likely that the movement would demand a cut of the public money involved. Thus there is a risk that public money spent in GAM areas will end up subsidising the rebellion.⁸⁵

This means that the provincial government may not be able to implement effectively projects that make people less poor, for example by creating jobs and improving infrastructure, in areas where GAM is strong: in other words, in the areas where these projects are most needed. Development projects may therefore have to concentrate on those areas where GAM has relatively less influence, or where the security forces can be trusted to protect these projects in a way that does not antagonise local people. There is some evidence that villagers are more willing to challenge the authority of the guerrillas if they have a direct material interest of their own to protect, such as a farming project or a local industry that generates income for them.⁸⁶

In the longer term, most of ICG's Acehnese interviewees agreed that GAM cannot simply be cut out of the autonomy process. The movement can be damaged by military force but probably not destroyed, which means that its members can continue to disrupt the implementation of autonomy unless it is given an incentive not to.

One possible way to involve GAM is to hold local elections in Aceh. Indonesia's current electoral rules do not allow political parties to be based in a single province, but these rules are due to be amended, possibly within a year. This would allow a GAM proxy party to run in the elections and sit in the provincial and district parliaments in Aceh⁸⁷. This would not resolve the underlying issue of sovereignty, for GAM shows no signs of giving up its demands for independence and Jakarta is unlikely to allow any political party in Aceh to run with a call for independence or self-determination as its platform. But should the other aspects of autonomy be making progress, this route might at least attract some GAM members.

Some members of GAM may be very unwilling to give up the armed struggle, whether out of ideological commitment to an independent Aceh, the desire to avenge murder of their relatives by the security forces or because their main motivation is banditry. In other words, the autonomy package is unlikely to end the violence completely even if it is generally successful. It could reduce the conflict, however, to the level where it no longer disrupts the lives of most Acehnese or appears to threaten Indonesia's territorial integrity.

B. THE SECURITY FORCES

As noted earlier, the brutal behaviour of the Indonesian security forces is one of the main reasons, possibly the dominant reason, why the independence movement enjoys broad support. The autonomy plan is unlikely to win the support of civilians in areas of conflict if their daily experience of Indonesian government is violence, intimidation and extortion by its soldiers and police, and if there is no redress for past abuses. If the government does not address this problem, then any of the support from Acehnese that it might gain by the grant of autonomy is likely to be eroded away.

As discussed earlier, the military leadership is aware of this issue and has taken some steps, at least on a formal level, to curb the possibility of more human rights abuses. There is, however, little evidence to suggest that the behaviour of the

⁸⁵ ICG confidential interview.

⁸⁶ As above.

⁸⁷ Aceh, like all Indonesian provinces, has a legislature for the province (the DPRD Level One), plus legislatures for each district (DPRD Level Two).

security forces in Aceh has decisively changed. Killings of civilians continue, whether intended or accidental, and recent atrocities like the RATA murders remain unpunished, and there is still an unwillingness to admit the problem.

In practice, soldiers and policemen who commit or instigate human rights abuses in Aceh remain unaccountable to the law.⁸⁸

The Indonesian security presence in Aceh is predatory in many ways. Security personnel are paid what amount to poverty wages: one Acehnese activist told ICG that the Brimob paramilitary police, a notoriously ill-disciplined unit, were paid 7,000 rupiah (U.S.\$0.60) a day, while a packet of cigarettes cost 5,000 rupiah.⁸⁹ As a result, extortion and robbery are common. The drivers of trucks that ply the main road between Banda Aceh and Medan, the main source of imports into Aceh, have gone on strike twice this year to protest at illegal fees (*pungutan liar*) demanded by security personnel at the numerous checkpoints. As a result, the prices of basic goods in Aceh soared.⁹⁰

The military cannot drastically scale back its presence in the absence of a political solution to the conflict because if soldiers move out of an area, GAM guerrillas will move in. It is also true that there are some civilians in Aceh who feel threatened by GAM and might welcome a military presence if soldiers and police could be trusted not to commit abuses. That said, the larger and more entrenched the military presence in Aceh, the harder it will be for the government to win back the sympathy of most Acehnese.

C. THE CREDIBILITY GAP

The credibility of the central government in Aceh is close to zero, amongst all sections of the population. Given a history of promises made and

broken since the 1950s, even the minority of Acehnese who see autonomy as the best solution have little trust in Jakarta's good faith. This distrust is applied by many people to the provincial government and the local legislators as well. If autonomy is to achieve its aim, people in Aceh need to see that it is bringing tangible benefits to their lives.

Aside from the problems posed by the military and GAM, the biggest potential snag is that of funding. The scale of the problem depends on whether the final version of the autonomy law gives the right to collect revenues to the provincial government or to Jakarta. If the revenues are collected by Aceh itself, as stated in the draft law, then the issue is whether the provincial government can spend the money effectively. There is no guarantee that it will, but at least the supporters of autonomy will be able to claim that Aceh is at last receiving its fair share of its own natural wealth.

If the right to collect this revenue remains with Jakarta, then the potential risk is much greater. The risk is that the money will be delayed or withheld by central government officials to put pressure on Aceh, to fill holes in the national budget or because of administrative incompetence or corruption. Jakarta is already holding back some of the funds that should be paid to Indonesia's regions under Law No 25 in an attempt to fill a growing deficit in the 2001 annual budget. If Jakarta promises money to Aceh then is seen as failing to deliver it, the resulting disappointment will strengthen the voices of those who argue that Aceh would be a better off as a separate state.

The implementation of autonomy will also require the provincial government to cooperate with a large number of government ministries and agencies in Jakarta to arrange the smooth handover of responsibilities. There is a risk here that ministries may drag their heels during this process, whether because of poor management or the desire to protect their own prerogatives. The more problems emerge during the transition to autonomy, the more likely that Acehnese in general will suspect manipulation by Jakarta.

At the provincial level there are other issues which could undermine the effectiveness of autonomy. In Aceh, as everywhere else in Indonesia, the state bureaucracy is permeated by corruption. This does not necessarily mean that all officials are corrupt,

⁸⁸ In a recent case, policemen killed three high school students and hurt several others in a punitive raid after being attacked by GAM. The comment of the police spokesman, Sudarsono, was "maybe the three were killed by stray bullets." See Agence France-Presse, 18th June 2001.

⁸⁹ ICG confidential interview. The Brimob, meaning Mobile Brigade, are policemen armed with infantry weapons and used mostly in Aceh for patrolling and guarding roads. They tend to be in their early twenties and have only a few months' basic training.

⁹⁰ Press reports and ICG discussions with Acehnese drivers. For a discussion of the military's economic interests in Aceh, see "*Aceh; Why Military Force Won't Bring Lasting Peace.*"

but it does mean that the risk of public funds being misused is quite high.

The current deputy governor of Aceh, Azwar Abubakar, is aware of the problem of corruption and says that he plans to get round it, as far as possible, by publishing spending plans in the local press and inviting local NGOs to monitor the use of public money.⁹¹ These are not panaceas in themselves, for published figures can be manipulated and not all NGOs are bonafide.⁹²

There is also a need to involve the intended recipients of public spending in the process of spending it. If local communities can be involved as far as possible in the planning, execution and monitoring of public spending in their areas, this may reduce the scope for abuse and give local people a sense of participation in their own governance which has been lacking until now. This could be done through a practice known as *musyawarah*, by which local communities come together to discuss local issues under the guidance of respected community elders.

VII. CONCLUSIONS

The aim of the autonomy law is to stem the demand for independence within Aceh by offering the people of the province more control over its affairs and the revenues generated by its economy. The law is the work of a small elite with weak legitimacy within Aceh and there is little active popular support for the idea of autonomy. Nonetheless, the law could achieve its aim – and thereby reduce the violence – if four interlinked conditions are met.

The first condition is that the main points of the final law, as passed by the DPR, should not be much less generous to the Acehnese than those of the draft law proposed by legislators. The more restrictive the law, the harder it will be to convince people in Aceh that it is a viable alternative to independence. The second condition is that whatever the final form of the law, the central

government must carry out its obligations under the law in good faith, to avoid the impression in Aceh that Jakarta is once more making empty promises.

The third condition is that Acehnese outside the elite should to be involved in the implementation of the law as active participants, not merely as spectators, and they must begin to feel direct material benefits, in the form of jobs, better public facilities and infrastructure. This could be done through the use of accepted practices such as *musyawarah*. The fourth condition is that the Indonesian security forces stop committing human rights violations which turn the civilian population against Indonesian rule.

A. THE PROVINCIAL GOVERNMENT IN ACEH

Autonomy will be undermined if it is implemented without transparency or is seen only to benefit an elite group of Acehnese with links to Jakarta. Some Acehnese leaders involved with the draft law appear to have one eye on their own business interests. The measures already considered by the provincial government to increase transparency – notably bringing NGOs into the oversight of public spending and publishing detailed spending plans in the local press – should be expanded and encouraged.

Ultimately the autonomy plan will only achieve its aim if it involves the Acehnese themselves in a meaningful way. The provincial government needs to find ways to involve local communities in the design, execution and monitoring of development projects. In the early stages of autonomy, such projects should as far as possible be small-scale, use local labour and deliver immediate benefits for local communities. Examples include the rebuilding of public buildings and repair of roads, bridges and irrigation systems. Such projects, if well-implemented, are more likely to deliver rapid gains than large and expensive developments such as the Sabang port and the Banda Aceh-Medan railway, and should be given priority over these latter projects.

B. THE CENTRAL GOVERNMENT

The stakes for the Indonesian government in Aceh are high. If autonomy does not reduce the conflict, the only alternative is a prolonged military occupation which, apart from its human and

⁹¹ ICG interview with Abubakar.

⁹² To give one example offered to ICG by a source in Aceh, officials budgeted a certain sum to build benches for a school. The contractor used inferior materials and produced poor-quality benches at a fraction of this sum. The rest of the money was stolen. This kind of fraud is widespread in Indonesia, not just in Aceh, and afflicts all levels of government.

economic cost, will be damaging to Indonesia's reputation. International human rights activists who worked in East Timor are already turning their attention to Aceh. Although foreign governments recognise Aceh as part of Indonesia and are unlikely to alter that stance, the climate of international opinion may become more hostile to Indonesia if the government is seen to be resorting to repression.

After a long history of broken promises on autonomy, the onus is on the Indonesian government to demonstrate to the Acehnese that it means to keep its word this time. Since GAM will not accept autonomy as a substitute for independence, the government should press ahead with the implementation of autonomy in the hope that as it brings greater prosperity to the Acehnese, support for independence may fade. At that point, some GAM members may decide that it is better to campaign peacefully for Acehnese rights than to carry on fighting. The electoral laws need to be promptly changed to allow political parties to be based only in one province. This would open the possibility for GAM members to enter the political arena via an Aceh-based proxy party that could run in local elections.

At the same time, the government should continue negotiating with GAM representatives overseas, using the autonomy law as a basis for discussions, and with a view to opening out the negotiations to involve other groups from Acehnese society such as the ulama and NGOs. Opposition from GAM should not be used as an excuse to abandon or scale back the autonomy plan. Even if the plan is successful, violence is likely to continue for some time given the hatred felt by some GAM members towards Indonesia and the opportunities for banditry and other crime. Eventually, however, the conflict may diminish to the point that it no longer disrupts the lives of the majority of Acehnese.

The most important part of the autonomy law, from an Acehnese perspective, is the allocation of income from Aceh's natural resources. The final split between the province and the central government should not be much less than the 80 per cent requested by the Acehnese. If control over the distribution of the money remains with the central government, then the money needs to be paid to Aceh promptly and in full. There is a need for greater clarity in the mechanisms for allocating funds to Aceh and other regions.

The other key element of the law is greater influence for Aceh over the Indonesian security forces. Whether or not the central government is ready to grant the province its own police force and a say in military deployments, it needs to consider unilateral steps to bring the security forces under control. A first step could be the reactivation of the legal process advocated by the Independent Commission on Aceh⁹³, which lapsed after the flawed Bantaqiah trial last year.

The investigation and trial process needs to establish command responsibility for human rights abuses, not simply to scapegoat low-ranking personnel in the field. The law on human rights courts of 2000 provides a framework for this.⁹⁴ Normative statements from the military leadership in Jakarta about the need to avoid such abuses are unlikely to have a lasting effect in the field unless soldiers and policemen are made truly accountable to the law for any abuses they commit. The government could also consider more extensive compensation for the victims of past abuses by the military.

The issue of Islamic Sharia is important to many Acehnese, but few are willing to accept it as a substitute for a meaningful transfer of power and resources from Jakarta. There are concerns in some quarters about the question of Sharia, such as its precise relationship with the national legal system and whether women will play an appropriate role in its implementation, but these concerns should be dealt with outside the framework of the conflict and not used as a reason to slow down or block the other aspects of autonomy. The administrative freedoms in the draft law, such as the right to use indigenous terminology in local government, will not be accepted in Aceh as a substitute for more power and money.

Many technical and administrative issues will need to be negotiated between Aceh and central government agencies during the implementation of autonomy. It is important that such negotiations move smoothly, and that people in Aceh do not get the impression that Jakarta is trying to claw back in practice what it has offered on paper. The government might consider appointing a Special Minister or Coordinating Minister to take charge of Aceh policy, which would include the coordination

⁹³ The full title of this body is the Independent Commission for the Investigation of Violence in Aceh.

⁹⁴ See *"Indonesia: Impunity Versus Accountability for Human Rights Violations."*

of the agencies involved in implementing autonomy. This official should ideally be of cabinet rank, or report directly to the Coordinating Minister for Politics, Social Affairs and Security, and have regular access to the president.

C. THE INTERNATIONAL COMMUNITY

Foreign governments should keep up the diplomatic pressure on Indonesia to stop offensive military operations in Aceh, because these operations are likely to erode any support for Indonesian rule that might be won through autonomy. Governments can also offer the carrot of development funds and expertise to support the implementation of autonomy. If military operations intensify, foreign governments must be prepared to back up their diplomatic pressure with action, for example by the suspension of arms sales or military contacts by those countries which still maintain them.

At the same time, those foreign governments which have contacts with GAM should continue to stress that given the huge disparity of military force in Indonesia's favour, the alternative to autonomy is not independence but continuing war with no guarantee of eventual victory for the guerrillas. GAM leaders should therefore be urged to consider whether they cannot achieve their substantial goals by taking part in the political process within an autonomous Aceh. The killings of civilians and off-duty security personnel, as well as the expulsion of non-Acehnese residents from Aceh, should stop. It should be made clear that continued abuses by GAM forces could lead to GAM being declared a terrorist organisation by foreign governments and/or action being taken to directly pursue its external sources of funding and arms.

The ability of foreign governmental and multilateral donors to play a role within Aceh is limited at the moment by the conflict, and by what appears to be an effort by elements of the military and police to keep external actors out of the conflict zone under the pretext that their security cannot be guaranteed.⁹⁵ The threat to the security of aid workers comes more from the security forces than from GAM, which has an interest in internationalising the conflict. Governments should therefore lobby for better access to the field in Aceh for humanitarian workers.

Even at times when it is too dangerous for aid workers or other humanitarian personnel to work in the countryside, foreign and international donors can still play a role by providing assistance for capacity-building amongst local NGOs in Banda Aceh, which is relatively safe even during periods of intense conflict elsewhere in the province.

Jakarta/Brussels, 27 June 2001

⁹⁵ ICG discussions with aid workers in Aceh.

APPENDIX A: COMPARISON OF DRAFT LAWS ON SPECIAL AUTONOMY

	DPR draft	Government draft (defunct)	Law No 22
Powers of central government	External defence Foreign relations Monetary policy	As Law No 22 except Civil law Certain local revenues	Defence/security Monetary/fiscal policy Legal system National planning, development and administration Setting of national standards
Region's share of natural resource income	80 per cent	15 per cent of oil 30 per cent of gas 80 per cent of forestry, mining and fishing	15 per cent of oil 30 per cent of gas 80 per cent of forestry, mining and fishing
New Structures and institutions¹	Wali Nangroe Sharia Court Nangroe Aceh Police Ulama Advisory Council Governor's Advisory Board Justice Commission Ahlul Halli Wal Aqdi General Election Agency	Sharia Court Advisory board of ulama Justice Commission	None
Appointments	Wali Nangroe chosen by Ahlul Halli Wal Aqdi Governor chosen by Ahlul Halli wal Aqdi, or by elections if conditions permit Legislature chosen in separate local elections	Governor chosen by Jakarta Legislature chosen via national elections	Governor chosen by local legislature Legislature chosen via national elections
Legal system	Based on Islamic Sharia, including appeal level, for both civil and criminal cases	Civil law based on Sharia, with appeal to Supreme Court in Jakarta National law for criminal cases	National law
Security	Internal security run by Aceh police. Military for external defence only	Police and military	Police and military

Table: Comparison of draft laws on special autonomy, as proposed by Acehnese legislators, with government's draft and regional autonomy law No 22 of 1999

¹ Only new institutions are mentioned, not old institutions which have been renamed. All provinces in Indonesia have a governor and a legislature (DPRD-I) at the provincial level. Provinces are divided into districts (kabupaten) headed by a regent (bupati) and municipalities headed by a mayor (walikota). Both of these have their own legislatures (DPRD-II).

APPENDIX B: ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict.

ICG's approach is grounded in field research. Teams of political analysts, based on the ground in countries at risk of conflict, gather information from a wide range of sources, assess local conditions and produce regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports are distributed widely to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analysis and to generate support for its policy prescriptions. The ICG Board - which includes prominent figures from the fields of politics, diplomacy, business and the media - is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; former Australian Foreign Minister Gareth Evans has been President and Chief Executive since January 2000.

ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris. The organisation currently operates or is planning field projects in nineteen crisis-affected countries and regions across three continents: Algeria, Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone, Sudan and Zimbabwe in Africa; Burma/Myanmar, Indonesia, Kyrgyzstan, Tajikistan, and Uzbekistan in Asia; Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia in Europe; and Colombia in Latin America.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Canada, Denmark, Finland, France, Germany, Japan, Luxembourg, the Netherlands, Norway, the Republic of China (Taiwan), Sweden, Switzerland and the United Kingdom. Foundation and private sector donors include the Ansary Foundation, the William and Flora Hewlett Foundation, the Charles Stewart Mott Foundation, the Open Society Institute, the Ploughshares Fund, the Sasakawa Foundation, the Smith Richardson Foundation, the Ford Foundation and the U.S. Institute of Peace.

June 2001

APPENDIX C: ICG REPORTS AND BRIEFING PAPERS Released since January 1999

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