

WWS Case Study 02/03

The "New Humanitarianism":  
The Henry Dunant Center  
and the Aceh Peace Negotiations

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At the northernmost tip of Sumatra, the largest island in the Republic of Indonesia's vast archipelago, a civil war has simmered for over a quarter of a century. The conflict pits an army of local rebels against the powerful Indonesian military, over the future of a small but historically significant and resource-rich piece of land: the province of Aceh.

For most of the past 25 years, this war of independence has been waged in dense jungle and isolated villages. The rebels, known as GAM<sup>1</sup>, are a relatively small but determined force that over the years has proven to be a surprisingly formidable match for the much larger TNI<sup>2</sup>, the army of the country. It is estimated that 10,000 people have died in the conflict, although most human rights groups agree that the majority of those killed are not combatants but civilians, who are either suspected of supporting the rebels, or who are the victims of a "slash-and-burn" fighting strategy of the TNI.

In 1999, the conflict in Aceh caught the eye of a new and little-known organization, the Henry Dunant Center (HDC).<sup>3</sup> Created by a group of established humanitarian activists and diplomats, the Geneva-based organization has a mandate of resolving conflict through a mediation style that is based upon humanitarian concerns. HDC was looking for a conflict that needed its services and would put the organization and its mission on the map; although the Republic of Indonesia (RI) was strongly against international involvement in what they deemed a domestic dispute,<sup>4</sup> they acknowledged that the conflict had little hope of being resolved without dialog, and agreed to give the HDC a chance. The GAM rebels, having never before seen themselves accepted by an international body as a legitimate party, readily agreed to the mediation.<sup>5</sup>

The first round of negotiations started in January of 2000; in a series of fits and starts over the past three years, marked by both breakthrough and occasional setback, GAM and the RI have remained participants in the dialog. Just last month, on December 9<sup>th</sup>, 2002, the parties signed the Cessation of Hostilities Framework Agreement: an accord that for the first time represents a real possibility for achieving peace in this long and bloody conflict. The agreement allows for substantial political and economic autonomy for the province – a deal that stops short of the full independence the rebels were seeking, but does represent significant concessions on the part of the RI.

For the first time in the conflict, international monitors are on the ground to observe peace building activities; what is most striking about this fact is that the monitors are not representatives of the United Nations or an interested state actor – they are there as representatives of HDC, the mediators themselves. In an unusual and potentially

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<sup>1</sup> Acronym for Gerakan Aceh Merdeka, or "Free Aceh Movement"

<sup>2</sup> Acronym for Tentara Nasional Indonesia, the National Army of Indonesia

<sup>3</sup> In 2002, the Henry Dunant Center changed its name to the Center for Humanitarian Dialogue. However, the acronym HDC continues to be used.

<sup>4</sup> This can be seen at least in part as a reaction to United Nations involvement in the East Timor Independence referendum in 1999.

<sup>5</sup> Confidential Interview, conducted December, 2002.

significant way of resolving conflict, HDC has agreed to be directly responsible for the implementation of the agreement they assisted in creating.

Playing the role of both peace maker and peace builder represents one of several atypical methods employed by HDC to resolve the Aceh conflict; while the ultimate success if the Aceh peace agreement is not certain, the level of involvement provided by HDC represents a progressive and creative method that could become a model for a new style of humanitarian-based mediation.

In particular, this paper will examine the following:

- How a mandate of humanitarianism is being used for the first time to strive beyond conventional concerns (such as minimizing civilian casualties or resettling refugees) towards a goal of a negotiated political settlement of the root causes of the conflict.
- How HDC combines “track two” (NGO-style) mediation assistance with “track one” (state-level) representation of international community players – allowing for the interests of countries like the United States to play a role in influencing the behavior of a country that has long refused international intervention while never becoming *official* participants in the negotiation process.
- How remaining invested in the peace process *after* the signing of an agreement and into implementation of the *terms* of the agreement, while having some risk of failure, offers promising possibilities for a new kind of international involvement less contentious but potentially as effective as United Nations peacekeeping missions.

## **HISTORY OF THE ACEH CONFLICT AND PEACE NEGOTIATIONS**

### ***Serambi Mecca – “The Porch of Mecca”***

Although the modern separatist movement in Aceh was officially born on December 4<sup>th</sup>, 1976, the battle for independence from foreign invaders has a long and bloody history in the province. For hundreds of years a sultanate of great economic and military power, Aceh saw foreign visitors come and go through its years as the center of the region’s spice trade. Marco Polo wrote of his visit there in 1292, and reported then that the sultanate was already Islamic, centuries before the religion swept through wider Southeast Asia.<sup>6</sup> Because of the long history of devout Islam and because of its location at the north-westernmost point of Indonesia, Aceh has earned the nickname “Serambi Mecca” – the “Porch of Mecca.”

Despite long interest by the Dutch to obtain Aceh as part of its East Indies holdings, the province remained independent under an 1824 Anglo-Dutch treaty. But in 1871 the Dutch grew impatient and attempted to take Aceh by force; they were soundly defeated

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<sup>6</sup> “Aceh: Democratic Times, Authoritarian Solutions.” Anthony Smith, 2002

then and again in 1903 by a succession of Acehese war heroes, that included several female resistance fighters. The Dutch did finally take Aceh, but guerilla resistance never ceased entirely. Aceh was briefly occupied by the Japanese during World War II, and unlike the rest of Indonesia, was not handed back to the Dutch after the war.<sup>7</sup> It is this fact that is often referenced by the modern-day rebels, who use it to argue against their “unlawful” annexation by the Republic of Indonesia following the country’s formal independence from the Netherlands in the late 1940s.

The official GAM separatist struggle was begun by Hasan Di Tiro in 1976; Di Tiro, who claims heritage to the original lineage of sultanate rulers and who now lives in exile in Sweden, insists that Aceh never legally agreed to join the Republic of Indonesia, and instead advocates a return to independence under his own sultanate leadership.<sup>8</sup> Although more conservatively Islamic than the rest of the country, Aceh separatists insist their battle is not primarily over religious freedom; they claim political sovereignty over this territory, rich in resources like oil and natural gas, coffee and rice.<sup>9</sup>

### ***Reformasi, and a Chance for Negotiation***

Until 1998, the armed struggle in Aceh continued unabated, and regularly featured brutal repression by government troops under the rule of staunch nationalist leader Suharto. With the fall of Suharto in 1998 and the ensuing period of *Reformasi* (Reformation) that accompanied the brief tenure of Suharto’s successor Habibie and the rise of President Wahid, government military presence was significantly reduced in Aceh, and the government even apologized to the people of Aceh for the abuses they had suffered at the hands of the military.<sup>10</sup> For the first time, human rights activists were able to speak out about war atrocities inflicted by both sides of the conflict; mass graves were exhumed, and murmurs began for a referendum vote on independence. President Wahid at first endorsed the idea of a referendum, then backtracked and finally reneged entirely.<sup>11</sup> Violence resumed, and a limited but active military presence returned to the province.

The conflict in Aceh had become what I. William Zartman has called a “hurting stalemate” – when both sides know they have no real chance of defeating the other, a propitious opportunity for third party mediation may arise.<sup>12</sup> In late 1999, a small mediation organization was being established in Geneva. Founded by Martin Griffiths, a British diplomat who had spent significant time in humanitarian organizations such as ActionAid and the UN Office for the Coordination of Humanitarian Affairs (OCHA), HDC set as its mandate the resolution of conflict primarily through the use of humanitarian dialog.<sup>13</sup> HDC had money, but they didn’t have recognition or very many

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<sup>7</sup> Ibid.

<sup>8</sup> “Is Indonesia Breaking Up?” *New Zealand International Review*, September 1, 2001

<sup>9</sup> Author interview with GAM spokesman Sofyan Tiba, February 2002.

<sup>10</sup> “Habibie Seeks Changing Role for Military”, *Financial Times*, August 17, 1998

<sup>11</sup> “Aceh Needs Some Lateral Thinking.” *Inside Indonesia*, March 3, 2001

<sup>12</sup> “International Mediation in Theory and Practice”, Saadia Touval and I. William Zartman, Johns Hopkins Foreign Policy Institute, 1985

<sup>13</sup> [hdcentre.org](http://hdcentre.org)

clients; they sent a researcher to East Timor, which was then in the last throes of its own bloody but ultimately successful struggle for independence, to find out where “the next Timor” was.<sup>14</sup> The researcher reported back that the next frontier of negotiation was Aceh, and despite having no regional experts or Indonesian speakers on staff, the involvement of HDC in the conflict of Aceh was born.<sup>15</sup>

HDC approached both the RI and the exiled GAM leadership of Hasan Di Tiro. Di Tiro was fairly easy to convince; no international body had ever recognized GAM’s claims of Acehese sovereignty; although HDC wasn’t officially recognizing them either, just being asked to the negotiating table bestowed a level of credibility on the rebel movement that 25 years of conflict had not. Bringing the RI to the table was a bit more difficult. President Wahid was clearly interested in solving the Aceh crisis; the conflict had strained his military resources, and risked garnering the same level of international criticism as abuses in East Timor had. Wahid was less nationalistic than Suharto had been; he was also less dictatorial. Although he continued to insist the Aceh crisis was a domestic dispute that was out of the jurisdiction of the international community, he was willing to give this small, discreet and officially neutral mediation group a try. However, at the start of the dialog and throughout the next two years of negotiations, neither Wahid nor his successor Megawati nor any of the government’s ministers would ever formally recognize GAM as legitimate equals.

#### ***Towards a “Humanitarian Pause”***

The first round of talks was held in Geneva with representatives of both sides staying in different hotels not far from each other; they never met face to face.<sup>16</sup> In February of 2000, Wahid himself traveled to Geneva to give a speech at HDC, bestowing a significant level of legitimacy to the mediators’ involvement. In his address, entitled “Humanitarianism, Tolerance and Prevention of Conflict”, Wahid signaled that he was on board the HDC bandwagon. The presence of top executives from UNHCR and ICRC further signaled the emerging power of HDC; however, no representatives of GAM attended the speech.<sup>17</sup>

By May 2000, however, an agreement had been reached. Called the “Joint Understanding on Humanitarian Pause”, a ceasefire would be implemented for three months, and two joint committees were to be set up: one for overseeing the deliverance of humanitarian aid, and the other to continue to work towards a rather nebulous goal of “further reduction of tension and violence.”

The words “Humanitarian Pause” could be construed as semantic acrobatics, a way to circumvent the RI’s refusal to accept the Aceh conflict as a battle between two equal military forces. In fact, the country’s official newspaper the Jakarta Post announced the

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<sup>14</sup> Confidential Interview, December 2002.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> “President Tells World Indonesia Accepts Differences.” *Jakarta Post*, February 1, 2000

government's policy this way: "Top Indonesian officials are adamant that the accord should not be construed as... a formal recognition of the rebel group GAM."<sup>18</sup> The article continues to say that foreign minister Alwi Shihab was turned around literally in mid-air on his way to the signing, because his presence at the ceremony would be misinterpreted as recognition of the rebels.

However, the name of the accord also shows the level of involvement of HDC in crafting this agreement: the words "humanitarian pause" represent the signature of the organization's very mandate: the idea that establishing common ground through shared humanitarian interests of the warring factions can be laid as groundwork towards the eventual resolution of the root political causes of the conflict.

But although both the rebels and the RI were both willing to sign their names to this document, and although the Humanitarian Pause would eventually be renewed a second and then a third time over the year, violence in Aceh never completely ceased, and statements by both factions soon indicated how far apart they still were in terms of resolving the key issue of disagreement: Acehnese independence versus Indonesian sovereignty.

RI officials were quoted regularly in the local press, hammering home the point that no country in the world recognized GAM's claims of independence; for their part, GAM spun the signing of the Humanitarian Pause as "half way towards Aceh's freedom."<sup>19</sup> Although the Humanitarian Pause was acknowledged as a promising first step, and although it provided valuable breathing room and chance for trust building between the warring factions, it was clear that the negotiations had a long way to go towards fully resolving the conflict.

### ***A Possibility of Autonomy***

Through several next rounds of dialog at HDC, both the RI and GAM agreed to "start talking about starting to talk" over their political differences. While the Humanitarian Pause was officially still in effect and casualty rates did initially fall, both sides periodically acted provocatively: the GAM went so far as to raise the flag of an independent Aceh and staged rallies calling for a referendum ballot; the RI responded by arresting six of GAM's official negotiators and charging them with "rebellion."<sup>20</sup> Still, the Humanitarian Pause did indicate a real, if baby, step in what had already been expected to be a difficult negotiation process. Both sides remained at the table throughout the next year, as HDC focused the parties on the possibility of an autonomy agreement, which would allow Aceh greater political independence and a large share of natural resource revenues, in exchange for dropping claims of full independence.

Both sides were willing to consider the autonomy proposal: it was actually the RI who had initially proposed it, mostly as a reaction to the disastrous outcome of East Timor's

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<sup>18</sup> "Indonesia, GAM Sign Peace Agreement", *Jakarta Post*, May 13, 2000

<sup>19</sup> "Toward a New Political Arena?" *Jakarta Post*, August 14, 2000

<sup>20</sup> "GAM Negotiators Charged with Rebellion." *Serambi Indonesia*, July 21, 2001

fight for independence. However, both sides viewed the possibility of an autonomy agreement in starkly different terms: for the RI, autonomy was a final deal, an end result to the negotiation process. For GAM however, autonomy represented a mandatory first step for further discussions about ultimate independence. Even with the patient involvement of HDC, the gulf between the two positions seemed too wide to breach.

In January of 2001, after two renewals of the Humanitarian Pause, the parties met again in Geneva. Vice President Megawati, whose presence at the talks indicated a continued high-level acceptance of the mediation role of HDC, nonetheless unilaterally announced that her government would no longer renew the truce. She officially designated the autonomy package as a “final offer” -- and threatened a vastly increased military campaign should GAM fail to agree. The offer was met with ominous silence from GAM.<sup>21</sup>

### ***The Rise of Megawati and the Impact of September 11th***

There are several possible explanations for the hard-line position of the RI in 2001. Initially, it is likely that the government got impatient; perceiving an endorsement of its position through the continued involvement of HDC and accompanying silence from the international community regarding Aceh independence, they sensed the timing was ripe to push for a final deal of their own making.

However, there were also larger issues at play, most important of which were the increasing political weakness of President Wahid, and the imminent rise of Vice President Megawati. Megawati was a politician who had the majority of her support base in the ranks of the Indonesian military and who espoused many of the nationalistic views of her father, the country's founding ruler Sukarno. As Megawati's ascendance to President became official in July of 2001, the intensity of the military action in Aceh increased, and the negotiating position of the government hardened into a stance of “autonomy or nothing.”

Then in September, global events further changed the climate of the Aceh negotiations: as terrorists attacked the World Trade Center and the Pentagon, and the United States found itself at war against Islamic extremism, Indonesia sensed its rising importance in geo-politics. Knowing the political potency of her language, Megawati publicly linked GAM with Islamic terrorism, despite the absence of proof of any link between the rebels and anti-western hostility. Various high-level American officials traveled to Indonesia, to enlist the country's support in combating Al Qaeda's presence in Southeast Asia; although they urged the peaceful resolution of the Aceh conflict, official American policy continued to endorse the “territorial integrity of the Republic of Indonesia.”<sup>22</sup> The presence of troops was intensified, and the GAM was struck a serious blow with the assassination by RI forces of their battlefield commander Abdullah Syafi'ie.

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<sup>21</sup> “Last-ditch Geneva Bid to renew Aceh Truce”, *Courier Mail*. January 8, 2001

<sup>22</sup> “US Official Outlines a Way Forward for Aceh.” *Straits Times*, December 4, 2001

### ***Enter the Three Wise Men***

In January of 2002, HDC – sensing events were spiraling out of control as the presence of Indonesian troops in the province was increased and casualty rates soared – pushed for another round of dialog. This time they tried a new tactic, an ingenious way of bringing an international dose of leverage to the officially neutral, non-state mediation process: they enlisted the assistance of “three wise men” of international prominence to join their team as private, unpaid mediators. None of the men officially represented the formal positions of their native countries, yet their involvement did signal a larger interest of the international community in reaching a resolution to the Aceh crisis. One wise man in particular came bearing potential gifts: American retired Marine Colonel Anthony Zinni was known to have a close relationship with President George W. Bush, and was reportedly urged by the U.S. State Department to take on the HDC project.<sup>23</sup>

The other two “wise men” also represented specific interests: Dr. Surin Pitsuwan, former foreign minister of Thailand, is a Muslim and is actively involved in the Southeast Asian security and economic forum ASEAN; former Yugoslav foreign minister Budimir Loncar had been ambassador to Indonesia during the rule of Sukarno and remained close personal friends with Sukarno’s daughter, President Megawati.

Zinni became particularly active in his involvement with HDC. He traveled to Southeast Asia in the spring of 2002, first meeting with Megawati’s foreign minister in Singapore to smooth the relationship, and then visiting Aceh for several days where he met with the RI military commander, GAM representatives and local NGO leaders before swinging back through Jakarta to meet with Megawati herself. Press reports from the time of his visit indicate that he was met with a higher level of respect and courtesy from Indonesian leaders than other international visitors to Aceh had been. The violence didn’t abate, however: during Zinni’s time in Aceh, three civilians were shot in one day.

Although the content of Zinni’s discussions are being kept confidential by the HDC, it is believed that he urged GAM to accept the autonomy package as a final settlement, and warned Indonesian officials that international monitors would be a mandatory part of any agreement.<sup>24</sup> It is also thought that Zinni suggested to Megawati that the renewal of U.S. military ties to Indonesia, which had been severed by the Leahy Act in 1999 in response to human rights violations in East Timor, would be linked to the resolution of the Aceh conflict. During his own official state visit to Indonesia several weeks later, U.S. Secretary of State Colin Powell made these same statements publicly.<sup>25</sup>

### ***The December 9<sup>th</sup> Agreement***

The involvement of the three wise men, Colin Powell’s public statements, increased battlefield losses by GAM and a soaring casualty rate all converged in the fall of 2002 to reinvigorate the dialog process. Meetings at HDC in Geneva were intensified, and in

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<sup>23</sup> “US Envoy Seeks to End Rebel Conflict.” *New York Times*, August 9, 2002

<sup>24</sup> “A Long War Slices into Indonesia.” *New York Times*, June 17, 2002.

<sup>25</sup> “US Envoy Seeks to End Rebel Conflict.” *New York Times*, August 9, 2002.

September, the RI issued a deadline for the reaching of a final negotiated agreement -- a condition that was roundly criticized in a rare public statement by HDC founder and chief negotiator Martin Griffiths.<sup>26</sup> The RI backed off, but the message was clear: this might be the last chance for a settlement unless something drastically altered the balance of power.

Perhaps embarrassed by the public chastisement by Griffiths and motivated by the presence of Zinni and the other wise men, the RI suddenly and somewhat unexpectedly presented to HDC a draft of their own proposal for a Cessation of Hostilities agreement and said they were willing for the first time to meet with exiled GAM political leader Hasan Di Tiro.<sup>27</sup> The draft still used autonomy as the basis for final settlement, but added were several concessions that the RI had previously been unwilling to consider. In particular, the presence of international peace monitors would be accepted, as long as they were under the auspices of HDC and not a multinational organization such as the UN; and elections for autonomous political rule would be allowed in Aceh in 2004.

Over the next two months, HDC and its wise men conducted a frenzied round of shuttle diplomacy, working between both sides to adjust and improve the draft agreement. The conditions of autonomy were finalized and the shape of the international monitoring force was created: it would be consist in equal parts of GAM and RI representatives, and forces from Thailand and the Philippines who would be under the control of HDC. Additionally, the rebels would eventually store all weapons in warehouses over which HDC would hold primary jurisdiction.

It was a creative agreement: one that contains major concessions by both sides of the conflict and puts an unusual amount of power of implementation in the hands of HDC. With the wise men looking on, and representatives of both sides in the same room and even posing for photographs, the Cessation of Hostilities Framework Agreement was signed with much fanfare in Geneva on December 9<sup>th</sup>, 2002

Somewhat amusingly, in announcing the agreement the Jakarta Post quoted the government's military commander as insisting that no foreign interference was involved in bringing about the settlement.<sup>28</sup>

### **THE ROLE OF HDC IN OBTAINING THE PEACE AGREEMENT**

While it is certain that many geo-political influences beyond the scope of the mediation process were significant in bringing about the December 9<sup>th</sup> Cessation of Hostilities Agreement, there are also clear achievements which can be credited to HDC's role in the reaching of the deal. Bringing two warring factions, with a huge gulf between them, together to accept a settlement that required both sides to contribute significant concessions -- and for an intransigently anti-internationalist country to accept some level

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<sup>26</sup> "Dialog Should Have No Deadline Says HDC." *Jakarta Post*, October 21, 2002

<sup>27</sup> "Aceh Governor Seeks Talks with Di Tiro." *Jakarta Post*, November 2, 2002

<sup>28</sup> "No Foreign Interference in Solving Aceh Conflict", *Jakarta Post*, December 15, 2002

of foreign influence -- are feats in themselves. And the methods HDC employed to wield its influence may suggest the arrival of a new and viable form of active mediation.

### **Humanitarianism as the Basis for Political Agreement**

In a speech presented at a Conrad N. Hilton Foundation Conference in October of 2000, HDC founder and director Martin Griffiths discussed an idea he calls “The New Humanitarianism” – the identifying of common humanitarian interests between warring factions as a tool to move beyond solving the results of violence, such as civilian deaths or refugee crises, towards a more ambitious goal of resolving the root political differences that started the conflict in the first place.<sup>29</sup> Using the Aceh conflict and the freshly negotiated Humanitarian Pause as a model, Griffiths outlined his ambition for a style of mediation that brings parties “to sit together for the first time for humanitarian purposes” and then provides “breathing space and an element of confidence” to start a political dialog process.

Although humanitarian concerns have played a significant role in many historic negotiations, and organizations -- most prominently the International Committee of the Red Cross -- are founded on the principles of resolving humanitarian crises in global conflict, the mandate of ICRC and similar organizations strictly limit their involvement to non-political issues. Attempting to solve the political roots of the crisis is considered an overextension of mandate that the ICRC believes jeopardizes the level of strict neutrality it must sustain to retain its influence.<sup>30</sup> It appears that HDC and its founder Griffiths are willing and able to put aside larger concerns over the appearance of neutrality in exchange for what they see as a promising new school of mediation style.

HDC has the credibility to pursue the humanitarian angle because of the sterling credentials of its staff and its multinational governing board. Some of the biggest names in the humanitarian world sit as advisors to HDC: Michael Aaronson, Ruud Lubbers and Jakob Kellenberger among them. OCHA is more than adequately represented. Although HDC is not an official branch of the ICRC, it is partially funded by the organization, and the naming of HDC after the founder of the ICRC is more than symbolic – it represents both an espousal of core ICRC ideology and an attempt of building credibility through name recognition.

While it is questionable whether a humanitarian-based dialog approach is likely to work in resolving all political crises,<sup>31</sup> it does appear to have been an appropriate technique for the specific context of the Aceh conflict. Because Indonesia was just coming out of the traumatic loss of East Timor at the beginning of HDC involvement in early 2000, RI

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<sup>29</sup>“From Conflict To: Peace, Justice and Reconciliation” Humanitarian Assembly, Conrad N. Hilton Foundation, October 20, 2000

<sup>30</sup> “Humanitarian Mediation By the International Committee of the Red Cross”, David P. Forsythe, contained in “International Mediation in Theory and Practice”, 1985.

<sup>31</sup> For example, I question the viability of humanitarian-based dialog in Myanmar, another current project of HDC, because I believe there is not the same level of concern for public opinion and international partnership by the ruling military junta there.

leadership was still sensitive to the international criticism that had been levied over military actions there; the government was eager to prove to the world that they weren't barbarians. They were also pragmatic enough to see that the unthinkable had indeed become thinkable – that if East Timor had broken free, Aceh and then other rebellious regions such as Irian Jaya might follow. Although there was always reticence towards any international involvement, the RI saw the role of HDC as a workable compromise.

Certainly, it is clear that what little dialog towards political resolution to the conflict that did occur prior to the involvement of HDC went nowhere – and even with HDC's assistance, it is unlikely that a political resolution would have been obtainable without some building of trust and finding of common ground that the Humanitarian Pause seems to have provided.

And, perhaps most importantly, framing the dialog in humanitarian terms provided a face-saving cover for concessions by both parties, making compromises appear as purely motivated and noble acts, rather than as strategic losses.

### *Concerns Over Neutrality*

It is important to note that just because HDC's staff, advisors and seconded state actors are representing positions of official neutrality doesn't mean the group has been entirely immune to accusations of bias, most often in favor of the GAM rebels.

Many of these accusations are simple posturing by the RI, and some are unfortunate matters of circumstance -- such as the need for HDC representatives to stay in the same hotel as GAM leadership while in Aceh, mostly because the hotel is the only decent one in the capital.

However, there are certain elements in HDC's larger mandate that do create a tension in the relationship between neutral involvement and active assistance that verges on favoritism. In particular, HDC has been assisting GAM's development as a viable political party in Indonesia. HDC funded GAM trips to Washington D.C. and organized meetings for them with American political leaders; they have also provided advisors and training in the fundamentals of democratic politicking.<sup>32</sup>

This represents HDC's very western perspective that democracy is the natural consequence to the resolution of conflict; that negotiation ultimately ends at the ballot box. While in general the Indonesian Government has been willing to accept the idea of independent elections in Aceh, such active involvement by the HDC on behalf of one party in the conflict does legitimately open the organization up to cries of foul on neutrality grounds, and may ultimately harm the dialog process. It certainly creates potential grounds for the RI to pull out of the deal, and this newfound peace is fragile enough.

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<sup>32</sup> Confidential Interview, December 2002.

Ultimately, as K. Webb points out in his discussion of the morality of mediation: “Mediation is in itself not a neutral act. It is a moral and political act undertaken by the mediator to achieve desired ends.”<sup>33</sup> It is certain that HDC is aware of concerns over its neutrality, and has consciously chosen an active pursuit of its greater mandate over a strictly neutral countenance.

### **Track One + Track Two = A New Approach**

While at first look the structure and circumstances of HDC -- an NGO experienced staff made up of private citizens, a setting in the historically neutral Geneva -- appear to represent a typically “track two” mediator<sup>34</sup>, HDC itself prefers to think of itself primarily as “first track”, or state level, mediation.<sup>35</sup> From the start of its involvement, HDC vigorously and successfully solicited participants with official state status or state access, both as representatives of the warring parties and as mediators.

Indonesian presidents Wahid and Megawati were pursued and remained involved, both personally and through their immediate deputies. On the GAM side, HDC recognized exiled political leader Hasan Di Tiro as the rebels’ official representative because of his lineage, despite the presence of several other powerful factions within the movement, both in Indonesia and in exile.

As mediators, HDC obtained the participation of “wise men” who themselves had held office or who had access to high leadership, despite the wise men’s official participation status as private individuals – thereby using the resources and influence of state level legitimacy by proxy.<sup>36</sup> The donor list of HDC supporters is interesting as well, as it is comprised of private individuals, states and NGOs. Sweden, Norway, the Netherlands and the United States are listed alongside the Red Cross, The Graduate Institute of International Studies, and the Volkart Foundation<sup>37</sup> as well as anonymous citizens.

In his analysis of the mediation performed by the World Council of Churches during the Sudan Civil War, Hezekiah Assefa recognizes the potential benefit of intervention by a non-political, non-governmental organization; because such a track two mediator would not confer international political status on insurgents the way a track one mediation would, the threat to sovereignty of the incumbent government is lessened.<sup>38</sup> As previously discussed, this was a high hurdle HDC jumped successfully.

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<sup>33</sup> “New Approaches to International Mediation.” Greenwood Press, 1988

<sup>34</sup> For a more complete discussion of negotiation tracks, see Berridge, “Diplomacy: Theory and Practice”, Palgrave, 2002.

<sup>35</sup> Confidential interview, December 2002.

<sup>36</sup> This is an idea put forth by Hezekiah Assefa in his analysis of the Sudan Civil War, excerpted in “New Approaches to International Mediation”, Greenwood Press, 1988.

<sup>37</sup> Volkart Holdings is a financial conglomeration that holds shares in, among other things, Starbucks Switzerland and Queensland Cotton.

<sup>38</sup> “New Approaches to International Mediation”, Greenwood Press, 1988.

Simultaneously, the interests of major powers, most importantly the United States, were well-represented throughout the pivotal stages of the negotiations, whether through the quiet conduit of General Zinni's role as a "wise man", or through the public linkage of Aceh to the resolution of military ties by Secretary of State Powell that was clearly orchestrated with Zinni's visit a week previous.

It can be suggested then that HDC has created for itself a hybrid approach of both track one and track two styles, managing to harness credibility and leverage by providing a surrogate to a major state actor who would greatly like to see a resolution to the conflict but for political reasons could not get directly involved itself,<sup>39</sup> while remaining able to claim neutral status.

### **Implementation of the Agreement**

In the introduction to their "International Mediation in Theory and Practice," Zartman and Touval write: "The mediator may further increase its influence by making its involvement essential for any future negotiations between the two adversaries, rendering each dependent upon the mediator whenever something is desired from the others. Mediators can also increase their influence by becoming guarantors for whatever agreement is reached."<sup>40</sup>

It is not certain why HDC has extended its role in the Aceh conflict by putting itself in charge of implementing key parts of the deal: whether it is in order to keep control over possible future rounds of negotiation, to create opportunities to further establish its name recognition, or because HDC genuinely believes its continued involvement at such an extraordinary level is the only way to give the peace agreement a real chance at success. It is quite possible the motivation is a combination of these factors.

What is clear is that this extended involvement by HDC – beyond peace making and into peace building – is an unusual mandate for a mediation group, and is quite possibly the first time an organization other than the UN has taken on the role of running an entire peace operation single-handedly.<sup>41</sup>

Most significantly, HDC will be the sole overseer of a 150-person peace monitoring force, made up of 50 members of the Thai and Philippine Armed Forces under the jurisdiction of HDC, 50 representatives chosen by the RI and 50 members chosen by GAM. Even HDC considers this structure unusual, a "first of its kind", according to HDC spokesman David Gorman.<sup>42</sup> A review panel will be established which will also be controlled by HDC, evaluating potential violations of the peace agreement and determining the phases of RI force drawdown and rebel disarmament. And HDC will hold the literal and figurative keys to the warehouses where GAM arms will eventually be stored once disarmament is completed.

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<sup>39</sup> See "Diplomacy, Theory and Practice", Berridge, 2002.

<sup>40</sup> "International Mediation in Theory and Practice", SAIS Foreign Policy Institute, 1985.

<sup>41</sup> "A New Bid to End Violence in Aceh." *The Economist*, December 20, 2002.

<sup>42</sup> "Peace Monitors Start Work in Aceh," BBC, December 28, 2002

The benefit of HDC's involvement is significant. Primarily, it allows for an international presence on the ground in Aceh while circumventing the RI's loathing of the UN and other conventional multinational groups. International presence in some form is vital to the success of the peace agreement, as it provides a buffer between the warring parties, lends oversight to discourage violations and leads the way for donors and development agencies to venture into this previously dangerous and inhospitable province.

However, at least one potential drawback is evident: as Jacob Bercovich points out in "Mediation in International Relations", mediation is a voluntarily sought and ultimately non-binding form of intervention.<sup>43</sup> HDC will have no power to enforce the peace they helped create; because both parties were willing participants in the agreement, it is also ultimately their choice if they wish to return to violence -- and no tools such as sanctions that could be imposed by more formal multinational groups will be available to HDC to force compliance.

### **FUTURE OUTLOOK OF THE CESSATION OF HOSTILITIES AGREEMENT**

One month after the signing of the December 9<sup>th</sup> peace agreement, the signs of success are more promising than many would have predicted. Death rates, which averaged between 80-100 monthly before the agreement was signed, have plummeted to 12 killed so far.

The international community is vigorously responding to HDC's lead in Aceh: the week the agreement was signed and peace monitors started their mission, a donor conference was held in Tokyo that drew representatives from the United States, the European Union and the World Bank. USAID is establishing a public information campaign throughout the province to encourage citizens to utilize a hotline established for reporting violations of the agreement.<sup>44</sup>

But there are many lingering concerns as well, as both the RI and the GAM rebels have histories of violating past ceasefires, and there is still a clear level of distrust on both sides.

Perhaps most significantly, it is not clear that this deal settles the core disagreement between the rebels and the government over whether autonomy is merely the beginning step towards eventual independence (as the rebels have long maintained) or whether autonomy is a final, generous deal (the government's position). If both sides are still interpreting the meaning of autonomy differently, no amount of goodwill on the parts of negotiators and donors will bridge that gap.

A possible drawback of the elevated level of actors involved in the HDC sponsored negotiations is the lack of representation at the bargaining table of smaller and less

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<sup>43</sup> "Mediation in International Relations", St Martin's Press, 1992

<sup>44</sup> "Indonesian Province Enjoys First Signs of Peace." *New York Times*, January 14, 2003

powerful domestic constituencies within the GAM movement. A feeling of further marginalization within these groups during the implementation of the agreement could lead to re-ignited, albeit unofficially sanctioned, bursts of violence.

Additionally, there remains a criminal element both within GAM and more significantly within the RI military forces – individuals who profited from bribery and theft during the lawlessness that thrived while the countryside was under siege. It is to the advantage of these individuals to return the province to chaos; ultimately, the success of the December 9<sup>th</sup> peace agreement rests with both parties' abilities to control their inner factions.

And finally, it will all come down to money: if the 70% share of profits from natural resources, promised by the government to the people of Aceh, is eventually perceived as an empty promise, it is likely some level of hostilities will resume.

Beyond wishes of peace for Aceh, it will be worth watching to see if the December 9<sup>th</sup> agreement will ultimately be judged a success. Such a verdict would represent a concrete achievement by an unusual organization that offers a potentially promising new framework for international mediation – one that may present possibilities for peace in Indonesia's other restive provinces or in further corners around the globe.

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