

Non-Governmental Organizations in Mediation: The Case of Aceh

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Abstract

In 2000, the Centre for Humanitarian Dialogue (HDC) mediated the conflict in Aceh, Indonesia. While it was unsuccessful in its attempt to achieve a final solution, it managed to reach two ceasefires. The mediation effort by the HDC was then followed by an attempt by Crisis Management Initiative (CMI), which was successful in its efforts and brought an end to the conflict in 2005. These mediation attempts marked a rare occasion where non-governmental organizations had not only conducted mediation between armed groups, but also helped in the attainment of a negotiated solution.

This thesis examines the actions taken by each organization to determine how they were able to end fighting, even if it was only temporary in the case of the HDC. It argues that while NGO mediation has its benefits in allowing them to mediate internal conflicts, their unofficial status leaves them without sufficient leverage to induce the parties to end fighting. Therefore, NGOs must rely on outside actors by engaging in multiparty mediation in order to help achieve peace.

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Chapter 1: Introduction

Traditionally, states and multilateral institutions have been the primary actors in mediating armed conflict. However, since the end of the Cold War, mediation has opened up to non-governmental organizations (NGOs) that specialize in the field of conflict resolution. A reason for this change is the changing nature of conflict itself, which has seen a shift from interstate to intrastate conflict between governments and non-state actors. However, governments typically view these as a domestic issue and any outside interference as a violation of their sovereignty. As a result, NGOs have been called in to mediate these conflicts due to their unofficial (i.e. not representing a state or multilateral organization) and nonthreatening nature compared to states that are viewed as a threat to national interests. But this also creates an inherent contradiction in NGO mediation because even though they are able to mediate domestic conflicts, their unofficial status leaves them without leverage over the conflicting parties, which forces NGOs to rely on external actors to borrow power in a bid to achieve peace. One example of this is the conflict in Aceh, Indonesia, which was mediated by two NGOs: The Centre for Humanitarian Dialogue (HDC) and Crisis Management Initiative (CMI).

Historical Background of the Aceh Conflict

Indonesia has a long history marked by violent conflict and repressive governments with the people of Indonesia having been subject to rule by Portugal, Japan, and the Netherlands. But after centuries of conflict, and finally regaining independence from the Dutch in 1949, Indonesia fell under the authoritarian rule of President Sukarno. Although Major General Suharto eventually ousted Sukarno in 1965, Suharto's rule was also characterized by corruption and repression until democracy was finally established in 1999.

This type of authoritarian governance sparked numerous internal conflicts in Indonesia. One of these conflicts erupted in 1976 when the Free Aceh Movement (GAM) launched an insurgency against the Indonesian government in an effort to gain independence from what it perceived to be colonialist rule and exploitation by Jakarta. However, the government responded by launching an extremely repressive counterinsurgency campaign, which only resulted in the strengthening of GAM and the people of Aceh's will to achieve independence.

Meanwhile, another internal conflict was taking place in East Timor that lasted from 1975 until 1999, when it was declared an independent state following a United Nations (UN) referendum. The secession of East Timor had a direct impact on the conflict in Aceh between GAM and the Government of Indonesia because it led to instability and caused the government to fear that the country could fall apart, which put pressure on the government to peacefully end Aceh, or risk the breakup of the country. Furthermore, the Indonesian military responded by resorting to the use of intimidation and committing human rights abuses following the referendum, but this approach backfired because it increased international attention on Indonesia's human rights record, which put further pressure on the government to peacefully end the conflict in Aceh.

All of these factors combined to bring both parties into negotiations in 2000 with the HDC as a mediator between GAM and the Government of Indonesia. The HDC (formerly the Henry Dunant Centre), was founded in 1999 in Geneva, Switzerland by Martin Griffiths as an NGO that aimed to reduce human suffering by ending armed conflicts through humanitarian dialogue. Beginning in 2000, the HDC facilitated negotiations between GAM and the Indonesian government, and during this time it managed to reduce fighting between the two sides by negotiating two ceasefires: the Humanitarian Pause and Cessation of Hostilities Agreement (COHA). However, negotiations broke down in 2003 due to mistrust, and Indonesia responded by placing Aceh under martial law, which was eventually downgraded to a state of civil emergency in 2004. At the end of the year, much media focused on the conflict and to the region as a whole due to the tsunami that hit Indonesia and devastated Aceh. Shortly after, negotiations restarted, but this time they were under the auspices of another NGO, CMI.

CMI was founded in 2000 by former Finnish President, Martti Ahtisaari. The organization is based in Helsinki, Finland and has as its goal the resolution of conflict and creating sustainable peace. Under CMI, negotiations moved quickly, and by the end of 2005, after five rounds of talks, a peace settlement was reached that finally brought an end to the 29-year conflict.

Research Objectives

The objective of this thesis is to explain the involvement of the HDC and CMI, as well as the role of each NGO and how they were able to bring an end to fighting, even if it was only temporary in the case of the HDC. It will examine their role using the structuralist paradigm of

mediation that states that through the use of power (i.e. the use of influence, persuasion, incentives, and disincentives), conflicting parties can be led to a peaceful settlement. It views the causes of the conflict as objective and is premised on the issue of timing of mediation, as well as the notion that mediators have to use their power over the parties to convince them that a hurting stalemate exists.¹

The analysis seeks to examine the role of the NGOs through the central issue of power, and its effect on the mediation process. It will look at how the presence of power, or lack thereof, affected the mediation techniques and efforts employed by the two organizations in resolving the conflict. Most importantly, it will also study the role of external actors in multiparty mediation and how the NGOs were able to borrow different types of power throughout the process in order to influence the parties to reach agreements.

The involvement of external actors is an important factor in mediation undertaken by NGOs because their unofficial status leaves them without power over the conflicting parties. As a result, they may need to “borrow” leverage from influential actors through the practice of multiparty mediation in order to combine the strengths of the mediators. This makes up for NGOs’ deficiencies and lack of power in the peace process, as well as helps them gain the same types of powers that states or multilateral organizations have in the mediation process that can influence parties to reach an agreement.

Therefore, this thesis will attempt to show that NGOs can be successful mediators. However, they cannot be successful alone and must rely on external actors in order to combine their strengths. But since NGOs must rely on outside help, it does not mean they should not engage in mediation. Instead, this thesis shows how NGOs can successfully mediate by borrowing power through multiparty mediation when required. Consequently, if NGOs are able to successfully help bring about an end to conflicts, the burden is taken from states as well as various multilateral institutions when they are unable or unwilling to engage in mediation.

¹ Chester A. Crocker, Fen Osler Hampson, and Pamela Aall, “Multiparty Mediation and the Conflict Cycle,” in *Herding Cats: Multiparty Mediation in a Complex World*, eds. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: United States Institute of Peace Press, 1999), 20-22.

Structure of the Thesis

The thesis is a case study that will rely on existing literature. It will also be organized into five chapters with chapter one presenting the introduction to the topic, and explaining the research objective.

Chapter two is a discussion of the theoretical framework for the thesis. It will outline the importance of power, and how it influences the timing of mediation, as well as the strategies used by mediators. Furthermore, it will examine the role of NGOs in mediation and their lack of coercive and reward power. Lastly, this chapter will show how NGOs' lack of power can be overcome through multiparty mediation.

Chapter three presents the historical dimension of the thesis and will be divided into three principal parts. The first is an overview of Indonesia's political context concentrating on the conflict in Aceh, along with the effect that the conflict in East Timor had on the Aceh conflict. The second part of chapter three will concentrate on the history and background of the two NGOs. It will examine their mission statement, and other activities to give context to their strategies entering the negotiations. Finally, the chapter will give a chronological summary of the negotiations in order to provide a proper understanding of the sequence of events that will be discussed in the following chapter.

Chapter four will be the analytical portion of the thesis, and will relate the theoretical background on mediation provided in chapter two to its practice in Aceh by the HDC and CMI. This chapter will show how the NGOs became involved in the mediation process due to their unofficial status, followed by illustrating how they lacked the required power to achieve peace on their own and consequently had to rely on external actors through multiparty mediation in order to borrow leverage.

Finally, chapter five will be the conclusion, and will summarize the findings of the thesis, as well as offer more general conclusions about NGOs in mediation processes.

Chapter 2: The Practice of Mediation

Introduction

Mediation has a long history that is as old as conflict itself. It is a complex activity that requires contending with numerous factors such as domestic and international political events and contexts, as well as actors in order to successfully reach a peaceful resolution. Over the years, states and multilateral institutions have been the primary actors to practice mediation, but there seems to be a growing trend to suggest that they are not the only actors able to mediate conflicts. This is because NGOs have been growing in number and importance in terms of shaping the outcomes of armed conflicts. However, despite the complex and changing nature of international mediation, scholars have been able to develop a body of literature about the factors required for the effective use of mediation.

This chapter, while not exhaustive, will examine the main factors and themes that exist in international mediation in order to provide a theoretical background and lead to a better understanding of the approaches taken by the HDC and CMI in Aceh. First, it will show the importance of power in peace processes, and how it can affect the perception of a stalemate in addition to the strategy used by the mediator. Next, the chapter will examine how NGOs fit into this equation, and how, even though they lack power, this can be overcome through multiparty mediation.

Mediation

Mediation has been defined as “any intermediary activity...undertaken by a third party with the primary intention of achieving some compromise settlement of issues at stake between the parties, or at least ending disruptive conflict behavior.”² Therefore, mediation involves one or more outside actors not directly involved in the dispute with the intention of negotiating a peaceful resolution. It takes place when an acceptable third party intervenes to change the course or outcome of a particular conflict, and is distinguishable from other third party intervention such as arbitration and adjudication because it leaves the ultimate decision-making power in the hands

² Jacob Bercovitch and Allison Houston, “The Study of International Mediation: Theoretical Issues and Empirical Evidence,” in *Resolving International Conflicts: The Theory and Practice of Mediation*, ed. Jacob Bercovitch (Boulder, CO: Lynne Rienner Publishers, 1996), 13.

of the conflicting parties.³ Most importantly, mediation is a non-violent method of resolving differences between parties, and is “a process of conflict management where disputants seek the assistance of, or accept an offer to help from an individual, group, state, or organization to settle their conflict or resolve their differences without resorting to physical force.”⁴

Power in Mediation

The possession of leverage, or power, is a major factor in determining a successful outcome of peace negotiations. To be effective, the mediator must successfully exercise some sort of leverage in order to get the parties to make concessions. Mediators’ task is therefore one of reframing and persuasion, and is most successful when they possess resources that are valued by the disputing parties.⁵ In sum, mediators’ power creates the basis required to influence the parties, and if mediators’ wish to influence a conflict, they have to rely on power to induce a change in motivation, perception, or behavior.⁶

There are six types of power that have been identified in the mediation process: informational, expert, referent, legitimate, reward, and coercive. Informational power depends on the mediator’s access to information that both sides may want, and in using this power, the third party relays messages between each side, and uncovers and transmits valuable information that may lead to a change in the parties’ behavior.⁷

Expert power comes from the mediator knowing, or at least appearing to know, more than the parties on certain issues. The parties in the mediation process believe that the mediator has superior knowledge because of experience, training or reputation, and knows what is best to reach a peaceful settlement. Having this expertise allows the mediator to make requests of the parties. The mediator may not actually possess greater knowledge, but if the parties believe the

³ Bercovitch and Houston, “The Study of International Mediation,” 12-13.

⁴ Michael J. Butler, *International Conflict Management*, (New York, NY: Routledge, 2009), 120-121.

⁵ Bercovitch and Houston, “The Study of International Mediation,” 26; Jeffrey Z. Rubin, “Conclusion: International Mediation in Context,” in *Mediation in International Affairs: Multiple Approaches to Conflict Management*, eds. Jacob Bercovitch and Jeffrey Z. Rubin (London, UK: St. Martin’s Press, 1992), 254.

⁶ Jacob Bercovitch, “Structure and Diversity of Mediation,” in *Mediation in International Relations: Multiple Approaches to Conflict Management*, eds. Jacob Bercovitch and Jeffrey Z. Rubin (London, UK: St. Martin’s Press, 1992), 19-21.

⁷ Pamela Aall, “The Power of Nonofficial Actors in Conflict Management,” in *Leashing the Dogs of War: Conflict Management in a Divided World*, eds. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: United States Institute of Peace Press, 2007), 481; Jacob Bercovitch, “Structure and Diversity of Mediation,” 21; Rubin, “Conclusion: International Mediation in Context,” 256.

mediator has such knowledge, there is a basis for compliance with requests made by the mediator.⁸

Referent power reflects the value that the conflicting parties place on their relationship with the mediator. If they value their relationship with the mediator, they are more likely to listen to their recommendations. This increases the power of the third party to direct negotiations. Such a relationship may be valued because one or both of the sides may believe that the mediator can use their resources to support or protect the interests of the parties. This type of power is often associated with a powerful state which is likely to have access to such resources. However, this relationship can also be based on trust, which allows the mediator to make requests that could not have been made if the parties did not value the relationship. The resulting bond also creates the desire for one or more of the parties to see things similarly to the mediator, and when the mediator appears to have the parties' best interests at heart, they can attempt to persuade the parties.⁹

The next type of power, legitimate power, is one of the most effective types of power that a mediator can possess because its possession establishes credibility and trust.¹⁰ It is derived from the parties' belief that the mediator has the right to act as a third party and ask for concessions. This power may come from the fact that the mediator represents a powerful state or institution, a long relationship, or a successful mediation in the past. In addition, this power is granted to the mediator (to some degree) based on the very fact that they have been accepted by both parties to mediate the conflict, and must be able to make at least some requests.¹¹

Reward powers deal with the ability to use resources in an attempt to have one or both of the parties make concessions in order to reach an agreement through trade agreements or aid packages.¹² Conversely, coercive power refers to the ability to use threats in order to make the parties change their behavior. This includes threatening to withdraw from the mediation, going to

⁸ Aall, "The Power of Nonofficial Actors in Conflict Management," 482; Rubin, "Conclusion: International Mediation in Context," 255; Bercovitch, "Structure and Diversity of Mediation," 21.

⁹ Aall, "The Power of Nonofficial Actors in Conflict Management," 483; Rubin, "Conclusion: International Mediation in Context," 256; Bercovitch, "Structure and Diversity of Mediation," 20.

¹⁰ Bercovitch and Houston, "The Study of International Mediation: Theoretical Issues and Empirical Evidence," 25.

¹¹ Aall, "The Power of Nonofficial Actors in Conflict Management," 485; Rubin, "Conclusion: International Mediation in Context," 255; Bercovitch, "Structure and Diversity of Mediation," 20-21.

¹² Aall, "The Power of Nonofficial Actors in Conflict Management," 486; Rubin, "Conclusion: International Mediation in Context," 255; Bercovitch, "Structure and Diversity of Mediation," 20.

the media to inform the public of lack of cooperation by the parties, imposing a time limit, withholding material resources unless an agreement is reached, or threatening sanctions.¹³

Timing of Mediation in Relation to Power

Due to the changing nature of conflicts, another important aspect in their successful resolution is the timing of the mediation, or the “ripeness” of the conflict. Mediation is most likely to be successful when a conflict has gone on for some time, both sides have reached an impasse, neither side is willing to risk further losses, and both sides are willing to engage in mediation.¹⁴ Parties become willing to consider negotiations when they lose hope of achieving their goals through military means. This is called a “hurting stalemate,” and is reached when both sides realize that they cannot continue fighting because it is too costly to carry on.¹⁵ A mutually hurting stalemate is considered to be one of the most important factors in determining the ripeness of a conflict, and also the best time to engage in mediation. It requires reaching a point where neither side believes it can win, and the conflict appears as though it will continue indefinitely. The parties then believe that to continue the conflict would be detrimental to their interests and negotiation offers rewarding opportunities.¹⁶

As well, mediation must use the parties’ own perceptions of reaching an impasse in the conflict, and neither side can continue fighting. In order to accomplish this, the mediator might have to dissuade the parties from taking violent action to try to break out of the stalemate. The third party can also manipulate stalemates by using them to their advantage, or creating them. If there is a looming danger, mediators can use it as a warning or argue that it is a negative alternative to mediation. Or, if the parties do not believe that a stalemate actually exists, mediators can attempt to persuade parties that one does in fact exist. Therefore, the stalemate is

¹³ Rubin, “Conclusion: International Mediation in Context,” 255; Bercovitch, “Structure and Diversity of Mediation,” 20.

¹⁴ Butler, *International Conflict Management*, 135; Bercovitch and Houston, “The Study of International Mediation,” 12.

¹⁵ Oliver Ramsbotham, Tom Woodhouse, and Hugh Miall, *Contemporary Conflict Resolution: The Prevention, Management, and Transformation of Deadly Conflicts* (Cambridge, UK: Polity Press, 2005), 166-167; Jeffrey Z. Rubin, “Conclusion: International Mediation in Context,” 251-253; Butler, *International Conflict Management*, 134-135.

¹⁶ Butler, *International Conflict Management*, 135; Jacob Bercovitch, “Mediation in International Conflict: An Overview of Theory, A Review of Practice,” in *Peacemaking in International Conflict: Methods and Techniques*, eds. I. William Zartman and J. Lewis Rasmussen (Washington, DC: United States Institute of Peace Press, 1997), 145; Crocker, Hampson, and Aall, “Multiparty Mediation and the Conflict Cycle,” 21.

based as much on perception as it is on reality, and successful use of the stalemate by the mediator can shift both parties from a violent to a peaceful mentality.¹⁷

As a result, the issue of power becomes important when examining the existence of a stalemate. A mediator can create a sense of a hurting stalemate by manipulating the perceptions of the parties through the use of power by persuading the parties that continued conflict is too costly.¹⁸ Conversely, if the mediator lacks leverage over the parties, they will not be able to convince the two sides that a stalemate exists. This will probably lead to an unsuccessful outcome given the importance of a stalemate in order to achieve peace.

Methods of Mediators in Using Power

Mediators use three methods when attempting to bring parties towards a mutually acceptable agreement: facilitative, procedural, and directive. In the facilitative mode, the third party acts as a communicator when continued conflict has made contact between the two parties impossible and caused them to refuse to make concessions to avoid appearing weak. At this point, the mediator can simply act as a means of communication by creating contacts between the two sides and facilitating cooperation among the parties. This type of mediation is very passive and is a form of low-level mediation, whereby the mediator only carries out the parties' wishes to deliver messages to the other side. Although it is a passive approach, this type of mediation is very important in the negotiation process because the two sides usually lack direct channels of communication when engaged in prolonged conflict. Therefore, the mediator is opening up lines of communication between them that might not have previously existed.¹⁹

Some specific interventions in the facilitative method include: making contact with the parties, gaining the trust and confidence of the parties, arranging for interaction between the parties, identifying underlying issues, clarifying the situation, avoiding taking sides, developing rapport with the sides, supplying missing information, transmitting messages between the sides,

¹⁷ I. William Zartman and Saadia Touval, "International Mediation," in *Leashing the Dogs of War: Conflict Management in a Divided World*, eds. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: United States Institute of Peace Press, 2007), 445-446.

¹⁸ Pamela All, "The Power of Nonofficial Actors in Conflict Management," 487.

¹⁹ Butler, *International Conflict Management*, 128; Zartman and Touval, "International Mediation," 446.

encouraging communication, offering positive evaluations, and allowing the interests of the parties to be discussed.²⁰

In the procedural method, the mediator must insert himself or herself into the mediation process. At this point, the mediator must begin to create formulas for a settlement, and to provide a common understanding of the problem and its solution. This may require the mediator to persuade the parties to reach an agreement, as well as to suggest solutions to solve the differences between the two sides. However, persuasion requires a degree of power and greater involvement in the process than simply relaying messages. This means that the mediator has to be capable of thinking of ways to change the conflicting parties' perceptions in order to reach an agreement.²¹

The procedural strategy involves efforts to control matters such as agenda setting, timetables and media access. It can prove useful when the parties have had little or no opportunity to interact outside of the conflict zone.²² Some concrete steps that may be taken by the mediator in this method include: choosing the meeting site, controlling the pace and formality of the meetings, establishing protocol, ensuring the privacy of the mediation, suggesting procedures, highlighting common interests, reducing tensions, controlling timing, dealing with simple issues first, structuring the agenda, devising a framework for an acceptable outcome, helping parties save face, keeping the parties focused on the issues, making suggestions and proposals, and suggesting concessions that the parties can make.²³

The third and final method of mediation is the directive method, which requires the mediator to act as a manipulator. This method is the maximum degree of involvement, where the mediator uses their power to bring the parties to an agreement by persuading the parties to accept the mediator's solution and may do this by drawing attention to the unattractiveness of continued conflict.²⁴ Directive strategies therefore represent the most intense form of mediation and are usually employed when a mediator believes that a settlement is within reach. This method is most helpful in intractable conflicts, and it allows the mediator to change the perceptions of the conflicting parties through the use of coercion. This can be accomplished by using reward and

²⁰ Bercovitch, "Mediation in International Conflict," 137.

²¹ Zartman and Touval, "International Mediation," 446.

²² Butler, *International Conflict Management*, 129-130.

²³ Bercovitch, "Mediation in International Conflict," 139.

²⁴ Zartman and Touval, "International Mediation," 446-447.

coercive powers by offering benefits such as aid or the promise of trade agreements if a settlement is reached, while using the threat of sanctions if a deal is not reached.²⁵

Directive strategies include: keeping parties at the table, changing parties' expectations, making parties aware of the costs of not reaching a settlement, supplying and filtering information, helping negotiators to renegotiate a commitment if required, rewarding concessions made by parties, pressing the parties to show flexibility, promising resources, offering to verify compliance with an agreement, adding incentives and threatening punishments, and threatening to withdraw mediation.²⁶

The possession of power therefore becomes very important in determining the mediation process and the strategy that is adopted because mediators possessing referent, legitimate, and informational power are forced to pursue facilitative strategies. In contrast, mediators that have legitimate and expert powers are able to undertake both facilitative and procedural modes, while mediators that possess reward and coercive powers are able to pursue any method they choose because they are able to heavily influence the actions of the parties.²⁷

NGOs and Mediation

Mediation by NGOs usually refers to track two and sometimes track three diplomacy where they engage with nonofficial actors that lack decision-making power. In track two, mediators engage with mid-level government officials, and work with influential people who, in turn, attempt to persuade their respective leaders to agree to a settlement. It involves unofficial intermediaries working with unofficial individuals who do not represent a government in order to improve communication, understanding and relationships, as well as developing new ideas to resolve the conflict.²⁸

However, NGOs can also engage in mediation at the highest levels of government. Diplomacy at this level is called track one diplomacy, and generally refers to official negotiations between government representatives who have the power to make agreements. But NGO involvement at the highest levels of government is referred to as track one and a half

²⁵ Butler, *International Conflict Management*, 131.

²⁶ Bercovitch, "Mediation in International Conflict," 138.

²⁷ Jacob Bercovitch, "The Structure and Diversity of Mediation in International Affairs," 21.

²⁸ Diana Chigas, "Negotiating Intractable Conflicts: The Contributions of Unofficial Intermediaries," in *Grasping the Nettle: Analyzing Cases of Intractable Conflict*, eds. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: United States Institute of Peace Press, 2005), 133.

diplomacy because it involves high-level government officials and is mediated by an unofficial actor.²⁹

Track one and a half diplomacy is therefore between official track one and unofficial track two diplomacy, and combines the positive aspects of each level. One of the benefits of track one and a half is that it can fill in the gaps between track one and track two by providing flexibility in the mediation process due to its unofficial nature.³⁰ NGOs, unlike official actors, are not as constrained in their capacities to be innovative because they are able to take steps that would not be considered appropriate for some actors such as states. For example, they may be able to include “illegitimate” actors in the negotiations that states or international organizations might not want to include in the process out of fear that they may legitimize a group or its actions.³¹

Additionally, NGOs are not trying to pursue a national interest. The main reason why states will engage in mediation is because its interests are usually at stake. This can either be a conflict that directly or indirectly affects its interests, or in conflicts that occur in geographical proximity to the mediator. When a state decides to engage in mediation, it is usually because the state perceives the conflict as being a threat to regional or international stability, and that the beginning or continuation of the conflict would have negative implications for itself. Therefore, mediation by states is usually driven by some degree of self-interest.³²

The motives of conflict resolution NGOs are more complicated because their reason for existence is peacemaking. However, they do have some self-interest that motivates them to engage in mediation. They have a reputation to either create or uphold, and want to be renowned as successful mediators. However, what sets them apart from states is that they are not trying to pursue their own political interests. This is an attractive quality of NGOs because conflicting

²⁹ James Taulbee and Marion V. Creekmore, JR., “NGO Mediation: The Carter Center,” in *Mitigating Conflict: The Role of NGOs*, eds. Henry F. Carey and Oliver P. Richmond (London, UK: Frank Cass & Co., 2003), 156-157.

³⁰ Robert M. Heiling, “Conflict Resolution in Aceh in Light of Track One and a Half Diplomacy,” *Austrian Journal of South-East Asian Studies*, (Vol. 1, No. 2., 2008), 181-182; Chigas, “Negotiating Intractable Conflicts,” 130.

³¹ Mari Fitzduff and Cheyanne Church, “Stepping Up to the Table: NGO Strategies for Influencing Policy on Conflict Issues,” in *NGOs at the Table: Strategies for Influencing Policies in Areas of Conflict*, eds. Mari Fitzduff and Cheyanne Church (Lanham, MD: Rowman & Littlefield Publishers, 2004), 14.

³² Butler, *International Conflict Management*, 125.

parties will believe that their interests are what truly matter. Therefore, they place more trust in the mediator.³³

However, due to their unofficial status in mediating conflicts, the issue of power becomes problematic when examining its use by NGOs. In comparison, governments have a large amount of power, multilateral organizations have less, and NGOs have next to none. As mentioned above, power is as an essential tool in international conflict resolution because it can be employed to pressure parties to reach an agreement with the use of incentives or sanctions. However, NGOs do not have this kind of leverage over states and must use different types of power.³⁴ Therefore, what remains is informational, expert, referent, and legitimate powers, which generally does not allow them to use the directive method and forces them into facilitative, or procedural modes of mediation. This lowers the possibility of successful mediation for NGOs because they are unable to influence the parties to make concessions if negotiations reach an impasse.

Multiparty Mediation

Nevertheless, despite their lack of power, it is still possible for NGOs to be successful and effective by engaging in multiparty mediation, which is a process where multiple mediators act together in order to reach a negotiated settlement. This can be sequential, where one institution acts as a mediator at a time, or it can be simultaneous and involve many different mediators at the same time.³⁵

There are numerous benefits to multiparty mediation that can prove helpful in reaching peaceful settlements because given the complexity of conflicts, sometimes more than one mediator is needed to overcome this hurdle to create peace. Most importantly, multiparty

³³ Saadia Touval and I. William Zartman, "International Mediation in the Post-Cold War Era," in *Turbulent Peace: The Challenges of Managing International Conflict*, eds. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: United States Institute of Peace, 2001), 431-432.

³⁴ Aall, "The Power of Nonofficial Actors in Conflict Management," 478; Diana Chigas, "Capacities and Limits of NGOs as Conflict Managers," in *Leashing the Dogs of War: Conflict Management in a Divided World*, eds. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: United States Institute Peace Press, 2007), 575; Pamela Aall, "What Do NGOs Bring to Peacemaking?" in *Turbulent Peace: The Challenges of Managing International Conflict*, eds. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, D.C.: United States Institute of Peace, 2001), 374-375.

³⁵ Chester A. Crocker, Fen Osler Hampson, and Pamela Aall, "Is More Better? The Pros and Cons of Multiparty Mediation," in *Turbulent Peace: The Challenges of Managing International Conflict*, eds. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: United States Institute of Peace Press, 2001), 500.

mediation can allow actors to join mediatory forces to create leverage, as well as share the costs and risks of the process. Multiparty mediation is one way for mediators to “borrow” power in order to gain leverage in the process, and when undertaken by a coalition of groups or institutions, it can multiply the sources of leverage and fill in power gaps.³⁶

The success of a conflict intervention is often determined by two factors: the number of people or groups who can be brought in to engage in peacemaking, and the capacity of individuals or groups to implement agreements.³⁷ NGOs lack the capacity to implement agreements and depend on their relationships with governmental and intergovernmental actors to borrow leverage where they can find it.³⁸ Furthermore, NGOs who succeed in gaining international support are more likely to reach a peaceful settlement because foreign partners can provide funding to NGOs and build on the different strengths and legitimacy of the partners. Usually, the larger the coalition, the more influential it becomes, and these networks can prove to be very useful because they can be used to exchange information and enhance capabilities.³⁹ Therefore, multiparty mediation is useful for NGOs that lack leverage. In particular, it is beneficial to fill in the reward and coercive power gaps that plagues all NGOs. As a result, if NGOs can partner with the proper actors, this can grant the mediator a wide range of powers to adopt any strategy they choose and to shape the perceptions of the parties in order to successfully reach an agreement.

Conclusion

In sum, power has become a central factor in the successful outcome of mediation where its existence determines the methods adopted by mediators, and its proper use is integral to persuading parties to reach an agreement. However, despite the fact that NGOs’ nonthreatening nature and desire for peace are attractive to conflicting parties that might be seeking an alternative to armed conflict, their unofficial status leaves them with a lack power that may be required to coerce parties into an agreement when

³⁶ Crocker, Hampson, and Aall, “Multiparty Mediation and the Conflict Cycle,” 40.

³⁷ Fitzduff and Church, “Stepping Up to the Table,” 13.

³⁸ Chester A. Crocker, Fen Osler Hampson, and Pamela Aall, “The Practitioner’s Perspective,” in *Herding Cats: Multiparty Mediation in a Complex World*, eds. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: United States Institute of Peace Press, 1999), 56.

³⁹ Mari Fitzduff and Cheyanne Church, “Lessons Learned in Conflict-Related Policy Engagement,” in *NGOs at the Table: Strategies for Influencing Policies in Areas of Conflict*, eds. Mari Fitzduff and Cheyanne Church (Lanham, MD: Rowman & Littlefield Publishers, 2004), 169-170.

more subtle methods fail. But this does not mean that mediation by NGOs is impossible and should not be attempted. Instead, if a mediator is lacking power, they can engage in multiparty mediation in order to multiply their leverage. Therefore, it is possible for NGOs to be successful mediators if they properly use the different tools and methods at their disposal.

Chapter 3: The History of the Aceh Conflict and the NGOs Involved

Introduction

Indonesia's history is one that has been characterized by violence. In 1511, the Portuguese had taken the Straits of Malacca by force, but by 1605 the Dutch had pushed the Portuguese out of Indonesia, inaugurating almost 350 years of Dutch colonial rule. In 1942, the Japanese invaded, but were forced from Indonesia following the end of the Second World War in 1945. The Dutch were subsequently given control of Indonesia, but the Indonesians fought for their independence, which was finally granted in 1949. But independence did not lead to a peaceful Indonesia. Sukarno, the country's first president, was authoritarian in his style of governance and routinely used repressive measures to silence the opposition. Suharto was the next to govern Indonesia, and while he allowed more economic freedoms, he also used the military to intimidate and control the population. However, these tactics eventually led to the rise of opposition forces in the form of ethnonationalist separatist movements in Aceh and East Timor that opposed dominance by Jakarta.

These two conflicts will be examined in this chapter, which is divided into four sections and will begin with a discussion of the background to the conflict in Aceh to illustrate the animosity and distrust that had accumulated between the two sides over almost 25 years of conflict. Secondly, it will show the effect that the end of the Suharto era and the conflict in East Timor had on bringing about the government's willingness to engage in negotiations with GAM. Next, this chapter will look at the history and philosophy of the HDC and CMI in order to better understand their approaches to the negotiations. Finally, the chapter will provide a chronological summary of the negotiations in order to provide a proper understanding of the sequence of events that will be discussed in chapter four.

The History of the Aceh Conflict and Its Causes

While the Dutch were able to colonize most of Indonesia, Aceh managed to remain an independent sultanate until it was invaded in 1873. However, the Acehnese resisted the invasion by commencing an armed resistance that lasted until the Dutch were able to gain full control over the region in 1903. This invasion thus marked the beginning of over 100 years of conflict in Aceh in an effort to regain independence.

In October 1976, Hasan di Tiro took over this struggle by proclaiming the Free Aceh Movement (Gerakan Aceh Merdeka–GAM).⁴⁰ He claimed he was the direct descendant of Teungku Cik di Tiro, the leader of a resistance movement against the Dutch from 1881 to 1891. In his proclamation of 1976, di Tiro declared the independence of Aceh-Sumatra, and called for the expulsion of the Javanese.⁴¹ The group’s ideology seeks national liberation with the goal of freeing Aceh from “all political control of the foreign regime of Jakarta,”⁴² and sees its struggle as the continuation of the anti-colonial uprising against the 1873 Dutch invasion of Aceh and ensuing colonial rule. Furthermore, GAM believes that Aceh did not voluntarily join the Republic of Indonesia in 1945, and was therefore illegally integrated into Indonesia. GAM argues this because Aceh was an internationally recognized independent state as outlined by the 1819 treaty between the Sultan of Aceh and the United Kingdom of Great Britain and Northern Ireland, as well as the 1824 Anglo-Dutch Treaty. GAM believes that sovereignty should have been returned to the Sultanate of Aceh rather than the Republic of Indonesia. Moreover, the people of Aceh were not consulted on the incorporation of Aceh into Indonesia, therefore violating their right to self-determination.⁴³

From 1976 to 1979, the conflict between GAM and the Indonesian government was low intensity, and GAM was a very small movement of only 70 fighters.⁴⁴ The support base of GAM was limited to a very small portion of the province, and the Indonesian military was effective in its intelligence operations to reduce the challenge from GAM. By the end of 1979, the government’s operations had killed, imprisoned, or exiled the GAM leadership, and its followers were pushed underground.⁴⁵ From 1989 to 1998, the movement reemerged to present a challenge to Indonesian forces. GAM was better armed and trained, but was still fairly small, and only had

⁴⁰ It must be noted that while GAM is treated as a cohesive organization for the purposes of the thesis, there were actually divisions within the movement. For further information see: Kirsten E. Schulze, “The Struggle for an Independent Aceh: The Ideology, Capacity, and Strategy of GAM,” *Studies in Conflict and Terrorism*, Vol. 26, 2003, 251-253.

⁴¹ Jean Gelman Taylor, *Indonesia: Peoples and Histories*, (New Haven, CT: Yale University Press, 2003), 366.

⁴² Kirsten E. Schulze, “The Free Aceh Movement (GAM): Anatomy of a Separatist Organization,” *Policy Studies* No. 2, East-West Center Washington, 2004, 6.

⁴³ Schulze, “The Free Aceh Movement (GAM),” 6.

⁴⁴ Kirsten E. Schulze, “GAM: Indonesia, GAM, and the Acehnese Population in a Zero-Sum Trap,” in *Terror, Insurgency, and the State: Ending Protracted Conflicts*, eds., Marianne Heiberg, Brendan O’Leary, and John Tirman (Philadelphia, PA: University of Pennsylvania Press, 2007), 84.

⁴⁵ Schulze, “GAM,” 84.

a few hundred fighters.⁴⁶ In addition, GAM had created military commands in all four regions of Aceh, a government in exile in Sweden, an operational command in Malaysia, a public relations office in Singapore, and 250 graduates of military and ideological training in Libya.⁴⁷ When the rebellion started again in 1989, GAM had varying goals that ranged from autonomy, to complete independence, to an Islamic state.⁴⁸

Aceh is 98 percent Muslim,⁴⁹ and while the religion has always played an important part of GAM's ideology, it constitutes only part of its culture, and does not define its political goals. Throughout its history, it has allowed for varied emphasis on Islam with GAM's exiled leadership in Sweden making very few references to Islam, while the lower ranks have promised the institution of Shari'a law. From the 1970s, to the 1980s, but less so in the 1990s, GAM had professed the goal of reestablishing the Sultanate of Aceh as an Islamic state. In July 2002, however, it changed its stance and instead espoused democratic governance in an attempt to create greater international support.⁵⁰

Aside from its belief that the incorporation of Aceh into Indonesia was illegal, there were also several other perceived injustices that GAM believed the Indonesian government had committed against the Acehnese people that led it to confront the regime. The first cause of the conflict was due to repeated broken promises of autonomy for Aceh. In 1949, Indonesia was granted independence, but control of Aceh was given to the Indonesian government. Shortly after, Sukarno awarded Aceh provincial autonomy in recognition of its contribution to the Indonesian war of independence. However, in 1951, this status was revoked in order to promote uniform nationalism, and Aceh was amalgamated with North Sumatra, forcing the Acehnese to accept a secular government.⁵¹ As a result, Aceh's first insurgency against the Indonesian government started in 1953 when the Acehnese joined the Darul Islam rebellion that began in West Java and South Sulawesi to transform Indonesia into an Islamic state. The Acehnese also sought independence, but this rebellion ended with an agreement in 1959 that granted the province special status. In practice, this meant autonomy in religion, customary law, and

⁴⁶ Jacques Bertrand, *Nationalism and Ethnic Conflict in Indonesia*, (Cambridge, U.K.: Cambridge University Press, 2004), 172.

⁴⁷ Taylor, *Indonesia: Peoples and Histories*, 366.

⁴⁸ Taylor, *Indonesia: Peoples and Histories*, 366.

⁴⁹ Schulze, "GAM," 87.

⁵⁰ Schulze, "GAM," 87; and Kirsten E. Schulze, "The Struggle for an Independent Aceh: The Ideology, Capacity, and Strategy of GAM," *Studies in Conflict and Terrorism*, Vol. 26, 2003, 250.

⁵¹ Schulze, "GAM," 84.

education. But this status did not last long either. When Suharto came to power in 1967, he embarked on a program of political and economic centralization which the government argued would promote national unity over regional, tribal, or religious loyalties. The result was essentially revoking the special status in all but name, and once again creating tension between Aceh and the Indonesian government.⁵²

Suharto's centralization program also led to additional grievances that contributed to the conflict. Under this program, he banned political parties that believed in "Aceh first" and the Acehnese were forced to take part in elections through national parties whose headquarters were located in Jakarta. Beginning in 1974, the nominees for governor of Aceh and other district officials had to be approved by Jakarta, and they were accountable to Jakarta, rather than local government structures. Furthermore, after 1975, all government officials in Aceh had to join the national political party, Golkar.⁵³ This policy led to the marginalization of the Acehnese and a sense of corruption in the government, which led to further resentment towards the Indonesian government.

Moreover, oil was discovered in Aceh in 1971. This discovery brought in foreign oil companies and the region contributed a significant portion of Indonesia's gross domestic product, but the Acehnese only saw a small portion of those revenues. Through Suharto's centralization program, profits were sent back to Jakarta because the Indonesian central government saw Aceh's wealth as a way to develop the rest of Indonesia. But this meant ignoring the poverty in Aceh.⁵⁴ By the 1980s, the province was supplying Indonesia with 30 percent⁵⁵ of its oil and gas exports, and as a result was also a significant source of the government's revenue. However, the Acehnese saw little improvement in their living standards even though the province produced large revenues for Jakarta.⁵⁶

In addition, to further promote national integration and economic development of "backward" regions, Suharto began an official program of Javanese transmigration to Aceh.⁵⁷

⁵² Schulze, "GAM," 84.

⁵³ Taylor, *Indonesia: Peoples and Histories*, 364-365.

⁵⁴ Taylor, *Indonesia: Peoples and Histories*, 365; Steven Drakeley, *The History of Indonesia*, (Westport, CT: Greenwood Press, 2005), 135; Pushpa Iyer and Christopher Mitchell, "The Collapse of Peace Zones in Aceh," in *Zones of Peace*, eds. Landon E. Hancock and Christopher Mitchell (Bloomfield, CT: Kumarian Press, 2007), 139.

⁵⁵ Bertrand, *Nationalism and Ethnic Conflict in Indonesia*, 170.

⁵⁶ Bertrand, *Nationalism and Ethnic Conflict in Indonesia*, 170.

⁵⁷ Edward Aspinall, "Place and Displacement in the Aceh Conflict," in *Conflict, Violence, and Displacement in Indonesia*, ed. Eva-Lotta E. Hedman (Ithaca, NY: Cornell Southeast Asia Program Publications, 2008), 134.

Many of these migrants were given employment in the newly developed petroleum industry, while more than 70 percent⁵⁸ of the Acehnese were employed in the agricultural sector and were largely unaffected by the industrial activity. As a result, GAM was also opposed to the oil companies' involvement in Aceh. They have criticized foreign corporations' exploitation of Aceh's resources, as well as US support for the Suharto government. In May 1978, di Tiro wrote that it is US policy to ensure that the Suharto regime stayed in power so that "American companies like Mobil Oil Corporation can buy and sell us in the international market."⁵⁹ This resulted in anti-capitalist and anti-Western sentiment and aggravated the conflict.

Another major cause of the conflict was the government's repressive nature. Sukarno and Suharto were both authoritarian in their style of governance and they both used military repression as part of their policy towards Aceh. Under Suharto, the armed forces began to see themselves as the guardians of national unity and did not tolerate opposition to the government.⁶⁰ This grievance was exacerbated after GAM began its insurgency and the Indonesian government responded with a counterinsurgency called Operation Red Net from 1989 until 1998. During these years, Aceh was designated a Military Operations Region (Daerah Operasi Militer–DOM), which gave the military free reign to suppress the insurgency. DOM was a form of martial law that allowed the army to impose curfews, conduct house-to-house searches, create checkpoints, and undertake arbitrary detention. People suspected of providing support to GAM had their houses burned to the ground, and villages were relocated. As well, the Indonesian military resorted to killings, torture, disappearances, rape, and the public display of corpses.⁶¹

While the military was at times successful in suppressing the resistance movement, its actions also created great resentment towards Indonesian forces. This led to more recruits and broader support for GAM, and by 1992, a full-scale resistance movement had been created that had the support of the Acehnese population.⁶² However, in 1993, the Indonesian armed forces believed it had again eliminated GAM, but continued to designate Aceh as a DOM, and kept a strong presence in the province. People continued to be killed, and it is estimated that hundreds

⁵⁸ Bertrand, *Nationalism and Ethnic Conflict in Indonesia*, 170.

⁵⁹ Schulze, "The Free Aceh Movement (GAM)," 9.

⁶⁰ Bertrand, *Nationalism and Ethnic Conflict in Indonesia*, 171.

⁶¹ Schulze, "The Free Aceh Movement (GAM)," 4-5; and Taylor, *Indonesia: Peoples and Histories*, 366.

⁶² Adrian Vickers, *A History of Modern Indonesia*, (New York, NY: Cambridge University Press, 2005), 180; Drakeley, *The History of Indonesia*, 135; and Kamarulzaman Askandar, "The Aceh Conflict: Phases of Conflict and Hopes for Peace," in *A Handbook of Terrorism and Insurgency in Southeast Asia*, ed. Andrew T.H. Tan (Cheltenham, UK: Edward Elgar Publishing, 2007), 251.

of people disappeared while thousands of people were tortured in an attempt to find GAM supporters.⁶³

However, on August 7, 1998, General Wironto of the Indonesian Armed Forces went to Aceh to investigate reports of torture and killings in the previous decade of military crackdowns. He found that violations had been committed and he apologized to the people of Aceh, announcing that troops were to be withdrawn over the next month.⁶⁴

Despite the apology, the damage had already been done. The Acehnese had a deep sense of anger towards the Indonesian government caused by decades of marginalization, corruption, exploitation, inequality and repression. As a result, GAM began an armed struggle to achieve independence. In contrast, the government felt threatened by GAM's increasing popularity within Aceh and was determined not to let Aceh secede, so it responded with a brutal counterinsurgency campaign. This led to a drawn out conflict that put the sides at great odds in their final goals and made the prospect of peace seem unlikely.

East Timor and Its Effects on Aceh

Meanwhile, another separatist conflict erupted in East Timor. This conflict had a direct effect on the conflict in Aceh because it put pressure on the Indonesian government to peacefully end the conflict in Aceh, or risk the possible breakup of the country. When East Timor was occupied in the colonial era, the island was divided in two by the Portuguese and Dutch. The Portuguese occupied the eastern half of the island while the Dutch took the west. After independence, Indonesia inherited the Dutch portion, but the Portuguese maintained control over its half. However, when Portugal began decolonizing, Indonesia decided to annex East Timor in 1976 because it thought an independent East Timor would encourage more separatist movements in the country. But this attempt to bring East Timor under the control of Indonesia failed, and the people of East Timor began to unify around resisting the government, which led to a drawn out conflict.⁶⁵

After the fall of Suharto in 1998, Indonesia went through a period of reform that resulted in a more open and democratic Indonesian society, which East Timor took advantage of by

⁶³ Bertrand, *Nationalism and Ethnic Conflict in Indonesia*, 173.

⁶⁴ Ganganath Jha, *Indonesia: Society and Politics*, (Delhi, India: Shipra Publications, 2003), 86.

⁶⁵ Drakeley, *The History of Indonesia*, 133-134.

increasing its pressure for independence. Meanwhile, in a move to create allies abroad and gain support at home, the new president, Habibie, offered a referendum to determine East Timor's independence.⁶⁶ However, the military returned to its old tactics and attempted to intimidate voters, but were unsuccessful as the East Timorese voted to separate from Indonesia. This was followed by the massacre of 2,000 people by pro-Indonesian forces, as well as the destruction of East Timor's infrastructure when the military left the country.⁶⁷ Control over East Timor was then given to the UN to create a transitional government to oversee the gradual transfer of authority to East Timor.⁶⁸

Meanwhile, the most Habibie was prepared to offer Aceh was autonomy. However, this was considered unacceptable to GAM.⁶⁹ Instead, the Acehnese wanted a referendum similar to the one held in East Timor, but Habibie refused to allow one out of fear of a repeat of what occurred in East Timor and a subsequent disintegration of the country.⁷⁰ The Indonesian government then passed a law that reinstated special status for Aceh on September 23, 1999. It outlined that elements of Islamic law would apply to economic and religious affairs, Acehnese culture would influence the structure of local government, and Islamic education would be integrated into the national education curriculum. However, this law had little impact on hostilities as the Acehnese still pushed for a referendum on independence.⁷¹

Habibie was then replaced by Wahid, whose main policy towards Aceh was focused on negotiations with GAM, despite criticism from parliament and the armed forces.⁷² However, the secession of East Timor had a big impact on the Aceh conflict because it drew international criticism of Indonesia's human rights record in dealing with separatist groups, as well as creating fear in the government that Aceh would also separate, leading to the breakup of the country. Conversely, GAM saw this as an opportunity for the movement to replicate the secession of East Timor by gaining international support, while having the international community pressure the government to allow Acehnese independence.⁷³

⁶⁶ Bertrand, *Nationalism and Ethnic Conflict in Indonesia*, 142-143.

⁶⁷ Vickers, *A History of Modern Indonesia*, 215-217.

⁶⁸ Bertrand, *Nationalism and Ethnic Conflict in Indonesia*, 144.

⁶⁹ Drakely, *The History of Indonesia*, 171.

⁷⁰ Bertrand, *Nationalism and Ethnic Conflict in Indonesia*, 176.

⁷¹ Bertrand, *Nationalism and Ethnic Conflict in Indonesia*, 178.

⁷² Bertrand, *Nationalism and Ethnic Conflict in Indonesia*, 179-180.

⁷³ Kirsten E. Schulze, "From the Battlefield to the Negotiating Table: GAM and the Indonesian Government 1999-2005," *Asian Security*, Vol. 3, Issue 2, 2007, 90-91.

Therefore, the combination of a more open and democratic society, along with increased international attention due to the fallout of East Timor and a wish to maintain the structure of the state, put pressure on the Indonesian government and created the right circumstances to end the conflict peacefully. As a result, Indonesia decided to engage in negotiations with the help of the HDC, and eventually CMI.

The Centre for Humanitarian Dialogue (HDC)

The HDC was founded in August 1999, as an independent global mediation organization based in Geneva, Switzerland. It was founded by Martin Griffiths who has worked for the British Diplomatic Service, UNICEF, various NGOs, and was Chief Executive of ActionAid. During his time at the United Nations, Griffiths acted as the Director of the Department of Humanitarian Affairs, and in 1998 he became Deputy to the UN Emergency Relief Coordinator in New York. He also served as UN Regional Humanitarian Coordinator for the Great Lakes Region in Africa and UN Regional Coordinator in the Balkans at the rank of UN Assistant Secretary-General.⁷⁴

The following is the mission statement of the HDC:

As a neutral and impartial organisation, our mission is to support only those solutions that offer the best prospect for a just and lasting peace, in line with international law. We aim to contribute to efforts to improve the global response to armed conflict. We believe that dialogue based on humanitarian principles can assist in achieving political settlements, and that the informal initiatives of a private foundation can usefully complement formal diplomacy.⁷⁵

The HDC is funded by various governments, private foundations, and individuals. In 2010, donors included Norway, Sweden, the United Kingdom, Switzerland, Denmark, Australia, the MacArthur Foundation, the Netherlands, Belgium, the Open Society Institute, Liechtenstein, the European Union (EU), the City of Geneva, and the Canton of Geneva.⁷⁶

Its methods include facilitating discussions, and acting as mediator when appropriate; ensuring parties can effectively participate in negotiations; and mobilizing humanitarian, diplomatic and/or political responses. As well, the HDC claims that it has unique strengths that include the ability to conduct mediation at the decision-making level, independence and

⁷⁴ HD Centre, "Staff," <http://www.hdcentre.org/people/staff> (Retrieved October 6, 2009).

⁷⁵ HD Centre, "About the HD Centre," <http://www.hdcentre.org/about> (Retrieved October 6, 2009).

⁷⁶ HD Centre, "Funding of the HD Centre," <http://www.hdcentre.org/funding> (Retrieved February 19, 2011).

impartiality, rapid and flexible response, the ability to support other mediators, contact with influential networks, creativity, and willingness to take risks.⁷⁷ The HDC has been involved in various locations around the world in an attempt to reduce armed conflict. They include: Burundi, Nepal, Myanmar, Darfur, the Philippines, the Central African Republic, and Somalia.⁷⁸

Crisis Management Initiative (CMI)

CMI was founded in 2000 by former Finnish President Martti Ahtisaari and is based in Helsinki, Finland. Ahtisaari spent most of his career in the Finnish Foreign Ministry and the United Nations. From 1965 until 1973, he held various positions in the Ministry for Foreign Affairs of Finland, and was named Ambassador of Finland to the United Republic of Tanzania from 1973 until 1976. Two years later, he was appointed the Special Representative of the Secretary General for Namibia where he served until 1988. In 1991, he became the State Secretary in the Ministry for Foreign Affairs of Finland until he became the president of Finland from 1994 to 2000. While still president, he helped broker a peace agreement in Kosovo in 1999, and he continued his mediation upon leaving office when he founded CMI where he became the Chairman of the Board. Between 2005 and 2008, Ahtisaari acted as the Special Envoy of the Secretary-General of the United Nations for the future status for Kosovo, and in 2008, he was awarded the Nobel Peace Prize.⁷⁹

The mission statement of CMI includes the following statement:

Crisis Management Initiative (CMI) is a Finnish independent, non-profit organisation that works to resolve conflict and to build sustainable peace. CMI's approach draws upon in-country operations and applied policy research to support decision-making and to shape policies. We seek practical solutions and innovative strategies, tools and approaches that can be used by practitioners and policymakers.⁸⁰

CMI reports that it received 1.7 million Euros in funding in 2009, of which, 90 percent came from governmental and inter-governmental donors, most of which were European.⁸¹ The rest came from institutional and family foundations, and corporate and private donors. Donors in

⁷⁷ HD Centre, "About the HD Centre."

⁷⁸ HD Centre, "About Mediation," <http://www.hdcentre.org/mediation> (Retrieved February 19, 2011).

⁷⁹ Crisis Management Initiative, "President Martti Ahtisaari," <http://www.cmi.fi/board/123-president-martti-ahtisaari.html> (Retrieved January 27, 2010).

⁸⁰ Crisis Management Initiative, "Mission Statement," <http://www.cmi.fi/> (Retrieved January 27, 2010).

⁸¹ Crisis Management Initiative, "Funding," <http://www.cmi.fi/about-us/funding.html> (Retrieved February 19, 2011).

2009 included: Finland, Belgium, Germany, Ireland, Netherlands, Norway, Switzerland, the United Kingdom, the Alfred Kordelin Foundation, Deloitte, the ITC4Peace Foundation, the Open Society Institute, the European Commission, The Russel Family Foundation, and the West Asia North Africa Forum.⁸²

CMI describes its role as promoting sustainable security; bringing together actors to seek solutions to security challenges; engaging in capacity building in the international arena in conflict prevention, resolution, and transformation; advocating solutions for security; and using comprehensive approaches that bring together security, development, good governance, justice, and reconciliation.⁸³

CMI has also been involved in places such as Bosnia and Herzegovina and Democratic Republic of the Congo to improve the ability of organizations to work together in the management of crises, as well as Afghanistan to review the assistance provided to the country. Furthermore, CMI has provided a conflict analysis on Burma to the EU, and AU Peace Mediation Training in Ethiopia. Lastly, CMI has been active in Iraq to negotiate political reconciliation.⁸⁴

The HDC Peace Process

Negotiations between GAM and the Indonesian government began in 2000, with the HDC acting as a mediator between the two parties. The NGO based the negotiations on the humanitarian principles of lessening suffering of those affected by the conflict because its negotiators thought that by identifying common humanitarian interests of the conflicting parties, trust would be created between the two sides, and allow them to move on to the root causes of the conflict.⁸⁵

This strategy led to the two sides signing the agreement that led to the Humanitarian Pause on May 12, 2000, with the agreement establishing the Joint Committee on Security Modalities to monitor the agreement, which was made up of representatives of GAM and the

⁸² Crisis Management Initiative, "Funding."

⁸³ Crisis Management Initiative, "About Us," <http://www.cmi.fi/about-us.html> (Retrieved January 27, 2010).

⁸⁴ Crisis Management Initiative, "Activities," <http://www.cmi.fi/activities.html> (Retrieved April 23, 2010).

⁸⁵ Kira Kay, "The 'New Humanitarianism:' The Henry Dunant Center and the Aceh Peace Negotiations," Woodrow Wilson School of Public Affairs and International Affairs Case Study, February 2003, 10.

government.⁸⁶ At first, the level of violence dropped, however, the meaning of the Humanitarian Pause was disputed by the sides. GAM saw the Humanitarian Pause as one step closer to independence, while parts of the government and the military still sought a military solution.⁸⁷ As a result, the agreement quickly broke down as each side accused the other of violations.⁸⁸ In April 2001, President Wahid ordered security forces to restore law and order. In July 2001, he was impeached and replaced by Vice-President Megawati Sukarnoputri.⁸⁹

When President Megawati came to power, she took a hard-line approach and placed national unity as an important goal of her presidency. However, she did offer concessions in the form of the Special Autonomy (NAD) Law. The law changed the name of Aceh to Nanggroe Aceh Darussalam, increased Aceh's oil revenue share from five percent to 80 percent, and allowed Aceh to implement Shari'a law. Essentially, this was an olive branch extended to GAM in the hopes of ending the conflict. However, if GAM wanted to return to negotiations, it would have to be on the basis of the new Special Autonomy Law, but GAM refused to accept these terms because it still sought full independence.⁹⁰

The Humanitarian Pause was eventually replaced with the Cessation of Hostilities Agreement (COHA) on December 9, 2002, and was brokered with the help of international experts who came to be known as the "Three Wise Men." The agreement was designed to be another confidence-building measure, but it still did not resolve the major issues dividing the two parties. Instead, it led to another ceasefire that would allow the parties to move on to the major issues.⁹¹

Once again, both sides simply used the break in fighting to strengthen their positions, resulting in a further lack of trust on both sides and the agreement falling apart within three months.⁹² On May 18, 2003, negotiations between the Indonesian government and GAM officially collapsed. Aceh was then placed under Martial Law. Megawati's stated goal was

⁸⁶ Edward Aspinall and Harold Crouch, "The Aceh Peace Process: Why it Failed," Policy Studies No. 1, East-West Center Washington, 2003, 15.

⁸⁷ Harriet Martin, *Kings of Peace, Pawns of War: The Untold Story of Peacemaking* (London, U.K.: The Centre for Humanitarian Dialogue, 2006), 76-77.

⁸⁸ International Crisis Group, "Aceh: A Fragile Peace," ICG Asia Report No. 47, International Crisis Group, February 27, 2003, 2-3.

⁸⁹ Martin, *Kings of Peace, Pawns of War*, 77-78.

⁹⁰ Aspinall and Crouch, "The Aceh Peace Process," 23-25.

⁹¹ Aspinall and Crouch, "The Aceh Peace Process," 33.

⁹² Martin, *Kings of Peace, Pawns of War*, 94.

“finishing off, killing, those who still engage in armed resistance.”⁹³ The following day, as part of what was described as a counterterrorism campaign, the Indonesian government sent 40,000 troops to Aceh.⁹⁴ Six months later, the state of martial law was downgraded to a state of civil emergency, but without the government being able to claim victory, as it was estimated that 2,500 out of the 5,000 GAM fighters that existed before the operation, still remained.⁹⁵

The situation on the ground was then made infinitely worse by the tsunami that hit Aceh on December 26, 2004. It has been described as the worst natural disaster in the previous 60 years, and resulted in the death of 200,000 people and the displacement of 500,00. The international community responded with large amounts of volunteers, and it became one of the largest disaster relief efforts in history.⁹⁶ The Indonesian government responded by announcing it would open up the province to foreign relief workers and foreign military personnel, with both sides agreeing to cease hostilities to allow access for aid workers.⁹⁷

This made the possibility of peace an achievable goal with both sides eager to find a solution that would end the suffering of the Acehnese after the disaster. In addition, the prospect of peace was increased by the new administration that won the election in September 2004. Susilo Bambang Yudhoyono (commonly referred to as SBY) and former Coordinating Minister for People’s Welfare, Jusuf Kalla, had won the presidential election with SBY as president and Kalla his vice-president. Both of them had been a part of previous negotiations and had run an election based on resolving the conflict in Aceh through dialogue.⁹⁸

The Helsinki Peace Process

The combination of the new administration, the tsunami, and a stalemate on the ground brought both parties back to the negotiating table at the beginning of 2005, with the Helsinki Peace Process moving at a much faster pace compared to the one conducted by the HDC. After only five rounds of negotiations, the two sides managed to reach a final agreement and signed

⁹³ Aspinall and Crouch, “The Aceh Peace Process,” 1.

⁹⁴ Martin, *Kings of Peace, Pawns of War*, 95.

⁹⁵ James Balowski, “Aceh: Yudhoyono Betrays the Acehnese People,” Green Left Weekly, December 1, 2004. <http://www.greenleft.org.au/node/30921>. (Retrieved February 6, 2010).

⁹⁶ Rizal Sukma, “Indonesia and the Tsunami: Responses and Foreign Policy Implications,” *Australian Journal of International Affairs*, Vol. 60, Issue 2, 2006, 213.

⁹⁷ Edward Aspinall, “The Helsinki Agreement: A More Promising Basis for Peace in Aceh?” Policy Studies No. 20, East-West Center Washington, 2005, 19-20.

⁹⁸ Aspinall, “The Helsinki Agreement,” 14; Schulze, “From the Battlefield to the Negotiating Table,” 93.

the Memorandum of Understanding (MoU) on August 15, 2005. The agreement gave Aceh authority in all sectors of public affairs, except in the areas of justice and freedom of religion, monetary and fiscal matters, foreign affairs, external defense, and national security. Furthermore, Aceh was granted the right to establish locally based political parties, was given control over taxation in the province, and was entitled to receive 70 percent of oil and gas revenues. In addition, all GAM members were granted amnesty and were to be guaranteed full political, economic, and social rights, as well as be compensated financially to aid in their reintegration. In return, GAM agreed to demobilize and disarm all of its fighters, while the Government of Indonesia agreed to relocate all non-essential troops simultaneously with the decommissioning of GAM.⁹⁹

Furthermore, the MoU was implemented by the Aceh Monitoring Mission (AMM), which was led by the Deputy Director General for Politico-Military Affairs of the EU, Peter Feith, and consisted of the EU's Political and Security Committee, which exercised the political control and the strategic guidance of the AMM under the responsibility of the Council of the EU. The AMM also consisted of five ASEAN countries (Thailand, Malaysia, Brunei, Philippines, and Singapore), Norway, and Switzerland. The AMM was officially launched on September 15, 2005, and lasted until December 15, 2006. Its objective was to investigate and rule on complaints and alleged violations of the MoU, as well as establish and maintain liaisons and good cooperation with the parties. In addition, it was tasked with the disarmament of GAM fighters and the relocation of Indonesian security forces, which was completed by January 5, 2006. Lastly, the AMM monitored the human rights situation, the process of legislative change, and the reintegration of GAM members. The costs of the mission were financed by the EU budget (EUR 9.3 million) with contributions from EU member states and participating countries (EUR 6 million).¹⁰⁰ By December 2005, GAM had decommissioned 840 weapons, while 25,890 Indonesian military personnel and 5,792 members of the police force were withdrawn from Aceh.¹⁰¹ In August 2006, the Law on the Governance of Aceh was passed in the Indonesian

⁹⁹ Memorandum of Understanding Between the Government of the Republic of Indonesia and the Free Aceh Movement, 2005, 1-6.

¹⁰⁰ Aceh Monitoring Mission, "About AMM." http://www.aceh-mm.org/english/amm_menu/about.htm (Retrieved January 6, 2010).

¹⁰¹ Schulze, "From the Battlefield to the Negotiating Table," 80.

national parliament and in December, GAM candidates won as independent candidates in elections, therefore completing GAM's transition to a political movement.¹⁰²

Conclusion

In sum, the conflict in Aceh has a long history that led to a high level of animosity and distrust between GAM and the Indonesian government, and made the possibility of peace seem unlikely. However, the end of the Suharto era, along with the secession of East Timor, created a much different atmosphere and conciliatory approach by the Indonesian government, and once again made peace a possibility.

This led the two parties to engage in negotiations in 2000 under the guidance of the HDC, and although it was unable to reach a final agreement, the NGO was successful in achieving two ceasefires and temporarily ending the fighting. The peace process was then restarted under the auspices of CMI who was capable of reaching a final solution and achieving peace. However, this chapter does not explain how the two NGOs were able to reach their respective agreements. Analyzing this will be the purpose of the following chapter.

¹⁰² Schulze, "From the Battlefield to the Negotiating Table," 80.

Chapter 4: The Challenges and Triumphs of NGO Mediation

Introduction

The mediation efforts by the HDC and CMI marked a departure from traditional mediation because states or multilateral institutions had historically been mediators of armed conflict. This change in mediation meant that two small private organizations with limited resources would attempt to persuade both sides to bring an end to a conflict that had been ongoing for almost 30 years. This created a serious challenge for both NGOs, but these challenges did not prove to be insurmountable.

This chapter will examine the peace processes undertaken by the HDC and CMI. More specifically, it will link the case study to the theoretical framework in chapter two in order to explain why these NGOs were able to play a prominent role in the negotiations. As this thesis argues, NGOs can be successful mediators because they have the flexibility and trust of conflicting parties because they do not represent governments with their own agenda. However, this status also leaves them without the requisite power needed to influence the parties. Therefore, they must rely on outside actors to provide power through multiparty mediation and thus reach a successful conclusion. As the chapter explains, they relied on the international community to provide the leverage needed.

The chapter is divided into three sections with each of them examining the HDC and CMI in order to compare and contrast their roles in the peace process. The first section will show that the NGOs were able to become involved in the peace process because they were not seen as a threat to Indonesian sovereignty after the secession of East Timor due to their non-threatening status as an NGO. The second part of the chapter will then examine how their status left the NGOs without the required power to influence the parties to come to an agreement on their own. Finally, the third section will show how the NGOs were able to overcome their lack of power by relying on external actors and partaking in multiparty mediation in order to reach agreements throughout the peace process.

The NGOs Become Involved

Just as East Timor was finishing its struggle for independence and with the HDC being a new organization trying to establish a reputation for itself, the NGO looked at various ongoing

conflicts to determine which ones could potentially be resolved peacefully. Eventually, the HDC decided to send a researcher to the new country of East Timor to find out if its services could be of any use to help end the conflict. After the HDC's initial assessment, the researcher found that there were already too many aid agencies in East Timor, and that Aceh was the best place to engage in negotiation due to its importance to Indonesia and the potential of escalation. The HDC then approached the Indonesian government and the GAM leadership about the possibility of starting peace negotiations.¹⁰³

GAM was easy to convince because it thought having an international organization act as a mediator gave it legitimacy and credibility. In fact, it based the majority of its strategy on gaining international support for its cause with the hopes that it could repeat the events of East Timor and achieve independence for Aceh. In his opening statement at the talks in Geneva in January 2000, GAM's leader, Hasan di Tiro, stated, "I respectfully request the US government and members of the EU to review their policies towards 'Indonesia' and to help Aceh gain back its rightful independence."¹⁰⁴

One of the reasons GAM chose this approach is that it thought that the international community had a moral obligation to support Acehnese independence because the "western colonial powers" had allowed Aceh to be illegally incorporated into the state of Indonesia. GAM also believed that powerful international actors, particularly the US and UN, could put pressure on Indonesia to allow independence.¹⁰⁵ As well, GAM thought Indonesia would eventually break apart due to its mounting problems and conflicts. So, GAM did not make concessions and its leadership made it clear that it was only involved in negotiations to bring the conflict to the attention of the international community and bring external actors into the peace process that would coerce Jakarta to grant independence to Aceh, or at least allow a referendum similar to East Timor.¹⁰⁶

¹⁰³ Kay, "The 'New Humanitarianism,'" 4-5; Kimberlyn Leary, "Critical Moments as Relational Moments: The Centre for Humanitarian Dialogue and the Conflict in Aceh, Indonesia," *Negotiation Journal*, Vol. 20, Issue 2, 2004, 315; Konrad Huber, "The HDC in Aceh: Promises and Pitfalls of NGO Mediation and Implementation," *Policy Studies* No. 9, East-West Center Washington, 2004, 20.

¹⁰⁴ Schulze, "The Free Aceh Movement (GAM)," 52.

¹⁰⁵ Schulze, "The Free Aceh Movement (GAM)," 52.

¹⁰⁶ Schulze, "GAM," 106.

Initially, GAM wanted the UN to act as a mediator in order to gain international attention, but the government immediately ruled out UN involvement given its role in East Timor.¹⁰⁷ The East Timor experience created fear in the Indonesian government that the international community would support Acehnese independence, resulting in a ripple effect that would eventually lead to the disintegration of Indonesia. Consequently, it was quite difficult to get the government to consent to an outside mediator due to its skepticism of foreign interference in a domestic matter.¹⁰⁸

However, Indonesia was also under international pressure to show the rest of the world that it could deal with conflicts while still respecting human rights. As a result, the HDC was seen as a compromise actor because it was an organization that was still a small and relatively unknown agency based in a neutral country that did not even have UN membership. Furthermore, involving the HDC accomplished both of the parties' goals as it brought international attention to GAM's cause, while allowing the Indonesian government to show the world it could peacefully solve its internal conflicts and respect human rights.¹⁰⁹

Therefore, it was a combination of factors that led to the HDC to act as mediator in the Aceh conflict. It was the change in government due to the fall of Suharto and the reform period that followed which led to a more responsive government. However, the transition to democracy was slow because the events in East Timor had a negative impact on Indonesia's image abroad and Indonesia was eager to restore it. As well, after the loss of East Timor, Indonesia was becoming concerned that other rebellious regions, such as Aceh, could have the same result and eventually lead to the break up of the country. But Indonesia did not want foreign governments or organizations such as the UN to intervene, so the HDC was seen as a non-threatening compromise due to its unofficial status as an NGO.

The organization undertook the process as a track one and a half mediator where an unofficial actor engaged with the highest levels of government. This also meant that negotiations were unofficial and the government did not have to commit to anything that it did not want to.

¹⁰⁷ The UN supervised the referendum for independence and sent peacekeepers after violence erupted. The peacekeepers were replaced by a UN transitional administration in 1999.

¹⁰⁸ Timo Kivimaki and David Gorman, "Non-Governmental Actors in Peace Processes: The Case of Aceh," Case Study, Centre for Humanitarian Dialogue, June 2008, 8-9; Martin, *Kings of Peace, Pawns of War*, 70.

¹⁰⁹ Kay, "The 'New Humanitarianism,'" 4-5; Kivimaki and Gorman, "Non-Governmental Actors in Peace Processes," 8-9; Bidisha Biswas, "Can't We Just Talk? Reputational Concerns and International Intervention in Sri Lanka and Indonesia (Aceh)," *International Negotiation*, Vol. 14, No.1, 2009, 131-132.

This further increased the government's willingness to take part in negotiations. In addition, as a small NGO, the HDC was not seen as a threat to Indonesia because it was not pursuing a national interest like a powerful state may have been. Even if Indonesia would have allowed an official actor to mediate, it is not guaranteed that this actor would have accepted the invitation because GAM was considered an "illegitimate" actor in the traditional diplomatic community. As a result, the flexibility and unofficial nature of the HDC became very useful in granting it access and allowing it to act as a mediator. In sum, it was a matter of domestic and international factors and, most importantly, the benefits of NGOs in track one and a half diplomacy that came together to allow the HDC to become involved in mediating the conflict.

CMI became involved in the peace process under much different circumstances than the HDC, but was similar in the sense that its NGO status was also beneficial in granting it access to the conflict. When Aceh was placed under martial law on May 19, 2003, the government had launched what it called an "integrated operation" to win the hearts and minds of the Acehnese and destroy GAM. Six months later the martial law was downgraded to a civil emergency, but without the government being able to claim victory.¹¹⁰ However, the counterinsurgency operations still had a negative effect on GAM's ability to operate, and its leader, Malik Mahmud, even acknowledged, "the existing strategies applied by both parties had caused a costly stalemate."¹¹¹

GAM had suffered serious losses during the period of martial law, which led to battle fatigue, and made a peaceful solution much more attractive for GAM than continued fighting. However, it was not only GAM that had grown tired of conflict, but the government as well.¹¹² It had launched previous operations against GAM in the 1990s and once again in 2003 without being able to secure a victory and only to see GAM reemerge even stronger. Therefore, despite the fact that the government was winning at the time, it knew it could never completely defeat GAM, and had grown weary of the conflict. After Susilo Bambang Yudhoyono won the Indonesian presidential election in 2004, he stated: "I believed very strongly that a military solution could not solve the problem permanently and conclusively. We have 50 years of

¹¹⁰ Balowski, "Aceh."

¹¹¹ Aspinall, "The Helsinki Agreement," 13.

¹¹² Aspinall, "The Helsinki Agreement," 12.

experience to prove this, not only in Aceh.”¹¹³ This shows that the new administration understood the importance of attaining peace and means that there was a sense of a stalemate, even on the government side. The president knew that the alternative to peace was continued war, and he was not prepared for that.

The stalemate on the ground was made much worse by the tsunami that hit Aceh on December 26, 2004. However, the tsunami also created common ground that allowed the two parties to restart negotiations because both sides were concerned about the welfare of those affected, and felt that helping the victims was more important than continuing the conflict. Furthermore, the international community was present in Aceh, which created a reluctance by the two parties to fight each other in order not to tarnish their international image.¹¹⁴ As a result, the tsunami gave both sides the opportunity to save face by presenting the renewed talks as a humanitarian disaster instead of a change in policy.¹¹⁵ More importantly, the tsunami changed the dynamics of the conflict and the way the parties thought about it because the resumption of military operations suddenly became politically costly in the eyes of both sides.¹¹⁶

Although the tsunami created an atmosphere for peace, secret back channel talks between the exiled GAM leadership and the Indonesian government had already begun shortly after the election of SBY to explore a political solution that included alternatives to Acehese independence.¹¹⁷ This means that attempts to restart the peace process had actually started before the tsunami struck. These negotiations were facilitated by a Finnish businessman, Juha Christensen, whose close geographical proximity to the exiled leadership in Sweden and connections to both the GAM leadership and Farid Husain helped establish contact between the two sides. Husain was Jusuf Kalla’s assistant as Deputy Coordinating Minister for People’s Welfare before Kalla became vice-president in 2004. However, the GAM leadership rejected an initial meeting with Husain because the meeting was not formally sponsored by an international

¹¹³ Michael Morfit, “The Road to Helsinki: The Aceh Agreement and Indonesia’s Democratic Development,” *International Negotiation*, Vol. 12, 2007, 127-128.

¹¹⁴ Hamid Awaluddin, “Why is Peace in Aceh Successful?” Conciliation Resources. <http://www.c-r.org/our-work/accord/aceh/success.php>. (Retrieved January 6, 2010).

¹¹⁵ Aspinall, “The Helsinki Agreement,” 21.

¹¹⁶ Sukma, “Indonesia and the Tsunami,” 219; Kanis Dursin, “Malik Mahmud: We Have to be Realistic,” *The Jakarta Post*, May 28, 2006.

¹¹⁷ Schulze, “From the Battlefield to the Negotiating Table,” 94.

organization. At this point, Christensen approached Martti Ahtisaari, former Finnish President, to act as a mediator.¹¹⁸

The Indonesian government was much more willing to accept Ahtisaari once he retired as the president of Finland in 2001, and was now acting in a private capacity, instead of a representative of Finland or the EU.¹¹⁹ This is because foreign intervention was still viewed as undesirable by the Indonesian government following the secession of East Timor, so any official mediation by states or multilateral institutions was ruled out. Therefore, much like the HDC, CMI's involvement was accepted because it once again gave international legitimacy to GAM and the government, while still respecting Indonesian sovereignty.¹²⁰

A formal invitation for GAM and Indonesia to meet was issued by CMI on December 24, 2004. On December 28, two days after the tsunami, the invitation was accepted.¹²¹ So, while efforts to restart negotiations had begun before the tsunami struck, the disaster increased the sense of a stalemate and made the parties recognize the importance of achieving peace. It also increased the pressure on both parties not to continue fighting because continued conflict would be detrimental to the people of Aceh. As well, each side was conscious of its image abroad and both were eager for international approval.

Therefore, CMI was able to gain entry to the conflict due to the stalemate and the devastation of the tsunami that made both sides eager to reach an agreement. However, as mentioned before, Indonesia was still skeptical of outside interference after the events that transpired in East Timor. As a result, CMI was allowed to mediate due to its unofficial status and nonthreatening nature. The organization was engaged in track one and a half diplomacy, which meant it had access to top-level officials, but the mediation process was led by an unofficial actor that was not pursuing a national interest much like a powerful state would be. So, just like the HDC-led process, the flexibility and unofficial nature of CMI became very useful in granting it access and allowing it to act as a mediator.

Even though both NGOs were able to act as mediators due to their nonthreatening nature, their unofficial status left both of them at a significant disadvantage in their attempt to reach an

¹¹⁸ Aspinall, "The Helsinki Agreement," 18-19; Morfit, "The Road to Helsinki," 136-137; International Crisis Group, "A New Chance for Peace," Asia Briefing No. 40, International Crisis Group, August 15, 2005, 2.

¹¹⁹ Kivimaki and Gorman, "Non-Governmental Actors in Peace Processes," 10.

¹²⁰ Biswas, "Can't We Just Talk?" 137.

¹²¹ Damien Kingsbury, *Peace in Aceh: A Personal Account of the Helsinki Peace Process*, (Jakarta, Indonesia: Equinox Publishing, 2006), 19.

agreement. According to the existing literature on mediation examined in chapter two, the possession of power is central to successful mediation in order to change the perceptions of the parties and influence them to end fighting. Power determines the strategy adopted by the mediator, as well as their ability to make the parties feel as though a stalemate has been reached in the conflict. However, NGOs usually lack leverage over the parties that can be used to find a peaceful settlement. In particular, they do not possess reward and coercive powers that are most useful in pressuring parties into an agreement. This lack of power became evident for both NGOs in Aceh.

Factors Affecting the Effectiveness of the NGOs in the Negotiating Process

In the case of the HDC, it lacked several types of powers required for successful mediation. The value placed on the relationship by the parties was minimal because there was limited contact between the HDC and the two sides in the past, and the government did not completely trust the NGO. The only importance of the relationship was related to both sides wanting to gain international legitimacy. To make matters worse, the HDC did not have any knowledge of Indonesia, and had never even engaged in a formal mediation process before Aceh. This lack of experience in Indonesia and mediation in general put it at a serious disadvantage because it meant that it lacked any referent or expert power.

This lack of experience also led to very little legitimate power for the HDC because the NGO was still a new organization that had not built itself a reputation as a successful mediator. Even the sequence of events that led to its involvement in Aceh limited its legitimacy to act as a mediator in the conflict. This is because the HDC actively sought to become involved in the process and had to convince the parties to let it act as a mediator instead of being invited. While GAM easily accepted it to act as a neutral third party in order to gain international attention, the government grudgingly approved the HDC's participation because the government did not want any outside interference in the conflict after the events that transpired in East Timor. Therefore, the HDC had a degree of legitimacy in the eyes of GAM, but this legitimacy was fairly limited considering the government was skeptical of its actions and maybe even intentions, leading to a reduction in its legitimate power.

Lastly, like any other NGO, the HDC did not possess reward or coercive powers. It was a small organization with few resources, especially those that could persuade the parties to make

concessions through the use of incentives or sanctions. Therefore, the HDC's power was very limited entering the negotiations.

This lack of power had a direct influence on the strategies adopted by the HDC. For example, as a weak mediator, the NGO was forced to act as simply a facilitator of communication between the parties, rather than being an active participant in negotiations and attempting to influence the perceptions of the warring parties.¹²² Being a facilitator only further limited its ability to bring about a final agreement because it had to engage in shuttle diplomacy and the two sides never met face-to-face.¹²³ Furthermore, being forced to act as a facilitator required the HDC to rely on the good faith of the parties to reach an agreement because it acted as a leader of negotiations, rather than attempting to influence their attitudes and perceptions. However, this approach did grant the HDC informational power because the organization had access to information that the parties did not have. Although the HDC possessed some informational power, this still rendered it relatively powerless and forced it into the facilitative mode for most of the negotiations where it relayed messages between the parties.

However, the HDC was not stuck in the facilitative mode for the entire process because it was able to use the procedural method at various times throughout the negotiations. As a result, the HDC had to begin to create formulas for a settlement, and to provide a common understanding of the problem and its solution.¹²⁴ The procedural strategy also involved efforts to control matters such as agenda setting, highlighting common interests, and dealing with simple issues first.¹²⁵

In Aceh, the HDC knew talks would be difficult with GAM insisting it would settle for nothing less than independence, and the government insisting that Aceh must remain a part of the Indonesian state. Nevertheless, the HDC hoped that dialogue focused on humanitarian issues could build trust between the two sides and eventually bring them together to solve the conflict.¹²⁶ The NGO therefore adopted the procedural method by controlling what issues would be discussed, and first addressing the simple issues of humanitarian access that would appeal to both sides. However, this approach is much different than attempting to achieve a final solution

¹²² Leary, "Critical Moments as Relational Moments," 317.

¹²³ Schulze, "GAM," 111.

¹²⁴ Zartman and Touval, "International Mediation," 446.

¹²⁵ Bercovitch, "Mediation in International Conflict," 139.

¹²⁶ Aspinall and Crouch, "The Aceh Peace Process," 10; Kay, 10.

since it was much easier to get parties to agree to allow aid to reach their constituents, but much more difficult to get each side to make significant concessions to bring an end to a conflict that had been ongoing for almost 25 years. Once again, this approach limited the possibility of a successful outcome because the HDC had ignored the root causes of the conflict. This is because it lacked sufficient power to allow it to undertake a more persuasive role and force the two sides to address the difficult issues.

Despite the HDC's lack of power, the negotiations did allow the warring parties to reach an agreement called the "Joint Understanding on Humanitarian Pause" in May 2000. The Humanitarian Pause was a ceasefire that was to last three months and was designed to allow for the delivery of humanitarian aid, as well as to reduce violence and tension between the two sides.¹²⁷ The ceasefire served as a confidence building measure upon which further agreements could be built,¹²⁸ and allowed each side to make concessions without losing face by making compromises look like noble acts, instead of succumbing to pressure from the other side.¹²⁹

However, violence continued throughout the pause, with the Indonesian government accusing GAM of using the break in fighting to tighten its control over the countryside and creating alternative governing structures. This resulted in a continued lack of trust between the two sides.¹³⁰ Furthermore, common ground was not established because both sides remained far apart in their goals, with GAM still seeking independence and Indonesia determined not to let Aceh secede.¹³¹ As a result of the continued violence and mistrust, the military deployed more troops to Aceh and conducted counter-insurgency intelligence gathering campaigns under the guise of providing humanitarian aid.¹³² With violations on both sides, fighting once again resumed and the Indonesian government began to prepare for another military offensive.¹³³ By late 2000, the violence had returned to levels prevalent before the agreement.¹³⁴

¹²⁷ Kay, "The 'New Humanitarianism,'" 5-6.

¹²⁸ Joint Understanding on Humanitarian Pause for Aceh, 2000, 1; The Jakarta Post, "The Aceh Conflict: The Long Road to Peace," May 7, 2003.

¹²⁹ Martin, *Kings of Peace, Pawns of War*, 76.

¹³⁰ Martin, *Kings of Peace, Pawns of War*, 77.

¹³¹ Martin, *Kings of Peace, Pawns of War*, 76-77.

¹³² Otto Syamsuddin Ishak, "Between War and Peace: An Insider Speaks About Peace Negotiations on Aceh," *Inside Indonesia*, Vol. 70, 2002. <http://www.insideindonesia.org/edition-70/between-war-and-peace>. (Retrieved February 6, 2010).

¹³³ Aspinall and Crouch, "The Aceh Peace Process," 14.

¹³⁴ International Crisis Group, "Aceh: A Fragile Peace," 2-3.

The HDC was therefore unable to broker a final agreement between GAM and the Indonesian government. It was successful in getting them to sign a ceasefire, but this did not address the root causes of the conflict and only temporarily ended the fighting. The HDC was unable to influence either side to permanently end the conflict because it did not possess referent, expert, legitimate, reward, or coercive powers. These could have been used to adopt the directive method, which means the NGO would put pressure on the parties to change their attitudes or perceptions of the conflict by increasing the unattractiveness of the conflict and creating the sense of a stalemate. However, since the HDC lacked almost every type of power, it had to oscillate between facilitative and procedural roles, which meant it was unable to change the perceptions of the parties to believe a stalemate had been reached. Instead, each side still believed that war was preferable to peace because the HDC could not show how an end to fighting would be beneficial. With the NGO lacking reward power, it could not provide any material benefits if the two sides reached a final agreement. More importantly, because of the HDC's lack of coercive power, it could not pressure to force the two sides to adhere to the Humanitarian Pause. As a result, the violence in Aceh continued.

Entering the negotiations led by CMI, the organization had also lacked reward and coercive power because it was still a small NGO, much like the HDC. However, the difference was that Ahtisaari's experience as the President of Finland and in previous mediation efforts meant he had several personal powers that he brought to the peace process that the HDC lacked in the previous negotiations.

First, the sequence of events that led to his involvement gave him legitimate power. The new administration of SBY was seeking to restart negotiations and had actively sought out Ahtisaari by inviting him to act as a mediator.¹³⁵ Additionally, GAM was willing to accept a well-known international political figure that would give it international attention and legitimacy.¹³⁶ Therefore, both parties easily accepted Ahtisaari, which gave him leverage and the legitimacy to make requests since they both wanted him to act as the mediator.

Second, Ahtisaari had referent power over the two parties, which means that both sides valued their relationship with Ahtisaari because they believed that he could use his resources to support or protect the interests of the parties. His former status as the President of Finland gave

¹³⁵ Aspinall, "The Helsinki Agreement," 18-19; Morfit, "The Road to Helsinki," 136-137; International Crisis Group, "A New Chance for Peace," 2.

¹³⁶ Biswas, "Can't We Just Talk?" 137.

him international stature and several connections that he could use to get the parties what they wanted. These connections became useful from the beginning of the negotiations, which helped him secure funding for the process. For example, the Finnish government funded the first round of talks on the basis that they would give CMI an opportunity to see if there was any possibility of finding a solution. The first round was also unofficial, but if there was going to be a second round, the process would become official and CMI would have to seek funding from somewhere else. However, Ahtisaari stated that he was not interested in pursuing talks that were not official and not formally endorsed by the Indonesian government. After he expressed these concerns, the Finnish government helped Ahtisaari approach the EU to fund future talks.¹³⁷ Therefore, Ahtisaari had access to EU resources, which were very important to both sides and placed a great deal of importance on the relationship between him and the parties.

Finally, his previous experience gave him a significant amount of expert power because Ahtisaari knew more than the parties about peace processes based on his reputation and experience at the UN, and most importantly, on helping to reach a peace agreement in Kosovo. This meant that Ahtisaari already had experience in successful mediation. Furthermore, CMI studied the talks led by the HDC, consulted with the individuals in the process, and prepared an in-depth study of the conflict that helped to inform Ahtisaari. This information helped him to understand the weaknesses of the HDC-led process and helped CMI to avoid the same mistakes.¹³⁸ This information also led to increased expert power and a better understanding of the conflict, which put CMI in an advantageous position compared to the HDC because CMI knew which strategies worked and which ones did not, and also knew what issues could be sticking points in the talks.

This knowledge and power had a direct affect on the second peace process, and led to Ahtisaari using a much different strategy compared to the HDC that allowed him to influence the parties. For example, CMI was able to use the procedural method from the very beginning by setting a deadline and creating an agenda for negotiations that included five rounds of talks. This allowed it to control the pace of the negotiations and the issues that would be discussed in order

¹³⁷ Kingsbury, *Peace in Aceh*, 27.

¹³⁸ Barbara Kemper, "Mediation in Intrastate Conflicts: The Contribution of Track-Two Mediation Activities to Prevent Violence in the Aceh Conflict," INEF Report 88, Institute for Development and Peace, 2007, 31; Pierre-Antoine Braud and Giovanni Grevi, "The EU Mission in Aceh: Implementing Peace," Occasional Paper No. 61, European Union Institute for Security Studies, 2005, 20.

to keep the parties on track and moving towards a final solution. The first round of talks began on the afternoon of January 27, 2005, and dealt with the issue of self-government. The second round addressed provisions for political participation, and provincial and local elections. The third round dealt with economic arrangements, such as taxation and the allocation of financial resources, while the fourth round addressed the possibility of amnesty. Finally, in the fifth round, security arrangements were discussed and the issue of reducing the presence of national military and police forces, as well as defining their roles in Aceh and the decommissioning of GAM weaponry were addressed.¹³⁹

Ahtisaari also placed a time limit of six months to reach an agreement, which put pressure on the parties to focus on the important issues of the conflict. His view was that the agreement should be brief and general because if it were too detailed then a final solution would not be reached.¹⁴⁰ Ahtisaari further explained that: “I don’t believe in agreements that are full of details. Then you easily find yourself in a situation in which it can always be said that some or other detail has been violated. A sufficiently compact agreement gives responsibility also to those who implement it and leaves enough room to interpretation.”¹⁴¹

However, Ahtisaari did not have to exercise informational power because both sides held face-to-face negotiations, which meant that both sides could see each other and talk directly.¹⁴² This is a much different approach compared to the HDC that did not set deadlines and used the facilitative approach where the two parties never met face-to-face. Conversely, CMI controlled the pace and the format of the negotiations from the very beginning by creating an agenda and placing a time limit on the negotiations. However, it was only able to do this because of the power Ahtisaari brought into the negotiations, compared to the HDC that lacked several powers.

Ahtisaari also based the negotiations on the concept of “nothing is agreed until everything is agreed.”¹⁴³ This approach meant that nothing was final until a comprehensive agreement had been reached, which forced both sides to address the most difficult issues instead

¹³⁹ Martti Ahtisaari, “Lessons of Peace Processes,” Speech given at the Inaugural Conference of the ASEM Education Hub Thematic Network of Peace and Conflict Studies, August 31, 2007, 3. <http://www.cmi.fi/material/speeches/201-lessons-of-peace-processes-.html>. (Retrieved January 6, 2010).

¹⁴⁰ Edward Aspinall, “Peace Without Justice? The Helsinki Peace Process in Aceh,” Report, Centre for Humanitarian Dialogue, April 2008, 14.

¹⁴¹ Aspinall, “Peace Without Justice?” 14.

¹⁴² Awaluddin, “Why is Peace in Aceh Successful?”

¹⁴³ Morfit, “The Road to Helsinki,” 138.

of agreeing on simple individual issues while avoiding the root causes of the conflict.¹⁴⁴ This kept negotiations going through the tough times because when they nearly collapsed before the signing ceremony, GAM agreed that it would have been irresponsible to let them fail, given how much had already been accomplished.¹⁴⁵

GAM also continued its strategy of trying to involve the international community in the negotiations by getting the UN and other countries to “urge the Government of Indonesia to agree to a sustainable ceasefire to ensure the continued delivery of emergency aid to tsunami victims.”¹⁴⁶ But this was unacceptable for the government, and Hamid Awaluddin, Indonesia’s chief negotiator, replied: “In substance, they want a temporary solution, while we want a permanent solution. Future negotiations will be to find a meeting point between these two.”¹⁴⁷ GAM continued its calls for a ceasefire, but the government continued to refuse this approach out of fear that GAM would use a break in fighting to strengthen its forces.¹⁴⁸

In addition, Ahtisaari’s procedural approach of “nothing is agreed until everything is agreed” also meant that GAM’s strategy would not be accepted because a ceasefire would not be put into place until a final agreement was reached. This was a much different approach compared to the one taken by the HDC which insisted that ceasefires be signed before the substantive issues could be discussed. This was an effort to create trust between the sides, which was supposed to lead to the resolution of the conflict. But this approach failed because of the high level of distrust and the lack of commitment that existed on both sides. Therefore, the second stage was never reached, so the divisive issues were never discussed. Ahtisaari essentially reversed the process undertaken by the HDC and kept negotiations moving by going directly to the difficult issues that had to be overcome if peace were to be achieved.

This approach means that Ahtisaari was able to learn from the mistakes of the HDC. As a result, he took a much different approach and changed the role of the mediator to the procedural method going into the negotiations compared to the mainly facilitative approach that the HDC adopted. This allowed Ahtisaari to control the process and keep it on track since he would not let allow either side to derail the process by allowing negotiations to continue indefinitely.

¹⁴⁴ Morfit, “The Road to Helsinki,” 138.

¹⁴⁵ Heiling, “Conflict Resolution in Aceh in Light of Track One and a Half Diplomacy,” 180.

¹⁴⁶ Aspinall, “The Helsinki Agreement,” 24.

¹⁴⁷ Aspinall, “The Helsinki Agreement,” 24.

¹⁴⁸ Aspinall, “The Helsinki Agreement,” 24.

However, he was only able to do this because of the personal power he possessed going into the talks that allowed him to influence the parties to accept the procedures established at the beginning.

This authority also allowed Ahtisaari to take a very directive role at times, which according to the existing practices of mediation, is most useful in intractable conflicts like the one in Aceh. This is because it is the point when the mediator is involved to the maximum degree, and the mediator uses their power to bring the parties to an agreement. As well, the mediator has to persuade the parties to accept its solution and may do this by increasing the unattractiveness of continued conflict by making them believe that dialogue is to be preferred to war.¹⁴⁹

Ahtisaari adopted this method by explicitly stating to GAM that the condition for the talks was its acceptance of the Special Autonomy (NAD) Law, which gave Aceh a larger share of oil revenue and the ability to implement Shari'a Law.¹⁵⁰ However, GAM refused to accept any preconditions and it looked as though talks would collapse before they even began.¹⁵¹ To counteract GAM's hardened stance, Ahtisaari threatened to withdraw his services several times when GAM refused to give up its pursuit for independence.¹⁵² He states: "I made it clear that I was doing them a favor. If both sides did not come prepared for serious negotiations, I told them I was not interested in wasting my time and energy."¹⁵³ Ahtisaari understood that the government would not compromise on its stance of maintaining its territorial integrity, so he knew that an agreement had to be based on autonomy.¹⁵⁴ He said at times he had to be "very tough on GAM about this framework. I was not afraid to tell them the hard facts: I don't see one single government in the world that supports you."¹⁵⁵ He went on to tell GAM, "If you keep talking about the idea of independence, please leave my room and never come back. But remember, you will never get what you dream. Not in my lifetime. I will use all of my muscles to influence Europe and the world not to support you. You will never get independence."¹⁵⁶ However, GAM

¹⁴⁹ Zartman and Touval, "International Mediation," 446-447.

¹⁵⁰ Aspinall and Crouch, "The Aceh Peace Process," 25.

¹⁵¹ Kingsbury, *Peace in Aceh*, 26-27.

¹⁵² Heiling, "Conflict Resolution in Aceh in Light of Track One and a Half Diplomacy," 180.

¹⁵³ Morfit, "The Road to Helsinki," 137-138.

¹⁵⁴ Kemper, "Mediation in Intrastate Conflicts," 27.

¹⁵⁵ Morfit, "The Road to Helsinki," 139.

¹⁵⁶ Awaluddin, "Why is Peace in Aceh Successful?"

was eager for international attention and legitimacy, and knew that Ahtisaari might be able to achieve this, so it remained engaged in the negotiations.

This is a very directive role that Ahtisaari used in order to put pressure on the parties to accept an agreement. Pressuring GAM to accept autonomy also guaranteed that there would not be any major sticking points between the parties from the beginning and instantly brought the two sides' positions closer together, which increased the likelihood of reaching a settlement. This shows that Ahtisaari was able to use his leverage over GAM to get it to agree to his terms. He recognized that it was eager for international recognition, but that this could only be achieved if it continued to engage in negotiations. Therefore, he was able to change the perceptions of GAM to make peace preferable to war. As a result, GAM continued to engage in the mediation process because it recognized the legitimacy of Ahtisaari because of his background and that he might be able to end the suffering of the Acehnese.

However, this only came as a result of the personal powers that he brought to the peace process, which allowed him to take procedural and directive roles to influence the perceptions of the parties. While this approach kept the process going and brought the two sides closer together, it did not lead to a final agreement. This is because CMI still did not possess the reward or coercive powers that could give the parties the final push needed in order to finally end the conflict. Therefore, even though CMI had considerably more power than the HDC, they were both lacking the required leverage to convince the two sides to cease fighting, and would have to rely on multiparty mediation to achieve peace.

Overcoming the Limits of NGO Negotiations: Multiparty Mediation

In the case of the HDC, the NGO had to rely on outside actors several times throughout the negotiating process. Almost one year after the signing of the Humanitarian Pause, the parties met again in January 2001 in Geneva. However, this time, the HDC invited three internationally known experts to act as its advisors. They were invited because GAM was unskilled in negotiation, while the Indonesian side had Hassan Wirajuda, a career diplomat who had successfully mediated the Moro conflict in the Philippines. In an effort to put GAM on a more equal footing, the HDC invited Lord Eric Aveybury, a long-time friend of GAM and someone who was therefore trusted by Hasan di Tiro, GAM's leader. It also invited Hurst Hannum and William Ury. Hannum was a Professor of International Law at the Fletcher School at Tufts

University and author of academic work on sovereignty claims, while Ury was an expert in negotiation from Harvard Law School.¹⁵⁷

By inviting these people to the negotiations, the HDC created leverage and made up for its lack of power. The HDC was relatively inexperienced in mediation, so it brought in experts such as Ury to make up for this and allow the NGO to borrow expert power. It also had a small degree of legitimate and referent power from previous contacts with the government and each side's desire to gain international credibility, but this was added to by inviting Lord Avebury who was trusted by GAM. As well, Hurst Hannum was sympathetic to minority concerns about sovereignty, which further added to the experts' referent power over GAM because he was believed to have its interests in mind.¹⁵⁸

However, Hannum was also responsible for telling GAM that existing international law did not give it the right to independence and that the international community would support Indonesia's territorial integrity.¹⁵⁹ This means that Hannum adopted the directive method by trying to persuade GAM that it did not have international support and would likely have to give up its goal of independence. But he was only able to use the directive method because he had referent power. The HDC did not possess this type of leverage to take on such a persuasive role, so it had to rely on Hannum to provide it.

Similarly, Ury was included to conduct internal talks with each side in order to explore their options and recognize the costs of each option. The meetings by Ury were not considered negotiations, but workshops on the root causes of the conflict. This justified the inclusion of outside experts because the workshops were unofficial and it also gave them more flexibility in offering suggestions.¹⁶⁰ Once again, this is a method where the mediators tried to influence the perceptions of the parties, but in a very subtle way. It allowed the conflicting parties to understand the costs of continued conflict and hopefully to lead them to think they had reached a stalemate because dialogue was preferable to war. This means that the experts also took on the procedural role at times throughout the process and used their experience in an attempt to change the perceptions of the parties. However, this role had to be done by those other than the HDC because it lacked expert and referent power, and had to borrow this from external actors through

¹⁵⁷ Leary, "Critical Moments as Relational Moments," 319.

¹⁵⁸ Leary, "Critical Moments as Relational Moments," 319.

¹⁵⁹ Leary, "Critical Moments as Relational Moments," 319.

¹⁶⁰ Leary, "Critical Moments as Relational Moments," 319-320.

multiparty mediation. The result of these talks with the experts was a one-month extension of the Humanitarian Pause to allow time to address the root causes of the conflict, and shows that the involvement of the experts was helpful in coming closer to a final agreement by adding leverage through multiparty mediation.

In fact, the HDC had to rely heavily on external actors throughout the process to make up for its lack of power, and Griffiths even admits that his organization could not operate without diplomatic support, as it spent a large amount of time cultivating relationships with powerful states.¹⁶¹ During the peace process, when Griffiths was not in Jakarta, he was communicating with Washington, London, Tokyo, Brussels, or Oslo.¹⁶² The US in particular was important in Aceh, and Griffiths has admitted that the HDC would not have been able to accomplish what it did without the support of the US.¹⁶³

The US showed interest in resolving the conflict in Aceh because Indonesia is of great importance to the US for several reasons. First, Aceh's location at the mouth of the Malacca Strait raised concerns about terrorist attacks because of insecurity, or criminal activity that might affect traffic through the Strait.¹⁶⁴ GAM had allegedly engaged in piracy, including the hijacking of ships and holding crews for ransom, as well as brought weapons into the country through Cambodia and Thailand. This raised serious security issues for the region and the possible disruption of traffic through the important sea-lane if the conflict continued. Second, Indonesia is rich in resources and is Asia's third largest oil exporter, which created anxiety that continued conflict could end the flow of oil.¹⁶⁵ Third, after September 11, 2001, the US focused more attention on Islamist militant groups with links to terrorist activities. Therefore, the world's most populous Muslim country received increased attention from the US in its efforts to combat terrorism.¹⁶⁶

As 2001 continued without any real progress in negotiations and months of relaying messages between the sides, there was a return towards multiparty mediation. The US became concerned about the lack of progress in the peace process, but was able to convince the

¹⁶¹ Martin, *Kings of Peace, Pawns of War*, 68.

¹⁶² Martin, *Kings of Peace, Pawns of War*, 68.

¹⁶³ Martin, *Kings of Peace, Pawns of War*, 69.

¹⁶⁴ Tamara Renee Shie, "Indonesia's Aceh Conflict in Perspective: Security Considerations for Tsunami Relief and US-Indonesia Relations," National Defense University Institute for National Strategic Studies Background Paper, February 1, 2005, 5.

¹⁶⁵ Shie, "Indonesia's Aceh Conflict in Perspective," 5-6.

¹⁶⁶ Shie, "Indonesia's Aceh Conflict in Perspective," 6.

Indonesian government to accept the involvement of respected high-profile envoys in order to get negotiations back on track. The American government thought that the HDC was not being respected as a mediator, so the US thought it could use some leverage to pressure the parties to make concessions. The envoys became known as the Three Wise Men and consisted of retired US Marine General and Middle East Envoy Anthony Zinni, former Foreign Minister of Thailand Dr. Surin Pitsuwan, and former Yugoslav Ambassador to Indonesia Budimir Loncar. However, due to the sensitive nature of the US being involved in the peace process, the HDC had to take credit for involving the Wise Men in the process.¹⁶⁷ It took some time to convince the Indonesian government, but it eventually agreed, as long as the Three Wise Men were advisors to the HDC, and not the other way around.¹⁶⁸

Meanwhile, GAM easily accepted the presence of high-profile international mediators because it once again drew attention to its cause and internationalized the situation.¹⁶⁹ The involvement of the Wise Men played directly into GAM's overall strategy of internationalizing the situation because GAM's participation in the negotiations was motivated less by what it could receive from Indonesia than what it could get from the international community. For example, in February 2002, GAM's minister of state, Malik Mahmud, pointed out that when the US asks Indonesia "to do something, they have to do it because they depend on the Americans."¹⁷⁰

None of the Wise Men officially represented their countries, but their involvement represented increased international interest in resolving the conflict. Anthony Zinni was known to have a close relationship with President George W. Bush, and was encouraged by the US State Department to take part in the mediation, while Dr. Surin Pitsuwan is a Muslim and is actively involved in ASEAN.¹⁷¹ Lastly, Budimir Loncar was the ambassador to Indonesia during the Sukarno era and remained friends with Sukarno's daughter, President Megawati.¹⁷² Therefore, these individuals were picked because it was expected that they would have sufficient leverage and mediation power to influence the parties to come to an agreement. The HDC still did not

¹⁶⁷ Martin, *Kings of Peace, Pawns of War*, 85-86; International Crisis Group, "Aceh: A Fragile Peace," 5; Aspinall and Crouch, "The Aceh Peace Process," 27.

¹⁶⁸ Martin, *Kings of Peace, Pawns of War*, 85-86; International Crisis Group, "Aceh: A Fragile Peace," 5.

¹⁶⁹ Aspinall and Crouch, "The Aceh Peace Process," 27.

¹⁷⁰ Schulze, "GAM," 105.

¹⁷¹ Kay, "The 'New Humanitarianism,'" 8.

¹⁷² Kay, "The 'New Humanitarianism,'" 8.

possess referent power, so the US picked Loncar and Pitsuwan in order to fill this void through their respective personal relationships with the Indonesian government and regional representation, which led to greater trust of the mediators, and would allow them to make requests of each side.

In addition, the HDC did not possess sufficient expert or legitimate power due to its inexperience and the fact that the organization had to convince the Indonesian government to allow it to mediate. Zinni was used to fill in these gaps because, if only unofficially, he still represented the most powerful country in the world and had knowledge of mediation from his experience in the Middle East peace process. Zinni used this leverage to pressure GAM to accept autonomy as a final settlement, but warned the government that international monitors would have to be a part of any agreement.¹⁷³ He also suggested to Megawati that the renewal of US military ties to Indonesia would be linked to a negotiated settlement. Weeks later, this promise was restated publicly by US Secretary of State, Colin Powell, during his visit to Indonesia.¹⁷⁴

This means that Zinni was able to use the directive method from the leverage that he possessed and the fact that he knew more about mediation, which allowed him to try to influence both sides to accept an agreement. He also used the incentive of renewing military ties to try to persuade the government to end the conflict peacefully,¹⁷⁵ which meant that the HDC was able to borrow reward power from the US in an attempt to pressure the government to make concessions. In sum, the use of multiparty mediation and the involvement of international experts allowed the NGO to borrow leverage, which seemed to work because this pressure brought both parties back to the table in the fall of 2002.

Meanwhile, the broader international community weighed in on the issue of peace in Aceh, which drastically enhanced the power of the HDC. Japan, the US, the EU, and the World Bank cosponsored a Preparatory Meeting on Peace and Reconstruction in Aceh that was attended by countries including Denmark, France, Germany, Qatar, Malaysia, the Philippines, Switzerland, Thailand, and the UK. In total, 38 countries along with various organizations that included the European Commission, the Asian Development Bank, the World Bank, and the UN Development Programme attended the conference in Tokyo on December 3, 2002.¹⁷⁶ Indonesian

¹⁷³ Kay, "The 'New Humanitarianism,'" 8.

¹⁷⁴ Kay, "The 'New Humanitarianism,'" 8.

¹⁷⁵ Kay, "The 'New Humanitarianism,'" 8.

¹⁷⁶ Aspinall and Crouch, "The Aceh Peace Process," 32; The Jakarta Post, "The Aceh Conflict."

Minister of Foreign Affairs, Hassan Wirajuda stated: “Its purpose is to induce the parties involved in the negotiations to be more serious in their dialogue to reach a lasting solution...in particular to induce GAM to remove shortcomings and sign the peace agreement.”¹⁷⁷

Those in attendance discussed financial assistance for post-war reconstruction and to find a way to encourage GAM to sign the peace deal in order to allow reconstruction to begin.¹⁷⁸ They agreed to provide support for humanitarian aid, and Australia and Canada committed to support the monitoring of the agreement, while Norway, Sweden and the US promised to support the HDC’s operations.¹⁷⁹ It was also agreed that once the agreement was signed, a multi-agency mission would be sent to Aceh to evaluate the requirements of the social and economic rehabilitation of the province. The participating countries would then provide financial assistance for humanitarian assistance, support for the demobilization of combatants, short-term high-impact community investments, improvement of health and education facilities, and infrastructure building. The Consultative Group on Indonesia would then coordinate donor support while local communities and civil society would ensure that funding reached people as quickly as possible.¹⁸⁰

These actions and commitments represented a very large incentive from the international community to resolve the conflict peacefully and showed that it was willing to help rebuild the province after peace was achieved. The countries that attended the meeting promised to provide immediate relief to the victims of the conflict in an effort to better the lives of the Acehnese and create a sense of a stalemate by changing the perceptions of the conflicting parties to show that peace was preferable to war. The meeting was also another practice in multiparty mediation where the countries and organizations that attended the conference added a significant amount of leverage to the peace process by having such a large representation of the international community and further lending reward power to the HDC.

The approach seemed to work because six days after the Tokyo Conference, the Cessation of Hostilities Agreement (COHA) was signed on December 9, 2002, as a ceasefire so that actual peace talks could begin, with autonomy as the working basis of a final agreement.¹⁸¹

¹⁷⁷ Moch. N. Kurniawan and Fabiola Desy Unidjaja, “Japan, US Initiate Meeting to Rebuild Shattered Aceh,” *The Jakarta Post*, November 21, 2002.

¹⁷⁸ Kurniawan and Unidjaja, “Japan, US Initiate Meeting to Rebuild Shattered Aceh.”

¹⁷⁹ Aspinall and Crouch, “The Aceh Peace Process,” 32; *The Jakarta Post*, “The Aceh Conflict.”

¹⁸⁰ *The Jakarta Post*, “The Aceh Conflict.”

¹⁸¹ Martin, *Kings of Peace, Pawns of War*, 90.

However, the ceasefire was not designed to resolve the conflict itself because it did not address the root causes of the conflict. Instead, the COHA was another attempt to build confidence between the parties and both sides were to show that they were “serious about achieving this ultimate common objective.”¹⁸² Once hostilities had ceased, the goal was to proceed to negotiate a final agreement, and in the meantime allow for the delivery of humanitarian, rehabilitation, and reconstruction assistance.¹⁸³

The COHA also reestablished the Joint Security Committee, the monitoring body from the Humanitarian Pause. The new Joint Security Committee was designed to monitor and enforce the agreement through investigations and sanctions. Furthermore, the agreement stipulated that peace zones were to be created, followed by GAM putting its weapons in placement sites two months after the signing of the agreement, which was to be completed within another five months. Meanwhile, the Indonesian military was supposed to undertake a simultaneous relocation of its forces to defensive positions.¹⁸⁴

It was the HDC that was given the responsibility of monitoring and implementing these steps. However, it was not completely alone in performing this function because in a concession to GAM, and due to pressure from Zinni, the government also allowed the presence of international monitors.¹⁸⁵ Thailand and the Philippines supplied monitors who did not represent their countries, but served as individuals responsible to the HDC who had 50 monitors of its own. These monitors then worked in teams with 50 monitors from the Indonesian forces and 50 monitors from GAM, with the HDC providing funding, and logistical and administrative facilities.¹⁸⁶ However, despite this help from the international community in implementing the agreement, the HDC was the main body that was tasked with this responsibility.

Initially, there was a drop in violence after the signing of the COHA, but there was not a complete cessation of hostilities, and within a week, each side was accusing the other of major violations. The government accused GAM of using the break in fighting to consolidate its forces by recruiting more fighters and rebuilding its government structure, along with launching a

¹⁸² Cessation of Hostilities Framework Agreement (COHA) Between Government of the Republic of Indonesia and the Free Aceh Movement, 2002, 2.

¹⁸³ COHA, 2.

¹⁸⁴ COHA, 3.

¹⁸⁵ Kay, “The ‘New Humanitarianism,’” 8.

¹⁸⁶ Aspinall and Crouch, “The Aceh Peace Process,” 33.

campaign for independence.¹⁸⁷ Meanwhile, GAM was very suspicious that as soon as its fighters had handed over their weapons, the Indonesian military would attack.¹⁸⁸ Therefore, the COHA fell apart because the demilitarization process never materialized due to mistrust.¹⁸⁹ The Indonesian government then demanded that GAM surrender. However, GAM refused and the government responded by ordering the resumption of military operations in Aceh and placing the province under martial law.¹⁹⁰

The collapse of negotiations represents a failure on the part of the HDC in achieving peace in Aceh and was the last time it would act as a mediator in the conflict. The reason it failed is because it lacked sufficient power to influence the parties to reach a final agreement. Even though it was able to borrow different types of leverage at various stages of the negotiations from outside actors in order to extend the Humanitarian Pause and establish the COHA, the HDC could not convince the parties to adhere to these agreements. This is because it lacked coercive power over the parties. The HDC wanted a trusted state or international organization to supervise the COHA, but were unable to find any state willing to commit.¹⁹¹ This forced the HDC to act as a monitor, which turned out to be a disastrous decision since it lacked the resources, or capacity to enforce this type of agreement. This was one of the most crucial points of the peace process in order to build trust, but it could not find the sufficient leverage. This means that the HDC was rendered incapable of enforcing the agreement and achieving peace because it could not borrow coercive power from international actors.

When it comes to CMI, the major difference between its peace negotiations and the one led by the HDC was that CMI was only lacking reward and coercive power entering the negotiations. However, it still had to rely on multiparty mediation in order to fill in these gaps and borrow the required leverage to come to a final agreement.

Going into the second round of talks it seemed as though the negotiations would collapse with GAM refusing to accept autonomy, and both sides still far apart on the major issues. However, along with pressure from Ahtisaari and the stalemate increased by the tsunami, there

¹⁸⁷ Aspinall and Crouch, "The Aceh Peace Process," 34-36; The Jakarta Post, "The Aceh Conflict."

¹⁸⁸ Rachel Harvey, "Analysis: Will Aceh's Deal Work," *BBC News*, December 8, 2002. <http://news.bbc.co.uk/2/hi/asia-pacific/2556661.stm>. (Retrieved February 6, 2010).

¹⁸⁹ International Crisis Group, "Aceh: Why the Military Option Still Won't Work," Indonesia Briefing Paper, International Crisis Group, May 9, 2003, 1.

¹⁹⁰ Aspinall and Crouch, "The Aceh Peace Process," 44-45.

¹⁹¹ Martin, *Kings of Peace, Pawns of War*, 90; Huber, "The HDC in Aceh," 29.

was intense pressure on GAM from the international community to give up its claim for independence. Groups of foreign ambassadors met with GAM at various times to stress that a solution would have to respect Indonesia's territorial integrity and be based on "special autonomy."¹⁹² On February 19, 2005, GAM met to plan the coming negotiations. After the meeting, its representatives met with ambassadors from Australia, Japan, Malaysia, Singapore, Sweden, the UK, and the US, who expressed their support for the negotiations. A communiqué by the ambassadors stated that they "had delivered a clear message to the Indonesian government that it should continue these negotiations with GAM, with the objective of reaching a negotiated solution."¹⁹³

The GAM delegation accepted this support, and was also promised material benefits by the ambassadors if an agreement could be reached.¹⁹⁴ The ambassadors stressed that they wanted to see a peaceful resolution to the conflict in Aceh that respected the territorial integrity of Indonesia, and indicated that they and "other members of the international community will (would) support that noble effort."¹⁹⁵ Therefore, there was an impression that there would be pressure on the Indonesian government to compromise on its stance, but that GAM would also have to choose a negotiated solution which would leave Aceh within Indonesia's borders. This outside involvement pushed GAM even further towards giving up its quest for independence.¹⁹⁶

The pressure from the ambassadors also represents an exercise in multiparty mediation where CMI borrowed reward power from the international community by offering a "carrot" to GAM if it accepted autonomy, which would come in the form of some type of material support to try to influence it to reject its claim for independence. Furthermore, this high degree of leverage allowed the ambassadors to use the directive mode to put pressure on GAM to accept an agreement that would ensure that Aceh remained a part of Indonesia. As a result, GAM accepted this because it knew that these governments had something to offer it, such as reconstruction aid and international recognition.

The US offered the Indonesian government its own incentive in the form of military aid in order to get the military to commit to the process when Deputy Defense Secretary Paul

¹⁹² Aspinall, "The Helsinki Agreement," 25.

¹⁹³ Kingsbury, *Peace in Aceh*, 38-39.

¹⁹⁴ Kingsbury, *Peace in Aceh*, 39.

¹⁹⁵ Kingsbury, *Peace in Aceh*, 34.

¹⁹⁶ Kingsbury, *Peace in Aceh*, 34.

Wolfowitz offered to renew military assistance if the Government of Indonesia cooperated in attaining peace.¹⁹⁷ He stated that “if the military can be brought on board and the Acehnese people... can see that their government and maybe even their military is able to deliver something good to them instead of just oppression, I think there’s a chance to move to a new era that would benefit the whole region.”¹⁹⁸ He then called on Congress to reconsider restrictions on material support for Indonesia’s military and restore military-to-military relations.¹⁹⁹ In 2005, while negotiations were still taking place, the US then resumed International Military Education and Training for Indonesia and ended conditionalities on Foreign Military Financing and defense exports to Indonesia.²⁰⁰

These incentives are something that CMI could not offer GAM or the Indonesian government, so it had to rely on outside support to achieve this. Therefore, CMI borrowed leverage from international partners who were able to offer incentives to both sides. This gave CMI a wide range of powers and filled in its reward power gap, which allowed it to increase the sense of a stalemate by altering the attitudes of the parties and making peace more appealing than continued conflict.

Eventually, GAM came to the realization that Indonesia, Ahtisaari, and the international community were unwavering in their stance that it accept some form of autonomy in a final settlement. In order to prevent a collapse of negotiations, GAM began looking at possible alternatives to independence. One possibility was that it could accept the idea of autonomy and essentially create functional independence while respecting the current borders of Indonesia.²⁰¹ This idea transformed into the term “self-government,” which was proposed by GAM on February 21, 2005, only two days after it met with the ambassadors. Most importantly, it represented GAM’s acceptance of remaining a part of Indonesia, which was a major breakthrough in the negotiations and allowed the two sides to proceed to other issues.²⁰² Therefore, the various powers employed by Ahtisaari and those he borrowed from the

¹⁹⁷ The Age, “US Urges Political Solution in Aceh,” January 21, 2005. <http://www.theage.com.au/news/Asia-tsunami/US-urges-political-solution-in-Aceh/2005/01/20/1106110875646.html>. (Retrieved February 2, 2010). The US had banned all arms sales and military relations with Indonesia in 1999 following the human rights violations committed by the Indonesian government immediately after the secession of East Timor.

¹⁹⁸ The Age, “US Urges Political Solution in Aceh.”

¹⁹⁹ Sukma, “Indonesia and the Tsunami,” 225.

²⁰⁰ Sukma, “Indonesia and the Tsunami,” 225.

²⁰¹ Kingsbury, *Peace in Aceh*, 30-31.

²⁰² Kingsbury, *Peace in Aceh*, 42-44.

international community were successful in getting GAM to end its independence claim. At a point when GAM was contemplating accepting autonomy due to pressure from Ahtisaari, the international community became involved and adopted the directive method to persuade GAM to accept the condition.

However, CMI was still lacking coercive power, but Ahtisaari was well aware of this. He states that it was clear from the beginning of the negotiations that CMI's role had to be limited to mediation only because CMI knew it would be unable to monitor the implementation of a final agreement. Ahtisaari admits that NGOs can only offer certain services due to their limited resources and it is often required that for peace to last, there has to be international support, both material and non-material after an agreement is signed, which is something that a small NGO cannot offer.²⁰³

Furthermore, the failure of the Humanitarian Pause and COHA made it apparent to CMI to have a credible international partner to monitor the implementation of the agreement. However, this was a sensitive matter for Indonesia, which was still tentative about an international presence in the country after East Timor because it considered the involvement of the UN and the internationalization of the issue as the reasons for the loss of the province.²⁰⁴

Therefore, starting from the third round of talks, the issue of monitoring was discussed, with Ahtisaari using his personal connections to borrow coercive power by convincing the EU to accept the task of implementing the agreement.²⁰⁵ As a peace agreement drew closer, Ahtisaari was able to use the services of a Finnish colonel to advise on the issues of disarmament, demobilization, and reintegration.²⁰⁶ He also used his contacts within the EU to bring its representatives to the final round of negotiations and eventually the implementation process.²⁰⁷ This was a very important development because there was still great distrust between the two parties and only a credible monitor would be able to ensure that neither side would violate the agreement.²⁰⁸

²⁰³ Martti Ahtisaari, "Lessons of Peace Processes," 6.

²⁰⁴ Braud and Grevi, "The EU Mission in Aceh," 21.

²⁰⁵ Sami Lahdensuo, "Building Peace in Aceh: Observations on the Work of the Aceh Monitoring Mission (AMM) and its Liaison With Local Civil Society," Discussion Paper by Crisis Management Initiative, 2009, 18.

²⁰⁶ Morfit, "The Road to Helsinki," 138.

²⁰⁷ Morfit, "The Road to Helsinki," 138.

²⁰⁸ Morfit, "The Road to Helsinki," 138.

The issue of implementation was addressed with the establishment of the Aceh Monitoring Mission (AMM), which was created to monitor the MoU that was signed on August 15, 2005. The AMM was led by Peter Feith of the EU and consisted of representatives of the EU, along with five ASEAN countries (Thailand, Malaysia, Brunei, Philippines, and Singapore), Norway, and Switzerland. Therefore, the AMM had a much stronger enforcement mechanism than the JSC during the COHA because unlike the previous agreements, a significant international body was involved in the implementation that had international legitimacy with representation from several states.²⁰⁹ Additionally, the presence of ASEAN gave regional legitimacy to the mission because the Asian monitors had a better understanding of local culture and customs since a majority of the monitors could speak the language, and many were Muslim.²¹⁰

Once again, this highlights a very different approach from that used by the HDC which became involved in the implementation process and failed because as Ahtisaari points out, NGOs do not have the resources to undertake such a massive project. Ahtisaari was aware from the beginning that CMI would not be able to act as a monitor, so he engaged in multiparty mediation to gain support from the EU to work alongside ASEAN to implement the agreement. This gave the AMM significantly more leverage and legitimacy with representation from the region, as well as Europe. Lastly, the formation of the AMM allowed CMI to borrow coercive power from the EU and ASEAN to grant the NGO all the necessary powers to monitor the implementation of the agreement and establish peace.

Conclusion

In sum, the case of Aceh represents a rare occasion in which NGOs had undertaken a mediation effort, and while only CMI was able to reach a final solution, the HDC was still able to temporarily bring an end to the fighting by virtue of two ceasefires. In addition, the context under which they conducted their respective mediation efforts, as well as the NGOs had drastically different powers and the use of these powers. However, there were also several similarities between the two processes. It is these similarities and differences that will be

²⁰⁹ Braud and Grevi, "The EU Mission in Aceh," 20.

²¹⁰ Pieter Feith, "The Aceh Peace Process: Nothing Less Than Success," Special Report 184, United States Institute of Peace, March 2007, 4.

summarized and examined in more depth in the next chapter in order to draw some conclusions about NGOs in mediation processes.

Chapter 5: Conclusion

This case study demonstrates that NGOs can be successful in mediation. However, successful mediation cannot be undertaken by NGOs by themselves and they must rely on external actors in order to achieve peace. But despite the fact that NGOs need to rely on multiparty mediation, it does not mean that they should not attempt to resolve conflicts. Rather, this case study examines an example of how NGOs can be successful in the future by engaging in multiparty mediation when states or multilateral institutions are unable or unwilling to intervene. This is done by reviewing the events of Aceh and linking these events with the theoretical background provided in chapter two in order to illustrate the similarities and differences between the two processes and draw more general conclusions about NGO mediation.

The existing literature on mediation states that NGOs may be better trusted than states in mediating internal conflicts because NGOs are not considered to be pursuing a national interest when engaging in mediation. This allows them to mediate conflicts when powerful states may not be permitted to act as a mediator.

In the case of Aceh, this proved to be the case because it was the unofficial and nonthreatening status of the NGOs that allowed them to become involved in a conflict in which one party, Indonesia, was wary of outside involvement in what it considered a domestic matter. The HDC became involved shortly after the independence of East Timor, which was a point at which Indonesia was unwilling to allow any more official outside intervention because Indonesia blamed the UN for the secession of East Timor. However, due to international pressure and fear that the country could break apart, the Indonesian government was willing to allow the HDC to mediate because the NGO was not seen as a threat to Indonesian sovereignty. Similarly, while CMI became involved in Aceh under different circumstances, it was also its nonthreatening NGO status that allowed it to act as mediator. The tsunami and a new administration that was more willing to reach a negotiated settlement were major factors that led to renewed negotiations, but Indonesia was still skeptical of any official outside involvement in the conflict due to the events that transpired in East Timor. As a result, Indonesia once again allowed an NGO to act as mediator because CMI was not seen as being a threat to Indonesian interests. Therefore, both NGOs were able to mediate the conflict due to their unofficial status when other actors were unable to act as mediators. This is in agreement with the existing literature about the

benefits of NGO mediation and shows that NGOs are able to mediate internal conflicts because they are not seen as a threat to national sovereignty or interests.

However, the unofficial status of the NGOs left them with a lack of leverage over the conflicting parties. According to the existing literature on NGO mediation, these small organizations lack the required power to put pressure on the parties to end fighting. This leaves them at a distinct disadvantage compared to states because power is considered a central factor in successful mediation in order to influence the parties and induce a change in the behavior of the opposing parties to reach an agreement. More specifically, power is integral in being able to convince the parties that a stalemate has been reached and that peace is preferable to war. In addition, the possession of power determines the strategy that can be adopted by the mediator with weak mediators having to rely on the facilitative method, and powerful mediators able to use pressure and persuasion through the directive mode.

In the Aceh peace process, both NGOs were lacking power entering the negotiations. As a relatively new and small organization, the HDC lacked referent, expert, legitimate, reward, and coercive powers. This forced it to oscillate between facilitative and procedural strategies where it had to rely on the goodwill of the parties to reach peace on their own. While this method was successful in reaching the Humanitarian Pause, the HDC was unable to achieve a final solution because it lacked the required power to pressure the parties to end fighting.

Conversely, Martti Ahtisaari's extensive experience led to a wide range of powers that included referent, expert, and legitimate power. This allowed Ahtisaari to use both procedural and directive methods in order to bring both parties closer to an agreement by maintaining a schedule for negotiations and pressuring GAM to accept autonomy. However, similar to the HDC, as a small NGO CMI did not possess reward or coercive power that could be used to influence the parties to permanently end fighting.

As a result, both NGOs had to rely on external actors and engage in multiparty mediation to borrow leverage at various times throughout their respective mediation attempts. Multiparty mediation is a process whereby the mediating organization is able to borrow the resources of other parties to combine their leverage and fill in gaps in power that the mediator does not have. Both NGOs lacked different types of power, so they had to rely on outside actors to fill in these gaps.

The first time the HDC had to rely on external actors was shortly before the Humanitarian Pause was set to expire when it invited international experts in order to borrow leverage that the NGO was lacking. It managed to add referent and expert power, but still lacked reward and coercive powers. This lack of power led to the collapse of the agreement because the HDC was unable to enforce it. The next attempt at multiparty mediation took place when the Wise Men became involved in an attempt to once again give the HDC additional powers. The NGO was able to borrow referent, expert, and legitimate power from these experts and even reward power from the international community to show the two sides that peace was preferable to war. The result was the COHA, which was a ceasefire that was to be followed by negotiations to find a final solution to the conflict. However, similar to the Humanitarian Pause, the COHA also collapsed due the HDC's inability to borrow coercive power and its inability to enforce the agreement.

Similarly, CMI had to rely on multiparty mediation in its attempt to achieve peace in Aceh. Even though Martti Ahtisaari brought several types of personal power into the peace process and was able to put pressure on the parties to come close to an agreement, CMI still lacked reward and coercive powers. However, it was able to overcome this by relying on external actors to end fighting through the use of incentives. The result was the MoU, signed on August 15, 2005, that brought an end to almost 30 years of conflict. However, unlike the COHA, the MoU was properly implemented and enforced because CMI was able to borrow the required coercive power from the EU and ASEAN in order to establish peace.

Based on the similarities between the two processes, there are several conclusions that be drawn from this case study about NGO mediation. First, NGOs are able to mediate internal conflicts because they are not seen as a threat by governments or considered to be pursuing a national interest. As a result, they are better trusted than states or multilateral organizations to intervene in what is considered a domestic issue. Second, however, this unofficial status leaves NGOs with limited resources and without the required leverage over the parties to convince them to permanently cease fighting. Third, NGOs can overcome this lack of leverage by relying on external actors throughout the peace process in order to fill in their respective power deficiencies and thus still reach an agreement by engaging in multiparty mediation. As a result, NGOs can be successful mediators and particularly useful when states or multilateral institutions are not trusted or are otherwise unable or unwilling to act as a mediator. However, they can only be

effective if they are able to work with the international community to combine their strengths while working towards the common goal of peace.

Epilogue

The signing of the MoU on August 15, 2005 marked a major shift in the Aceh conflict from the negotiating process to peacebuilding. This also represented a very fragile phase in the conflict where GAM and the Government of Indonesia have had to repair their relationship and rebuild trust after decades of conflict. While the implementation of the MoU has gone well and can be considered a success, it has not been perfect and not all elements of the agreement have been implemented. This has created concerns about whether or not the peace will last.

As mentioned above, the MoU was monitored by the Aceh Monitoring Mission (AMM) and led by Peter Feith of the EU. The AMM consisted of representatives of the EU, along with five ASEAN countries (Thailand, Malaysia, Brunei, Philippines, and Singapore), Norway, and Switzerland. After a brief interim monitoring presence following the signing of the agreement to ensure there were not any immediate violations of the MoU, the AMM was officially launched on September 15, 2005, which covered an initial period of six months. During this phase, the AMM completed the decommissioning of GAM armaments and the relocation of non-essential Indonesian military and police forces. This was accomplished by January 5, 2006, and the mission was then extended until December 15, 2006. During this extension, the AMM was tasked with investigating and ruling on complaints and alleged violations of the MoU, as well as establishing and maintaining liaison and good cooperation with the parties.²¹¹ In addition, the AMM was responsible for ruling on disputed cases of amnesty, overseeing the reintegration of GAM members, monitoring the process of legislative change and aiding in the establishment of human rights protection mechanisms.²¹² All of these tasks have been successfully implemented with the exception of the creation of institutions to safeguard human rights.

Since the signing of the MoU, roughly 2000 prisoners have been granted amnesty and released. There was some disagreement on a small number of cases of amnesty, but through discussions facilitated by the AMM, the parties to the peace process have agreed that all of these have been successfully resolved.²¹³

The reintegration process has also been successfully completed as outlined in the MoU. The Indonesian government has provided compensation to ex-GAM combatants, amnestied

²¹¹ Aceh Monitoring Mission, "About AMM."

²¹² Aceh Monitoring Mission, "About AMM."

²¹³ Aceh Monitoring Mission, "Amnesty, Reintegration, and Human Rights." http://www.aceh-mm.org/english/headquarter_menu/amnesty.htm (Retrieved August, 30, 2011).

prisoners and affected civilians. Ex-GAM combatants received direct payments, while some combatants and affected civilians benefited through community based assistance.²¹⁴

Legislative changes were realized with the passage on August 1, 2006 of the Law on the Governing of Aceh (LoGA). The LoGA was a significant step in the peacebuilding process because it enshrined the clauses of the MoU into law as well as allowed for the formation of local political parties. The development of political parties has been an important process because it has transformed GAM from an armed group into a political movement. This was completed in 2006 when a former member of GAM, Irwandi Yusuf, was elected governor of Aceh.²¹⁵

In addition, the MoU and LoGA both state that a Human Rights Court (HRC) and Truth and Reconciliation Commission (TRC) are to be established to examine the actions by both parties during the conflict and to hold violators of human rights accountable. However, neither has been created to date.²¹⁶ Human rights organizations and some individual victims of past abuses have criticized the lack of progress on the establishment of the HRC and TRC.²¹⁷ However, in the mediation process, human rights and justice issues were not important to either party.²¹⁸ This lack of concern was due to the fact that both parties to the agreement were apprehensive about the establishment of the HRC or TRC out of fear that they may be prosecuted for their actions during the conflict.²¹⁹

Nevertheless, despite this deficiency in the implementation of the MoU, the peacebuilding process in Aceh can be considered a success. GAM has been disarmed, demobilized, and reintegrated, while a significant number of Indonesian security forces have been relocated from Aceh. This has led to a higher level of trust between the two sides and allowed them to begin the process of repairing their relationship. However, the implementation process has not been perfect because the issues of human rights and justice have not been properly addressed. This lack of action has created concerns about the future of peace in Aceh

²¹⁴ AMM, "Amnesty, Reintegration, and Human Rights."

²¹⁵ Darini Rajasingham-Senanayake, "Transnational Peace Building and Conflict: Lessons From Aceh, Indonesia, and Sri Lanka," *Journal of Social Issues in Southeast Asia*, Vol. 24, No. 2, 2009, 213.

²¹⁶ Amnesty International, "Indonesia: Exxon Mobil Decision a Reminder of Continuing Impunity in Aceh," July 20, 2011. <http://www.amnesty.org.au/news/comments/26251/> (Retrieved August 27, 2011).

²¹⁷ Aspinall, "Peace Without Justice?" 5.

²¹⁸ Aspinall, "Peace Without Justice?" 16.

²¹⁹ Aspinall, "Peace Without Justice?" 10-11.

and the possibility of renewed conflict. The agreement has so far remained intact despite these issues, but only time will tell if they can continue to be ignored.

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