

**Department of Social Sciences**

**Intrastate Conflicts and International Humanitarian Intervention:  
Case Studies in Indonesia**

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**This thesis is presented for the Degree of  
Doctor of Philosophy  
of  
Curtin University of Technology**

**20 December 2007**

## Declaration

To the best of my knowledge and belief this thesis contains no material published by any other person except where due acknowledgement has been made. This thesis contains no material which has been accepted for the award of any other degree or diploma in any university.

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## Abstract

The differences in the international responses to the violent conflicts in East Timor (1998–1999), Maluku (1999–2003) and Aceh (1998–2005) are examined in this research. Given the growing acceptance of the significance of the use of military force for humanitarian purposes, the humanitarian crises in Maluku and Aceh might *prima facie* have justified humanitarian intervention similar to that in East Timor. By analysing the differences from the Indonesia's domestic political point of view it is clear that the conscience-shocking situation caused by the violent conflicts was not the compelling factor for the international community to militarily intervene. The deployment of a multinational force in East Timor (INTERFET) was decided only after the UN and foreign major countries believed that such military intervention would not jeopardize the ongoing process of democratization in Indonesia. This suggested that Indonesia's domestic circumstance was central to whether a similar measure in Maluku and Aceh would take place or not. Due to the *reformasi* (political reform) in Indonesia within which the independence of East Timor took place, two main changes within Indonesian politics, namely the growing sentiment of anti-international intervention and the continuing democratization process, helped to ensure that humanitarian intervention in the two other regions did not happen. These two conditions were fortified by the increasingly consolidated democratic politics which brought the communal conflict in Maluku to the Malino Peace Agreement. The emergence of a stronger and democratic government in Indonesia, furthermore, made cooperation with the international community possible in seeking a peaceful resolution to the armed conflict in Aceh. By involving the Crisis Management Initiative (CMI) the government of Indonesia and the Free Aceh Movement (GAM) agreed to the Helsinki peace agreement and accepted the role of the Aceh Monitoring Mission (AMM) to secure its implementation. Thus, a strong democratic government made an international military intervention for humanitarian purposes unnecessary.

## Acknowledgement

Humanitarian intervention has been a very controversial issue in international practices and studies. In Indonesia the controversy is not an exception. Politicians and scholars have been involved in various forums, but, as at the international level, the debates have never been concluded. Due to the developing environment, both in political and academic fields, the issue of military intervention for humanitarian purposes has not yet been investigated properly. Politicians tended to avoid talking about the issue because it is a very sensitive issue in regard to their nationalist sentiments. Scholars have not fully understood the issue and at the same time tended to subject it to national politics. Nevertheless, the possibility of violent internal conflict erupting remains high, while the national capability to resolve the conflict is still very limited. Internationally, globalization leads to interventionist tendency. These two conditions tend to keep the problem unresolved, while fear still exists about the future of Indonesia as a unitary state (in territorial and political terms) within this globalized world.

This research emerged out of such a circumstance. And this research was made possible by the AusAID sponsorship and support from Parahyangan Catholic University. The completion of this research was also made possible by the generous assistance in one way and another from a number of individuals and institutions. All those who made this research to be carried out and completed deserve a great gratitude.

My first thank goes to Professor Colin Brown, who guided this research from the very beginning until it comes to its present form. He carefully and tirelessly read and re-read all drafts. His academic advices helped me to see the strengths and the weaknesses of these drafts. His intellectual interest in not only Indonesian politics but also in Indonesian nation-statehood helped to construct the “Indonesian view” of the issue of humanitarian intervention.

I would like to give thanks to Associate Professor Jim Ife who has helped me to see the issue of humanitarian intervention from the human rights point of views. However, before this research was completed, he had retired from Curtin University of Technology.

I am indebted to many people in East Timor, Ambon and Banda Aceh who provided me with time and hospitality to gather as much information as possible during my fieldworks in the three trouble regions. Although for practical reasons their names cannot be put here, Marcelino Magno from Timor Leste Development Institute (TDI) and Edegar Concenciao from University of Dili helped me to meet with many influential figures in Dili. Unus Ukru and George Corputty from Baileo Network made my fieldwork in Ambon safe and productive. Working with NGO

activists and journalists in Ambon was very helpful in providing access to different government officials and the security force officers. In Banda Aceh, Sofyan Hadi from Forum NGO – Aceh and Syafuddin Bantasam from Aceh Human Rights NGOs provided me invaluable assistance, enabling me to meet and to talk with many human rights activists, journalists, local politicians and former student activists. My gratitude also goes to all respondents in these three cities and in Jakarta.

Thanks to Mr. Chris Walker, a professional editor, for proofreading a late draft of this thesis.

My family – my wife Susana Ani Berliyanti and my three children Yasinta, Yoshua and Gratia – clearly deserve a very special thank. They allowed me to immerse myself in this challenging work, very often to the effect of neglecting them, particularly in approaching the deadline of completing this work. The result of this research is the result of their deep understanding.

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## CHAPTER ONE

### INTRODUCTION

#### A. Research Problems

Indonesia from 1997 to 1999 was a state in limbo. Its government, which had for decades coercively tied the vast diverse nation together, had lost its authoritative control. The power and credibility of the state apparatus, in particular the security forces and bureaucracy, were gravely resisted by popular groups. The national economy, which had contributed to keep together the very heterogenic entities, was severely hit by the Asian financial crisis. Its people, who had been ruled by coercive force, defused by economic development or unified by nationalism-secular ideology, found themselves as different to each other. This condition, widely seen as a transition era of contemporary Indonesian politics marked by hesitation, vagueness, ambiguity and insecurity, led to dislocation and disorientation.<sup>1</sup> The *reformasi*, another word positively used to describe the transition, was marked by tumult, intrigue, tragedy and misery.<sup>2</sup> And *era reformasi* (reform era) was also “the period of paradoxes”.<sup>3</sup>

Due to this uncertainty, the politics of Indonesia was marked by huge speculation. Not only individual observers but also research centres and state agencies attempted to assess the future of Indonesia. Colin Brown,<sup>4</sup> William Liddle,<sup>5</sup> Jamie Mackie<sup>6</sup> and Harold Crouch<sup>7</sup>, just to name a few established Indonesianists, sought to foresee Indonesia’s prospects for democratization. The International Crisis Group (ICG) closely examined every political movement and regularly revealed short-term assessments of the country. The US, the EU, Australia and UN organizations took similar measures in documenting the political changes, assessing the country’s future and offering several recommendations on what they could or should do individually or collectively.<sup>8</sup>

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<sup>1</sup> Anas Urbaningrum, Mewaspadai Ranjau-ranjau Reformasi, *Kompas*, 6 January 1999.

<sup>2</sup> Kevin O’Rourke, *Reformasi: The Struggle for Power in Post-Suharto Indonesia* (Crows Nest NSW: Allen & Unwin, 2002).

<sup>3</sup> Amich Alhumami, Paradoks-paradoks Reformasi, *Kompas*, 15 September 1999.

<sup>4</sup> Colin Brown, *A Short History of Indonesia: The Unlikely Nation?* (Crows Nest, NSW: Allen & Unwin, 2003).

<sup>5</sup> R. William Liddle, Indonesia’s Democratic Opening, in *Government and Opposition*, Vol. 34 No.1, January 1999, pp. 94 – 116.

<sup>6</sup> Jamie Mackie, What will the post-Suharto regime be like? in Geoff Forrester and R.J. May eds., *The Fall of Soeharto*, (Bathurst NSW: Crawford House Publishing, 1998) pp. 200 – 207.

<sup>7</sup> Harold Crouch, Indonesian Democracy, in Geoff Forrester and R.J. May eds., *Ibid.* pp. 208 – 211.

<sup>8</sup> See for examples Commission of the European Communities, *Indonesia: Country Strategy Paper 2002-2006*, IP/02/862, Brussels, 13 June 2002; Australian Parliament House, *Indonesia’s Dangerous Transition: The Politics of Recovery and Democratization*, Research Paper, 28 April 1999 available on <http://www.aph.gov.au/library/pubs/rp/1998-99/99rp18.htm>; and *After the Election, After East*

The assessments and recommendations of what the international community should do were all based on the recognition that Indonesia's future was complicated. Within the global system, whether it was called interdependent, interventionist or solidarist, it was obvious that neighbouring states, international major states and non-governmental institutions had certain interests in Indonesia's political changes and its near future. The situation became problematic when the international interests were against Indonesia's. Many elements in Indonesia's domestic politics saw the international system not as a source of assistance but of obstruction to solving the crisis. The international system was part of the problem rather than the solution. Many domestic groups tended to believe that foreign states and organizations were more likely to undermine Indonesian territorial sovereignty and destabilize national politics.

By the fall of President Suharto in May 1998 Indonesia was in disarray. The thirty-two year authoritarian regime collapsed and left the country without effective authority to control the people, the nation and the state.<sup>9</sup> As students and democratic movements in Jakarta were demanding democracy, communal entities in different regions were calling for independence from Indonesia, or at least demanding more power in administering their local interests. Demands for such political changes, however, had led the country into internal violence. Whereas in Jakarta the violence was relatively quickly brought under control, violent conflict outside Java tended to be perpetuated due to inappropriate government policy. Thousands of people lost their lives, many more people were forced to flee as their homes and other social and economic infrastructures were severely devastated. It was not only various societal groups that were involved in destabilizing national security; the security forces (the military and police) were also responsible for causing such unrest. This research focuses on violent conflict that took place in East Timor, Maluku and Aceh.

The number of casualties and the intensity of the conflict are generally used to define a humanitarian crisis and as the basis on which international humanitarian intervention is made. As nearly a thousand East Timorese were killed and almost all the East Timorese people were forced to seek safe places due to the intensifying violence following the August 1999 referendum, there was a consensus among leading members of the international community in sending a peacekeeping force (INTERFET) into Dili. Its mandate was internationally recognized, that was to restore order and security in East Timor<sup>10</sup> by which the lives of East Timorese could be protected from further repression by either Indonesian security forces or pro-Indonesia supporters. In the same year violent conflict was

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*Timor: What's Next for Indonesia?* Current Issue, 28 September 1999 available on <http://www.aph.gov.au/library/pubs/CIB/1999-2000/2000cib05.htm>, accessed on 27 July 2006.

<sup>9</sup> Jusuf Wanandi, "Indonesia: A Failed State?", *The Washington Quarterly*, Vol. 25:3, Summer 2002, pp. 135 – 146.

<sup>10</sup> *UN Security Council Resolution 1264*, S/RES/1264 (1999), 15 September 1999.

erupting in Ambon and armed clashes were re-intensifying in Aceh. There was a higher death toll and more internally displaced persons (IDPs) and physical destruction occurred in these two areas. Ironically, the international major powers paid less attention and allowed the bloody conflict to continue.

This research examines such an apparent contradiction or inconsistency. If an international humanitarian intervention is fundamentally motivated by universal humanitarian values or is altruistically intended to save people from suffering and gross violation of human rights, the international community should act fairly in handling problems in East Timor, Ambon and Aceh. Why were foreign states and international organizations prepared to send a multinational force to East Timor (INTERFET) in order to end suffering and resolve the violent conflict, while failing to intervene in the humanitarian crisis caused by violent conflict in Maluku and Aceh? This is the first problem explored in this research.

Political commentators may argue that the East Timor case was totally different from the cases of Maluku and Aceh.<sup>11</sup> By believing East Timor with its colonial history, ethnicity and religion was different to the rest of Indonesia, there was some sort of acclamation that East Timor deserved the right to be independent from Indonesia. It was fortified by a legal fact that the United Nation never recognized the incorporation of East Timor within Indonesia. Nonetheless, it was self-evident that the international humanitarian intervention through INTERFET only occurred when the territory was embroiled in violence following the popular consultation held in August 1999.

By considering East Timor's historical and cultural background, one may see that the imposition of international humanitarian intervention was not purely based on international norms of human rights and humanitarian laws. This leads to an observation about the political context of the violent conflict which was theoretically decisive in determining what the international community had done and should or could do.

At the time the international community paid attention and poured resources in to stopping violence in East Timor, Christian and Muslim groups were involved in bloody conflicts in Maluku. Armed clashes were also re-escalating in Aceh where the Free Aceh Movement (GAM) was fighting against Indonesian armed forces. Each of the conflicts had its own background, but both occurred in quite similar political contexts in terms of Indonesia's political transition. There was no meaningful presence and role played by the international community in the two regions to help people from great misery, however. The international community seemed to perceive the domestic political context of the two

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<sup>11</sup> See, for example, Jacques Bertrand, *Nationalism and Ethnic Conflict in Indonesia* (Cambridge: Cambridge University Press, 2004) and Garry van Klinken, "Big states and little secessionist movements", in Damien Kingsbury ed., *Guns and Ballot Boxes: East Timor's Vote for Independence* (Clayton: Monash Asia Institute, 2000) pp. 157-168.

internal violent conflicts in different ways. This leads to another research question: to what extent were the dynamics of the internal conflict and its political context were significant in giving a reliable explanation for the imposition of international humanitarian intervention?

The political transition in the aftermath of the collapse of Suharto's New Order regime is believed to have been central to either the eruption of a number of intrastate or domestic conflicts or the imposition of external intervention. It was widely and positively referred to as *reformasi* (reform) to express a great hope for a better system which was generally identified as *demokratisasi* (democratization). Freedom was then the very core of every discourse starting with freedom of the press, the release of political prisoners, and opening a space for political participation and association. Social associations, which had had no political freedom for more than three decades in the past, now found a broader space to articulate their particular identities and to organize their different interests. Regional entities too had the opportunity to revise the relations with the central governments and revive their significance to their local communities.

In the name of democratization, various organizations raised the need for human rights protection, demanded a reduction of the military presence in East Timor and Aceh and asked for justice in social, economic and political life. Most importantly, as it was the time of reform, people in East Timor re-asserted their right for self-determination that had been fiercely denied by Suharto's government. President Habibie, in responding to such demand, decided on a popular consultation in East Timor through which the East Timorese fairly and democratically would determine their political future. Facilitated by the United Nation Mission in East Timor (UNAMET),<sup>12</sup> the popular consultation resulted in the separation of East Timor from Indonesia.

East Timor's independence from Indonesia was shocking and difficult for many elements in Indonesia. The future of Indonesia's territorial integration was uncertain. *Reformasi* or *demokratisasi* had gone beyond the government's capacity to control. Whether the state was to sacrifice its territorial integration for the sake of reform and democracy was certainly a crucial question that needed an immediate and convincing answer. It became commanding as the East Timor's independence was allegedly made possible because of the international pressures. On behalf of humanitarianism and universal human rights, the international community endorsed and approved the East Timorese right to self-determination, which, practically, meant it could be a sovereign state of East Timor free from the Indonesian state.

Similarly, violent conflict in Maluku and Aceh also demonstrated the complicated relations between democratization, territorial integration and human rights protection. The

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<sup>12</sup> *UN Security Council Resolution 1246, S/RES/1246 (1999), 11 June 1999.*

latter was usually perceived as the entry point for the international community to influence domestic politics of particular states such as Indonesia. Although it claimed to have a democratic system, which is believed to be the best system to have human rights protected and promoted, the case of East Timor proved that international humanitarian intervention did not merely bring Indonesia a democratic system – it also brought East Timor’s independence.

The resolution to the East Timor conflict inspired parties to the conflicts in Maluku and Aceh. Students, pro-democracy and human rights activists regularly reported practices of human rights violation in the regions.<sup>13</sup> Parties to the conflict also sought arguments to justify the fight for and right to self-determination and they frequently called for a referendum and an international role to end violence and solve the conflict.<sup>14</sup>

The Indonesian government and political forces seemed to draw some important lessons from the case of East Timor. These were helpful not only in coping with violent conflicts in Maluku and Aceh, but also in dealing with the international community. The basic interest was to improve the protection of human rights within a developing democratic system while preserving national territorial integrity. Any progress in harmonizing these three interests was influential in affecting the role the international community could play in Maluku and Aceh conflicts. The international community seemed to align with the post-Suharto major political views in positively connecting the interests of protecting human rights, promoting a democratic system and preserving Indonesia’s territorial integrity.

How the internal violent conflicts in Maluku and Aceh were then resolved is the third question of this research. This question is addressed in order to see how domestic politics could make an international military intervention for humanitarian purposes irrelevant and unjustified. For the most part, the international community and major Indonesian political forces saw the violent conflicts in the two provinces as being caused by the democratization process rather than by the weakening state of Indonesia. In addition, they saw the two bloody conflicts as Indonesian domestic affairs and thereby their solutions had to be sought domestically. Based on such arguments, the calls for international military intervention in those regions became groundless and fruitless.

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<sup>13</sup> See, for example, Koalisi NGO-HAM, *Tragedi Kemanusiaan Aktivis Kemanusiaan, Laporan HAM*, Edisi Kedua, n.d. and *Aceh: Perjuangan Sipil Vs. Represitas Negara*, Human Rights Report, n.d. For more specific cases, see *Laporan Kemanusiaan Koalisi NGO-HAM Aceh, Pembantaian Idi Cut; Tragedi Dewantara Berdarah; and Tragedi Beutong* (all without date of publication). “31 Terbunuh di Beutong”, *Serambi Indonesia*, 26 July 1999; “Mereka Dibantai Tanpa Perlawanan”, *Waspada* 27 July 1999. See also Human rights Watch, *Indonesia: The War in Aceh*, Vol. 13, No.4 (C), August 2001. For the case of Maluku, see “PBB Ancam Intervensi Jika Situasi Ambon Memburuk”, *Siwalima*, 6 July 2000. See also HRW, *Moluccan Islands: Communal Violence in Indonesia: Human Rights Watch Recommendations*, Indonesia: HRW World Report 2000.

<sup>14</sup> See, for example, “Pendakwah “Aceh Merdeka” Ditahan”, *Serambi Indonesia*, 17 February 1999; “Mahasiswa Lancarkan Aksi Moral”, *Serambi Indonesia*, 31 July 1999; and “Reflection on 3 Years after DOM”, *Free-DOM, Law and Human Rights Bulletin*, Edition 5, 2001, pp. 3-4. See also “Mgr Mandagi: Kami Tak Bermaksud Merdekakan Maluku”, *Siwalima*, 28 July 2000; “Maluku Harus Merdeka”, *Siwalima*, 17 July 2002.

## B. The Objectives of the Research

Human rights activists and humanitarian workers, inspired by their experiences in the field, have been promoting the importance of humanitarian intervention as a response of the international community to humanitarian crises caused by violent conflict. Scholars continue to develop theories on the principles of international humanitarian intervention. Students write a lot of assignments to discuss the theoretical reliability of the principles and their practical applicability in different cases. State representatives in both national and international forums frequently debate legislating these principles. However, international humanitarian intervention is obviously an inconclusive issue.

Gareth Evans, the President of the International Crisis Group (ICG) and Co-Chair of the International Commission on Intervention and State Sovereignty (ICISS), asserts:

Until terrorism overwhelmed international attention after 11 September 2001, the really big issue in international relations – the one that must have launched a thousand Ph.Ds – was the “right of humanitarian intervention” – the question of when, if ever, it is appropriate for states to take coercive action, and in particular coercive military action, against another state for the purpose of protecting people at risk in that other state. Man-made internal catastrophe, and what the international community should do about it, is what preoccupied international practitioners, commentators and scholars more than anything else in the decade after the Cold War.<sup>15</sup>

Debate on humanitarian intervention is all about moral, legal, political and operational issues. This research encompasses all these issues and seeks to contribute to the literature on international humanitarian intervention. As the excerpt above clearly mentions, the very central issue is the uncertainty in the implementation of humanitarian intervention. The cases considered in this study show the international enthusiasm to send international military forces to save the lives of East Timorese, but points out there is less attention on the people at risk in Maluku and Aceh. As the principles of humanitarian intervention have been established (although remains debated), an explanation for the absence of military and political humanitarian intervention in Maluku and Aceh has to be sought both inside and outside the principles. In the first place, the objective of this research is to investigate the justification of the International Force in East Timor (INTERFET). This will be carried out firstly by examining the humanitarian intervention principles and secondly by exploring Indonesian political context that provided INTERFET an undisputable justification.

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<sup>15</sup> *The Responsibility to Protect: Rethinking Humanitarian Intervention*, Paper addressed to The American Society of International Law, 98<sup>th</sup> Meeting, Washington DC, 1 April 2004.

International humanitarian intervention is primarily aimed at salvaging people from the devastating misery caused by internal violent conflict. But, it has to be asserted that the salvation and protection of the people will be made possible if violent conflict is able to be resolved. The international humanitarian intervention therefore must be seen as not the only alternative of the international mechanisms in solving violent conflict and in dealing with humanitarian crises. Since the presence and the role of INTERFET has been internationally recognized as the last resort to solve violent conflict in East Timor, the second objective of this research is to examine the resolution of conflict in Maluku in the absence of international intervention and also the resolution of the conflict in Aceh given the limited role of the international community. This research argues that the resolution to the Maluku and Aceh conflicts was heavily determined by Indonesian domestic political changes which were conducive to a domestic solution with or without a limited intervention by the international community.

In order to meet the objectives, this research pays more attention to the Indonesia's domestic politics to appreciate the context of the conflicts, the role of the international community and the possibility of their resolutions. The reasons for such an approach are both theoretical and practical. Theoretically, although there are internationally recognized principles, norms or instruments which justify humanitarian intervention, its implementation is heavily determined by the kind and the context of the conflict wanted to be resolved. In addition, the principles are still debated and therefore a better understanding about the imposition of an international humanitarian intervention would be reached through a case-by-case approach. For practical reasons, it is my contention that exploring and gathering data about the conflicts and approaching and analysing the Indonesian political context of the conflicts is more helpful than examining the limited data from international sources.

Fieldwork was conducted by visiting East Timor, Maluku and Aceh in 2004. Deep interviews and discussions were held with a number of people in Dili, Ambon and Banda Aceh, the capitals of the regions respectively. Former leaders and members of the parties to the conflicts were some of the interviewees. These peoples were questioned in order to obtain their perception about the conflicts, their justification to wage violence and armed conflict, or to call for international involvement in resolving the conflict. Indonesian politicians and government officials, both civil and military, were also asked about their views on the conflict and the possible solutions. Journalists, ex-student activists, and human rights advocates were the larger part of the list and they provided more objective views about the conflicts and plausible solutions to the conflicts. Scholars and NGOs activists were also important in seeking a better understanding about the political context of the violent conflicts.

When the fieldwork was conducted, it had been four years since the popular ballot that brought the independence of East Timor from Indonesia. Meetings and conversations

with Falintil veterans were conducted without difficulty as was the case with former clandestine and student activists who now compete for power within the free Timor Leste. While meeting and interviews were easily organized with the Christian leaders in Ambon and with some of those who took part in a series of incidents of communal violence, it was impossible to organize similar meetings with the Muslim leaders. It was only the local leaders of formal organizations of MUI (Council of Islamic Scholars – *Majelis Ulama Indonesia*) and PPRMI (*Perhimpunan Pemuda dan Remaja Masjid Indonesia*) that welcomed the interviews. As tensions were ongoing at the time of the fieldwork, getting into the Muslim areas and interviewing their field leaders was extremely risky. Conditions were worst in Banda Aceh. Although the status of military emergency had in place for more than one year, organizing interviews with human rights activists in Banda Aceh was still risky. Without any guarantee for security, there was no chance to meet with GAM members.

Several politicians were also interviewed in Jakarta. DPR members from PDIP, Golkar and PKB were asked about their individual views and their parties' platforms in dealing with conflict in East Timor, Maluku and Aceh. This was linked to issues of national integration, democratization and human rights. A few interviews with representatives of foreign states and international organizations were carried out in Dili and Jakarta. As for those with Indonesian government officials, it was very hard to arrange time for an interview with international representatives in Jakarta.

### C. The Significance of the Research

There have been a huge number of publications about Indonesian politics before, around and after the fall of Suharto. How and why Suharto had to resign from his long held authoritarian power and Indonesia's political future were attractive themes to both domestic and foreign political analysts.<sup>16</sup> The roles of major political forces that had contributed to or attempted to obstruct the reform movements became the interest of other observers.<sup>17</sup> Some

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<sup>16</sup> See for example Angus McIntyre, *The Indonesian Presidency: The Shift from Personal toward Constitutional Rule* (Lanham, Md. : Rowman & Littlefield Publishers, 2005); Damien Kingsbury, *The Politics of Indonesia*, 3<sup>rd</sup> ed. (South Melbourne: Oxford University Press, 2005); Edward Aspinall, Herb Feith and Gerry van Klinken eds., *The Last Days of President Suharto* (Clayton, Vic.: Monash Asia Institute, 1999); Michael R. Vatikiotis, *Indonesian Politics Under Suharto: The Rise and Fall of the New Order*, 3<sup>rd</sup> ed. (London: Routledge, 1998); Geoff Forrester and R. J. May eds., *The Fall of Suharto* (Bathurst, NSW: Crawford House, 1998).

<sup>17</sup> Among others, see Edward Aspinall, *Opposing Suharto: Compromise, Resistance and Regime Change in Indonesia* (Stanford, Calif: Stanford University Press, 2005); R. Siti Zuhro, *The Role of the Indonesian Bureaucracy in the Transition Era: The Struggle for Democratization*, PhD Thesis at Curtin University of Technology, 2005; ); Richard Robison and Vedi R. Hadiz, *Reorganizing Power in Indonesia: The Politics of Oligarchy in an Age of Markets* (London: RoutledgeCurzon, 2004); Damien Kingsbury, *Power Politics and the Indonesian Military* (London: RoutledgeCurzon, 2003);

scholars were more interested in the economic factors and implications of the power change.<sup>18</sup> Others paid more attention to the prospect of democratization in Indonesia and the future of the nation.<sup>19</sup>

While the political transition in Indonesia was likely to be the central theme of publications, the political conflict and violence that accompanied the transitional politics was also focussed on. Several individual observers and research centres paid attention to conflict and conflict resolution. Their findings were then presented in books, proceedings, reports and journal articles.<sup>20</sup> Moreover, training centres for peace education and non-government organizations for reconciliation programs were established in several places. The interest in peace studies and reconciliation activities was undoubtedly emerged out of the mushrooming violent internal conflicts following the end of Suharto's dictatorial power.

The tendencies to link political transition and violent conflict, however, were likely to produce either generalization or simplification. This was in part shown in many books, as mentioned above. Journal articles or working papers, on the other hand, tended to focus on specific themes and/or use very specific approaches.<sup>21</sup> Research reports were likely to

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Robert W. Hofner, *Civil Islam: Muslims and Democratization in Indonesia* (Princeton, NJ: Princeton University Press, 2000).

<sup>18</sup> Hal Hill, *The Indonesian Economy in Crisis: Causes, Consequences and Lessons* (St. Leonard, NSW: Allen & Unwin, 1999); Hal Hill, *The Indonesian Economy*, 2<sup>nd</sup> ed. (Melbourne: Cambridge University Press, 2000); Andrinof A. Chaniago, *Gagalnya Pembangunan: Kajian Ekonomi Politik terhadap Akar Krisis Indonesia* (Jakarta: LP3ES, 2001).

<sup>19</sup> Colin Brown, *Op.cit.* See also David Bourchier and Vedi R. Hadiz eds., *Indonesian Politics and Society: A Reader* (London: RoutledgeCurzon, 2003); Edward Aspinall and Greg Fealy eds., *Local Power and Politics in Indonesia: Decentralisation and Democratization* (Singapore: Institute of Southeast Asian Studies, 2003); Damien Kingsbury and Arief Budiman eds., *Indonesia: The Uncertain Transition* (Hindmarsh, SA: Crawford House, 2001); Arief Budiman, Barbara Hatley and Damien Kingsbury eds., *Reformasi: Crisis and Change in Indonesia* (Melbourne: Monas Asia Institute, 1999);

<sup>20</sup> See, for example, Jacques Bertrand, *Nationalism and Ethnic Conflict in Indonesia* (South Melbourne: Cambridge University Press, 2004); Freek Colombijn and J. Thomas Lindblad eds., *Roots of Violence in Indonesia: Contemporary Violence in Historical Perspective* (Leiden: KITLV Press, 2002); Ingrid Wessel and Georgia Wimhofer eds., *Violence in Indonesia* (Hamburg: Abera, 2001); Benedict R. O'G. Anderson ed., *Violence and the State in Suharto's Indonesia* (Ithaca: SEAP, 2001).

<sup>21</sup> For example, see Donald K. Emmerson, "Will Indonesia Survive?", *Foreign Affairs* Vol. 79, Issue 3, May/June 2000, pp. 95–107; Patrick M. Regan, "Conditions of Successful Third-Party Intervention in Intrastate Conflicts", *Journal of Conflict Resolution*, Vol. 40, No. 2, June 1996, pp. 336–359; Gerry van Klinken, "The Maluku Wars: Bringing Society Back In", *Indonesia* 71, April 2001; George Junus Aditjondro, *Guns, Pamphlets and Handie-Talkies: How the military exploited local ethno-religious tensions in Maluku to preserve their political and economic privileges*, Paper presented at Conference on Conflicts and Violence in Indonesia organized by the Institute of Southeast Asia Studies, Department of Africa and Asian Studies, Humboldt-University in Berlin, 3 – 5 July 2000; and Robert Weissman, "Deadly Drilling in Aceh", *Multinational Monitor* Vol. 22, Issue 7/8, July/August 2001, pp. 7–8.

generate comprehensive analyses.<sup>22</sup> However, because of their limited objectives, such as for policy recommendation, their usage for public or academic purposes was hardly accessible.<sup>23</sup>

This research is not specifically intended to present an integrated relationship between the political transition and the eruption of many violent conflicts in Indonesia. Neither will it provide a comprehensive analysis of conflict and conflict resolution in East Timor, Maluku and Aceh. Instead, this research focuses on what the international community had done to help solve the internally violent conflicts. And, again, the international responses will be seen from Indonesia's domestic political point of view.

The focus on Indonesian politics to see the international responses to the violent conflict in East Timor, Maluku and Aceh has both academic and practical significance. For academic importance, this research will contribute to a better understanding of the concept of international humanitarian intervention. In this sense, humanitarian intervention will be seen from the perspective of the state which would be the target of the intervention. More broadly, this research provides further understanding about the extent of trans-border interactions in the post-Cold War era. These interactions are not examined in a peaceful circumstance, namely in the terms of economic and social fields. Also, they are not examined within a war situation or in the Cold War system, which was basically founded on a series of principles such as national sovereignty, non-intervention or balance of power. The cross border interactions examined were taking place in exceptional circumstances that seemed to put aside the conventional conceptions and principles. The circumstances included the ongoing process of democratization and the mushrooming violent conflict in Indonesia on the one hand and the growing international concern on human rights protection and promotion on the other.

The practical significance of this research is obvious, that is, to contribute to the literature on the international responses to the conflict in East Timor, Maluku and Aceh. Some have analysed the international reaction to violent conflict in East Timor that was implemented through INTERFET.<sup>24</sup> The analyses tended to confirm that military intervention in East Timor was needed and justified. However, there has been no study so far on why the intervention in East Timor was so late and why the international community

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<sup>22</sup> See, for examples, USAID, *Conflict in Indonesia*, Conflict Task Force/Office of Democracy and Governance, January 29, 2002; ICG, *Indonesia: Overcoming Murder and Chaos in Maluku*, ICG Asia Report No. 10, 19 December 2000; ICG, *Islamic Law and Criminal Justice in Aceh*, ICG Asia Report No. 117, 31 July 2006.

<sup>23</sup> This might include the reports by different investigative commissions established by Indonesian national commission on human rights, *Komnas HAM*, on human rights violations in East Timor, Maluku and Aceh.

<sup>24</sup> See, Ian Martin, *Self-Determination in East Timor* (Boulder, Colorado: Lynne Rienner Publishers, 2001); Sue Downie, *The United Nations in East Timor: Comparisons with Cambodia*, in Damien Kingsbury ed., *Op.cit.*, pp. 117–134; James Cotton, "Against the Grain: The East Timor Intervention", *Survival*, Vol. 43, Spring 2001, pp. 127–42; P J Cosgrove, "Complex Questions – A Commander's Perspectives", *RUSI Journal*, London, Feb 2001, Vol. 146, Iss.1, pp.31–35.

reacted differently in the cases of Maluku and Aceh. In the latter cases, the international community and national elements tended to put aside the moral imperative or the humanitarian motives of humanitarian intervention. In the case of the Aceh conflict, the international community, in particular through the international NGOs HDC and CMI, rejected the use of military force to end the armed conflict and to halt the grave violation of human rights in the region.<sup>25</sup> This issue had been ignored by many publications mentioned above. This research aims to fill the gap.

#### **D. An Overview of the Thesis**

**Chapter One** has introduced the problems which will be investigated and discussed throughout this research. As mentioned above, this research raises a question on why the international community sent an international force (INTERFET) to East Timor in order to put the violent conflict there to an end, but did not do so in Maluku and Aceh. This is followed by the second and the third questions on the extent to which the Indonesian domestic politics affected the dynamics of the conflicts in Maluku and Aceh and the role of the international community in resolving the conflicts. This chapter also shows the scope of this research as shown by its objectives, which are to examine the international intervention in East Timor and the absence of international intervention in resolving the conflicts in Maluku and Aceh.

**Chapter Two** provides a discussion of key theoretical concepts used in this research. The concept of humanitarian intervention is central in this research and therefore the concept is needed to be explored. The international debate about moral, ethics and the legitimacy of humanitarian intervention is discussed in the first part of the chapter. It is followed in the second part by the political aspects of humanitarian intervention. In the third part the pull factors of humanitarian intervention are presented. These relate to the conditions within the state where the intervention will be carried out. After having shown the general principles of humanitarian intervention, the last part of the chapter provides a framework of analysis to guide this research to answer the research problems and meet its objectives.

**Chapter Three** presents the main characteristics of the Indonesian political system in the later years of the twentieth century. This discussion is aimed at showing the weaknesses of Indonesia as a nation and state, particularly under the New Order regime. It is

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<sup>25</sup> Analysis on the role of HDC, see Konrad Huber, *The HDC in Aceh: Promises and Pitfalls of NGO Mediation and Implementation*, Policy Studies 9 (Washington: East-West Center, 2004). See also Edward Aspinall and Harold Crouch, *The Aceh Peace Process: Why it Failed*, Policy Studies 1 (Washington: East-West Center, 2003).

believed that the eruption of different violent conflict across the country following the collapse of the New Order regime was deeply rooted in such weaknesses.

**Chapter Four** further shows that the downfall of Suharto and his authoritarian rule not only triggered regional conflicts but also exacerbated the conflicts. *Reformasi*, a very broad term used to denote the post-Suharto era, was initially and ideally expected to solve the weaknesses of the nation-state as revealed in Chapter Three. However, it is argued that the *reformasi* made the weaknesses become more obvious and made the conflicts in East Timor, Maluku and Aceh uncontrollable and unresolved. The eruption, the intractability and the humanitarian effect of these conflicts are discussed in this chapter.

Considering the effects caused by the conflicts and the Indonesian political context, there was a well-founded perception that conflict in East Timor has resulted in a humanitarian crisis. The latter was widely seen as a condition to justify international humanitarian intervention. Discussions on humanitarian crisis and the implementation of INTERFET will be presented in **Chapter Five**. This chapter is crucial to confirming one example of intervention that met the principles of humanitarian intervention. However, this chapter also shows that the intervention was conducted only after Indonesia's consent had been gained. This case becomes a basic reference for further analysis on the case of Maluku and Aceh.

**Chapter Six** focuses on the differing views on violent conflicts in Maluku and Aceh. Unlike the case of East Timor, the international community saw the conflicts in Maluku and Aceh as Indonesia's domestic affairs. In the meantime, the separation of East Timor from Indonesia had raised fear in Indonesia of national disintegration and suspicion of the international intervention. This simply led to increasing nationalist sentiment and assertions that the conflicts in Maluku and Aceh were Indonesian domestic affairs and their solutions had to be sought domestically. But more importantly, the country also showed significant progress in consolidating democracy. This progress made the domestic solutions to the conflicts in Maluku and Aceh more feasible and thus eliminated the possibility of foreign intervention.

**Chapter Seven** provides a comprehensive explanation about the way the Indonesian government resolved the violent conflicts in Maluku and Aceh without international military force. The first part of the chapter is about domestic solution to the Maluku conflict without the presence of foreign military force. The second part discusses the solution to the Aceh conflict. In this part it will be presented that the emergence of a strong democratic government in Indonesia generated a different solution to these conflicts in the sense of the role of the international community. Although there was an international and national common perception about the domestic nature of the conflict and a common demand for its domestic solution, the Indonesian government had deliberately involved

international non-government organization (the Crisis Management Initiative, CMI) to facilitate negotiations with GAM in seeking a solution to the conflict. Based on the Helsinki Memorandum of Understanding that resulted from the negotiations, the Indonesian government invited the European Union and ASEAN to establish the Aceh Monitoring Mission (AMM) to monitor its implementation.

**Chapter Eight** is the concluding chapter, which will highlight several important points that could be seen as answering the research questions, confirming the propositions and meeting the objectives of this research outlined in the introductory chapter.

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## CHAPTER TWO

### HUMANITARIAN INTERVENTION

#### A. Introduction

This thesis works exclusively on a classical definition of humanitarian intervention; that is *the use of military force by states or an international organization for the purpose of protecting the people of the target state from widespread deprivations of internationally recognized human rights*. This definition is definitely referring to theoretical and practical abstractions set up by prominent scholars and institutions. Adam Roberts from Oxford University for example defines humanitarian intervention as “military intervention in a state, without the approval of its authorities, and with the purpose of preventing widespread suffering or death among the inhabitants.”<sup>1</sup> For Robert C. Johansen humanitarian intervention means “(1) intervening in a country without its consent, (2) using coercive means that often is military but need not be exclusively so and (3) intending to terminate a government’s gross violations of human rights”.<sup>2</sup> Oliver Ramsbotham and Tom Woodhouse in their insightful and inspiring book present several classic concepts proposed by previous academics and then offer a reconceptualized definition by bridging the perspective of international relief organizations and the traditional ‘narrow’ issue of military intervention by states.<sup>3</sup> Barbara Harff<sup>4</sup> and Sean Murphy<sup>5</sup> also offer certain definitions of humanitarian intervention. Overall, the principal elements within their definitions of humanitarian intervention are not significantly different.

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<sup>1</sup>Adam Roberts, “New Criteria for Intervention in the Post-Cold War Period”, in Peter Wallensteen ed., *International Intervention: New Norms in the post-Cold War Era?* (Uppsala: Department of Peace and Conflict Research, 1997) p. 125. See also in Shashi Tahoor and Sam Daws, “Humanitarian intervention: getting past the reef”, *World Policy Journal*, Vol.18, Issue 2, New York: Summer 2001.

<sup>2</sup>Robert C. Johansen, “Limits and Opportunities in Humanitarian Intervention” in Stanley Hoffmann, *The Ethics and Politics of Humanitarian Intervention* (Notre Dame: Notre Dame University Press, 1996) p. 66.

<sup>3</sup>Oliver Ramsbotham and Tom Woodhouse, *Humanitarian Intervention in Contemporary Conflict* (Cambridge: Polity Press, 1996) pp 42–7 and 114–21. The reconceptualization is discussed further in Part D of this chapter.

<sup>4</sup>Barbara Harff, “Humanitarian Intervention: At Issue” in Peter Wallensteen ed., *International Intervention: New Norms in the Post-Cold War Era?* (Sweden: Department of Peace and Conflict Research, Uppsala University, 1997) pp. 61–67.

<sup>5</sup>In Robert Tomes, “Operation allied forces and the legal basis for humanitarian intervention”, *Parameters*, Vol. 30/1, Carlisle Barracks, Spring 2000 online <http://global.umi.com/pqdweb?TS=1047455059&RQT=309&CC=2&Dtp=1&Did=00> accessed on 12 March 2003.

Apart from individual scholars, several institutions such as Department of Peace and Conflict Research at Uppsala University<sup>6</sup>, the Dutch CAVV and AIV institutions<sup>7</sup>, the Danish institute (DUPI) and the Canadian sponsored institution ICISS<sup>8</sup> have also been formed and involved in defining and developing the concept of humanitarian intervention. Instead of debating the fundamental elements of humanitarian intervention, their contribution to the concept is likely to develop its justification and to advance its operational prospects.

Debates on humanitarian intervention both at academic and practical levels have been dominated by the interest in seeking various sources that could justify humanitarian intervention and/or fortify its justification. This was carried out by, on the one hand, considering the new setting of international relations following the end of Cold-War system.<sup>9</sup> Included in this effort is the exploration of the international moral, ethical, legal and practices of intervention carried out by the United Nations Organization (UN) or other organizations and by an individual or a group of states. The development in this effort prompted Barbara Harff to argue that the international trend is toward a codification of principles of humanitarian intervention.<sup>10</sup>

On the other hand, there were efforts to focus on the domestic condition of the targeted state where violent conflicts take place and humanitarian crises emerge. For example, Richard Lillich proposed several domestic conditions that made a military intervention justified. These include “systematic and indiscriminate attacks on civilians by a central government, a system breakdown in law and order producing the dislocation and starvation of the civilian population”.<sup>11</sup> Nicholas Wheeler proposed a condition that events had taken place which had

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<sup>6</sup> On 21 May 1996 the Department organized a symposium on the issue of humanitarian intervention and was then resulted in a published report. See Peter Wallensteen, *Ibid.*

<sup>7</sup> CAVV is the Dutch Advisory Committee on Issues of Public International Law and AIV is the Advisory Council on International Affairs. See AIV and CAVV, *Humanitarian Intervention*, No. 13, April 2000. See also Ige F. Dekker, Illegality and legitimacy of humanitarian intervention: Synopsis and comments on a Dutch Report, *Journal of Conflict and Security Law* (2001), Vol.6 No.1, pp.115–126.

<sup>8</sup> International Commission on Intervention and State Sovereignty (ICISS) was established in September 2000. It is said that its objective is to wrestle with the whole range of questions – legal, moral, operational and political – of humanitarian intervention. Its work report was then published in ICISS, *The Responsibility to Protect* (Ottawa: The International Development Research Centre, September 2001). The work of the ICISS is also used widely in this research.

<sup>9</sup> The Department of Peace and Conflict Research of Uppsala University considered the international changes in developing the new understanding of humanitarian intervention. See also Oliver Ramsbotham and Tom Woodhouse, *Op.cit.*, pp. 69–164.

<sup>10</sup> “Humanitarian Intervention: At Issue” in Peter Wallensteen ed., *Op.cit.*, p. 61

<sup>11</sup> As quoted in Martin Griffiths, Iain Levine and Mark Weller, Sovereignty and Suffering, in John Harris ed., *The Politics of Humanitarian Intervention* (London: Pinter, 1995) p. 41.

shocked the international conscience.<sup>12</sup> ICISS identified the condition where there was the threat or occurrence of large scale loss of life and/or ethnic cleansing.<sup>13</sup>

This thesis pays more attention on the domestic conditions such as the “widespread deprivations of human rights or the humanitarian crisis in a concerned state” that could justify the deployment of international military force. As mentioned in the introduction, this thesis proposes that the international decision to deploy a military force for humanitarian purposes is not solely based on the international principles, perspectives and interests. To a great extent, the action or inaction of the international community to use military force to protect people from grave violations of human rights caused by internal violent conflict such as those in Indonesia is determined greatly by Indonesia’s domestic context. This hypothesis does not necessarily mean to deny the international norms of humanitarian intervention. Instead, this thesis wants to examine the contention that Indonesian domestic politics had made a multinational force in East Timor (INTERFET) reasonable and justified, but made it irrelevant in Maluku and Aceh.

This chapter will discuss further the international and domestic aspects of the justification of humanitarian intervention. The first part will specifically explore the international aspects, which may be categorized as “external” or “push” factors of humanitarian intervention. It is then followed in the second part by discussion of the domestic or “internal” or “pull” factors of humanitarian intervention. At the end of this chapter a theoretical framework will be set up which is expected to guide the whole analysis.

## **B. The international or push factors of humanitarian intervention**

Humanitarian intervention is about the response of the international community to humanitarian crises. Simply stated, the response is motivated by reasons which can be divided into two general groups: humanitarian and non-humanitarian. The humanitarian motives of the use of military force are generally associated with the interests and the purposes of preventing or putting a halt to a serious violation of fundamental human rights, while the non-humanitarian motives are usually linked to the economic, political and security interests of the intervening state(s). But, the non-humanitarian motives are also concerned with the real possibility of the

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<sup>12</sup> Nicholas Wheeler, *The Humanitarian Responsibilities of Sovereignty: Explaining the Development of a New Norm of Military Intervention for Humanitarian Purposes*, in Jennifer M. Welsh ed., *Humanitarian Intervention and International Relations* (Oxford: Oxford University Press, 2004) pp. 29–51.

<sup>13</sup> ICISS, *Op.cit.*, p.33

success of the intervention. “No one is suggesting that the international community has acted in a consistent manner over every issue of human rights abuse or genocide but it is important to act where feasible”, Anthony Smith suggested.<sup>14</sup>

Efforts have been made in order to justify the international response particularly in the case where the response took the form of military intervention such as in Rwanda, Bosnia and Kosovo. Some experts seek to justify the military intervention within the United Nations framework. Others attempt to elaborate the International Bill of Human Rights, while many others use ethical and moral considerations. The political and operational aspects of humanitarian intervention have also been the focus of many other analysts.<sup>15</sup>

### *1. International moral and human rights*

The UN framework has been used as the primary reference to humanitarian intervention. It is used as the resource of the legality of humanitarian intervention and the authoritative institution of its implementation.<sup>16</sup> The first and foremost step in using the UN framework to justify humanitarian intervention is by looking at the objective of the UN. Article 1(1) of the Charter states the objective, that is:

To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

But, the use of the UN framework to justify humanitarian intervention is carried out by assuming the international peace and security is basically founded on respect for human rights. Many scholars believe international peace and security could be achieved if human rights were widely protected and respected. According to David Forsythe, the UN Charter was the first treaty in world history to endorse human rights in the name of the promotion of international peace and security.<sup>17</sup> Antonio Casese also argued that many countries, including those in the

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<sup>14</sup> Anthony Smith, “Intervention and East Timor: A New Zealand Perspective”, in David Dickens and Guy Wilson-Robers eds., *Non-Intervention and State Sovereignty in the Asia-Pacific* (Wellington: Centre for Strategic Studies, Victoria University of Wellington, 2000) p. 76.

<sup>15</sup> See J.L. Holzgrefe and Robert O. Keohane, *Humanitarian Intervention: Ethical, Legal and Political Dilemmas* (Cambridge: Cambridge University Press, 2003).

<sup>16</sup> Sir Adam Roberts, “The United Nations and Humanitarian Intervention”, in Jennifer M. Welsh ed., *Op.cit.*, pp. 71–97.

<sup>17</sup> See David P. Forsythe, *Human Rights in International Relations* (Cambridge: Cambridge University Press) 2000, p. 36.

socialist world, held the notion that protection of human rights was one of the ways to promote and maintain peaceful relations among states.<sup>18</sup>

The second important way to assert the UN's legalization of humanitarian intervention is by referring to the Charter phrase of "we the peoples of the United Nations" enshrined in its Preamble. Based upon this phrase there is a growing interpretation that the true subject of the UN Charter is or should be individuals and not states. This is followed by the notion that state sovereignty and state jurisdiction over its internal affairs is irrelevant if the state violates the rights of its citizens or fails to govern effectively. Accordingly, as Robert Tomes suggested, humanitarian intervention is, if nothing else, a deliberate check on the power of sovereign states in favour of less formal human rights norms.<sup>19</sup> A similar idea is also expressed by the ICISS, namely that sovereignty should be understood as the responsibility of state to protect its own citizens from avoidable catastrophe.<sup>20</sup> In a situation where sovereignty is violated effectively and ruthlessly by indigenous agents<sup>21</sup> or when a state is unwilling or unable to protect its people, that responsibility must be borne by the broader community of states.<sup>22</sup> All these notions seem to be included in Obrad Savic's view that "the Charter did announce an 'internationalization' of human rights and pave the way for the international conviction that human rights are not something that exists exclusively within the internal jurisdiction of particular countries".<sup>23</sup>

Proponents of humanitarian intervention also frequently refer to Chapters VII and VIII of the UN Charter. Article 2(7) principally prohibits any intervention in the domestic jurisdiction of any state, "but this principle shall not prejudice the application of enforcement measures under Chapter VII". Supporters of humanitarian intervention strongly consider Chapter VII (Article 39, 41 and 42) and Chapter VIII (Article 51) as the UN-legal basis of humanitarian intervention. Article 39 affirms that the Security Council could and should determine that human rights violations are threats to peace and security. When there is a Security Council consensus on such decision, the Security Council can employ effective measures including interruption of economic relations, communication and the severance of diplomatic relations (Article 41), and if those measures are inadequate, the Security Council may take action by air, sea, or land forces

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<sup>18</sup> See Antonio Cassese, "Are human rights truly universal?", in *The Politics of Human Rights*, edited by the Belgrade Circle (London: Verso, 1999) p.157.

<sup>19</sup> Robert Tomes, *Op.cit.*, p. 4.

<sup>20</sup> ICISS, *Op.cit.*, pp. 12–3. See also in Jennifer Welsh, Caroline Thielking and S. Neil Macfarlane, "The responsibility to protect", *International Journal*, Vol. LVII, No.4, Autumn 2002, p. 493.

<sup>21</sup> Michael Reisman quoted in Stephen A. Garrett, *Doing Good and Doing Well: An Examination of Humanitarian Intervention* (Westport: Praeger, 1999) p. 54.

<sup>22</sup> Jennifer Welsh, et al., *Op.cit.*, p.493

<sup>23</sup> See Obrad Savic, "The global and the local in human rights: the case of Federal Republic of Yugoslavia", in *The Politics of Human Rights*, edited by The Belgrade Circle, *Op.cit.*, p.4.

(Article 42). In addition to such legal considerations, Article 51 is widely seen as an explicit exception to the prohibition of the use of force by one state or group of states. “Nothing in the present Charter shall impair the inherent right of individual or collective self-defence in an armed attack occur against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security” has been understood as a right to individual or collective self-defence and a right to collective security.<sup>24</sup>

It is clear enough that the Security Council on behalf of the UN has the authority to make binding decisions on security and peace related issues and can authorize necessary intervention in order to preserve international peace and human rights.<sup>25</sup> Moreover, the Security Council can delegate its authority to regional organizations to undertake the same measures (Article 52 and Article 53).<sup>26</sup>

Mass killings and mass flight of refugees caused by intrastate conflicts or civil wars in particular state are often identified as a threat to regional, if not international, peace – or at least for the security of the bordering states. Exemplified by the Balkan crisis, which caused uncontrolled refugee flight, the NATO intervention was portrayed as being necessary to prevent a threat to regional security and thereby the international intervention in Yugoslavia was justified.<sup>27</sup> As we will see in subsequent chapters, human rights activists and religious leaders in Maluku and Aceh used the UN framework to call for military intervention in order to halt the massive violations of human rights that took place in their regions.

Nonetheless, one may see that the UN Charter does not provide any clause that explicitly legalizes the use of military force for humanitarian purposes. “At the heart of the UN’s difficulty with humanitarian intervention lies a paradox”, Sir Adam Roberts says.<sup>28</sup> He and many other scholars argue that the UN Charter precisely prohibits the use of force and makes illegal every form of intervention, even on behalf of humanitarianism. Robert Tomes argues that the Charter’s main objective was to prevent war by making the use of force illegal. He asserts that the UN as a matter of principle will not intervene in domestic affairs of any state, even to

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<sup>24</sup> Robert Tomes, *Op.cit.*, p. 7 and Barbara Harff, *op.cit.*, p. 63; Michael Akehurst, “Humanitarian Intervention”, in Hedley Bull, ed., *Intervention in World Politics* (New York: Oxford University Press 1984) p.106; Evan Luard, “Collective Intervention”, in Hedley Bull, *Ibid.*, p. 157–179.

<sup>25</sup> David P. Forsythe, *Op.cit.*, p. 37 and 220; Barbara Harff, *Op.cit.*; ICISS, *Op.cit.*, pp. 47–55.

<sup>26</sup> ICISS, *Ibid.*, p. 53–4.

<sup>27</sup> Robert Tomes, *Op.cit.*, p. 8. It is also said that since 1991 the Security Council has identified the conflict in Bosnia as a threat to the peace and the UN did support any attempt to resolve the conflict. See also Louis Henkin, “Kosovo and the law of “humanitarian intervention””, *The American Journal of International Law*, Vol.93, Issue 4, October 1999

<sup>28</sup> Sir Adam Roberts, *Op.cit.*, p. 71

prevent, stop, or roll back human rights violations.<sup>29</sup> Tom Farer also holds the same idea that for the founding fathers of the UN, humanitarian intervention is illegal.<sup>30</sup> According to Louis Henkin, “there was a general agreement, that the Charter prohibits intervention by any state for humanitarian intervention”<sup>31</sup>. Toward the interpretation that humanitarian crises are serious threat to peace and security, Tobias Vogel holds that such interpretation means there are no purely humanitarian problems that can legitimize humanitarian interventions.<sup>32</sup>

Realizing the unconvincingly legal stipulations within the UN framework and considering the increasing demand to protect civilians from widespread and severe deprivations of human rights, proponents of humanitarian intervention endeavour to seek its legalization through international humanitarian norms comprising humanitarian law and human rights law.<sup>33</sup>

The use of international humanitarian law to justify humanitarian intervention proceeds by seeking to construct its just causes. It is widely accepted that the self-defence principle is a just cause to use military force and to wage war as enshrined in the UN Charter. However, the principle has been extended to cover the defence of another state against aggression, intervention to protect victims of massacre, assisting secessionists, and even pre-emptive strikes against potential aggressors.<sup>34</sup> For Ian Holliday, for example, citing self-defence to justify war is too limiting and poor. In order to achieve a more just state of affairs, he said, just war could and should be a creative endeavour. The starting point is a demonstrable injustice which enables us to cast our net as widely as possible in search for military interventions that could merit the

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<sup>29</sup> Article 2(7): Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; put this principle shall not prejudice the application of enforcement measures under Chapter VII.

<sup>30</sup> Quoted in Stanley Hoffmann, *Op.cit.*, p. 28

<sup>31</sup> Louis Henkin, *Op.cit.*

<sup>32</sup> Tobias Vogel, “The politics of humanitarian intervention”, *The Journal of Humanitarian Assistance*, online <http://www.jha.ac/article/a011.htm>, posted 4 June 2000, accessed on 17/11/2003.

<sup>33</sup> See *Humanitarian Intervention: Legal and Political Aspects*, published by DUPI (Danish Institute of International Affairs), Copenhagen, 1999, DKR, ISBN 87-90681-21-5 downloaded from <http://www.dupi.dk/fmp4.o/web/en1224.html#download>, on 17 November 2003. In its introduction it is said that “Normally, the birth of the doctrine of humanitarian intervention is associated with natural law and early international law”, p.11. See also Hugo Slim, “Military Humanitarianism and the new peacekeeping: an agenda for peace?”, *The Journal of Humanitarian Assistance*, online <http://www.jha.ac/articles/a084.htm> accessed on 25/09/2003. Whereas international humanitarian law incorporates the *jus ad bellum* and *jus in bello*, human rights laws comprise the Universal Declaration on Human Rights (1948), International Covenant on Civil and Political Rights (1966) and the International Covenant on Social, Economic and Cultural Rights (1966) which are altogether known as International Bill of Rights.

<sup>34</sup> As cited from Donald A. Wells, *Encyclopedia of War and Ethics* (Westport, CT: Greenwood, 1996)

designation of just war status. His presumption in favour of justice can extend and strengthen the just cause of intervention in dealing with the present and future intractable injustice.<sup>35</sup>

Another condition that could legitimize just war and intervention is when people rebel against oppression and tyranny. Wars of liberation and the struggle for the right to self-determination are partly seen as to contain some elements of *jus ad bellum* and the basis for a right to humanitarian intervention in international law. “At best such rights may be considered as an emerging right derived from the obligations that Human Rights Law and International Humanitarian Law impose on state”, says Jose Zalaquett<sup>36</sup>.

The legal justification of humanitarian intervention is also explored through the development of international human rights laws. A remarkable extension of the generations of human rights laws<sup>37</sup> and their ratification by many more states has been seen positively and has strong implications on the interventionist trend within the global society. Antonio Cassese, for example, pointed out that after the adoption of the Universal Declaration of Human Rights all countries in the world have at their disposal an international code to decide how to conduct themselves and how to judge others. International laws of human rights are now parameters of

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<sup>35</sup> Ian Holliday, “When is a cause just?”, *Review of International Studies*, Vol.28, © British International Studies Association, 2003, pp. 557-575. In this article Holliday endeavors to extend the just theory of war by elaborating the structural division of just war conditions. The standard package of just war conditions encompasses just cause, right intention, legitimate authority, formal declaration of war, reasonable hope of success, last resort and proportionality (of ends). By excluding the formal declaration of war, which is so marginal to contemporary practice, he then classifies the rest of six standard *ad bellum* packages into three categories: perceived problem, proposed solution and risk assessment. Perceived problem, which is labeled as intractable injustice, consists of demonstrable injustice (substituting just cause) and last resort. Proposed solution, which is termed responsible intervention, relates to legitimate authority and right intention. And risk assessment, which is called weighing contingent factors, includes reasonable hope of success and proportionality of ends. See also Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1992) and *Arguing about War* (Yale University Press, 2004).

<sup>36</sup> See Jose Zalaquett, “The legitimacy of armed humanitarian intervention: Basic concepts”, November 2000 online [http://www.isn.ethz.ch/4isf/4/Papers/ISF\\_WS\\_II-2\\_Zalaquett.pdf](http://www.isn.ethz.ch/4isf/4/Papers/ISF_WS_II-2_Zalaquett.pdf) assessed on 17/11/2003.

<sup>37</sup> The three generations of human rights laws covering the (1) civil and political rights, (2) economic, social and cultural rights, and (3) minority and people rights. *Civil and political rights*, known as the first generation rights, are the basic rights which reflect the protection of the individual from the arbitrary exercise of power by the all powerful state. This is also called as “negative rights” because the state is required to refrain from certain actions against the individual, and as consequence the individual can enjoy freedom. *Economic, social and cultural rights*, generally known as the second generation rights and “positive rights”, encapsulate those rights concerned with the material, social and cultural welfare of persons. States are required to provide social goods and services, such as housing, food, clothing, education, or social security for all people to enjoy. *Minority and people rights* are perceived as the third generation rights but in various understanding such as “collective” or “solidarity rights”. In general these rights postulate the rights of people for peace and the right to the enjoyment of a healthy environment. In a more explicit acceptance this is the right of people to create a social and political institution that is suitable in articulating particular identity and value. On this base, these rights are identified or strongly associated with the right of self-determination and the rights of minority groups to preserve their specified identities.

action that impose modes of behaviour of the governments and instruments of protection of individual rights.<sup>38</sup>

There is a general claim that the International Bill of Human Rights has universal, indivisible, interdependent and interrelated characteristics.<sup>39</sup> One crucial consequence of these characteristics is the growing belief that the protection and promotion of human rights should be simultaneously implemented through national policies and international responsibility. And to do this, it is a basic standard for government to develop a democratic system in order to comply with human rights law.<sup>40</sup> Democracy, as it is widely understood, is the best decision-making process which enables different interests be effectively articulated within the “general will”. Democracy improves human rights and helps make human rights to emerge on the international stage.<sup>41</sup> Once a democratic system is accepted as a global standard for human rights, the international community will become “solidarist”<sup>42</sup> and interventionist alike.

Apart from the general understanding of human rights issue that could justify humanitarian intervention, there are two important issues which are closely related to the cases of this research. They are the right to self-determination and minority rights. The International Bill of Rights clearly postulates that “all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”<sup>43</sup> The *UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities* (1992) also affirms that

(1) States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories, and shall encourage conditions for the promotion of that identity; and

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<sup>38</sup> Antonio Cassese, *Human Rights in A Changing World* (Cambridge: Polity Press, 1990) p. 2.

<sup>39</sup> See Antonio Cassese, “Are human rights truly universal?”, *Op.cit.*, pp. 149–165. *Universality* of human rights means that it applies globally regardless nationality. *Indivisibility* refers to the equal importance of each human rights law. The *interdependent* character demands the complementary framework of their implementation. And finally, the *interrelationship* reasserts the mutual-connectedness of civil, political, economic, social, and cultural rights. All those characteristics are enshrined at the Preamble of the UDHR eloquently stating that the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human being is the foundation of freedom, justice and peace in the world.

<sup>40</sup> Chris Brown, *Sovereignty, Rights and Justice; International Political Theory Today* (Cambridge: Polity, 2002) p. 134–5.

<sup>41</sup> Obrad Savic, *Op.cit.*, p. 4–5.

<sup>42</sup> The useful sources of the pluralist and solidarist international system, albeit shortly, can be seen in Chris Brown, *Op.cit.*. The “solidarist” conception of international society is referred to Michael Walzer.

<sup>43</sup> It is argued that the “principle” became the “right” to self-determination after the establishment of the UN organization (1945) and the adoption of UDHR (1948), ICCPR and ICESCR (1976). See John B. Henriksen, “Implementation of the Right of Self-Determination of Indigenous Peoples”, *Indigenous Affairs*, Vol.3/01, p.7, online <http://iwgia.inforce.dk/graphics/synkron-library/Documents/IndigenousAffairs/selfdetermination.pdf>, accessed on 06/06/2003.

(2) States shall adopt appropriate legislative and other measures to achieve those ends.<sup>44</sup>

These stipulations have been frequently exploited to legitimize external intervention. As mentioned before, humanitarian intervention may be extended to assist liberation movements or secessionists against alien domination. Such extension has raised wide anxieties and fears among states and international organizations. They argue that such issues will threaten the sovereignty and territorial integrity of the existing state system and has the potential to cause tensions, conflicts and instability. Instead of inviting international intervention, the right of self-determination and the rights of minorities should be faced domestically.<sup>45</sup>

Although the International Bill of Human Rights seem to have strong linkages with humanitarian intervention, it is fair to say that those human rights laws do not explicitly show any legal basis for the use of military force for protecting or promoting human rights. The Bill is more likely to emphasize the basic rights of individuals and people groups and the obligations of states or national governments. Its basic assumption is that the compliance of those rights and obligations will diminish the necessity of humanitarian intervention in general and the use of force for humanitarian interest in particular. This is relevant to the CAVV and the AIV conclusion that “although human rights are playing an increasingly important role in international relations, this has not resulted in a proportionately greater willingness to intervene militarily, except in highly exceptional and grave circumstances.”<sup>46</sup>

Since the legal basis of humanitarian intervention remains debated, many scholars and practitioners in international relations look instead to international ethics and morality to justify humanitarian intervention. This might be seen as part of a creative endeavour as Ian Holliday suggested above. In dealing with situations where there is no international law legalizing humanitarian intervention and at the same time there are massive violations of human rights, the ethics and morality of the international community are rightly addressed. In this sense, the CAVV and AIV made the following suggestion.

Ethically and morally speaking, external states have the ‘right’ to decide unilaterally to violate the international principles (sovereignty and non-intervention) in order to prevent or contain an even graver infringement of that selfsame rule of law. In extreme cases humanitarian intervention is considered as an “emergency exit”; however, its

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<sup>44</sup> *Ibid.*

<sup>45</sup> Michael van Walt van Praag in *The Implementation of the Right to Self-Determination as a Contribution to Conflict Resolution*, Report of the International Conference of Experts held in Barcelona from 21 to 27 November 1998, organized by UNESCO, p. 14.

<sup>46</sup> AIV and CAVV, *Op.cit.*, p. 34. See also in Ige F. Dekker, *Op.cit.*, pp.121.

implementation should be based on an “assessment framework” and subject to the international principle of “approximate treaty application”.<sup>47</sup>

Moral justification of humanitarian intervention has its roots in the medieval literature and Christian values.<sup>48</sup> The main idea of that tradition is that it is just to wage war in order to punish wrongdoing. It is also said that a Christian ruler might properly use force to liberate an oppressed people, in the name of humanity, from tyranny and servitude. Further, in order to establish such an idea of humanitarian intervention it is imperative to shift attention from wrongs done by one community to another to those done by a government to its own subjects, either directly or by permitting mistreatment.

Referring to Hugo Grotius’s thoughts of natural law, Nardin said that international morality is one that permits such intervention but does not demand it. In natural law self-preservation is the first imperative, which is inherent in nature and belongs to natural persons and also artificial persons, such as states. The law of nature is a law that prescribes forbearance, not beneficence. Natural law requires only that we leave one another alone; it does not demand that we assist or protect one another. But we may assist or protect one another. On the interstates level, it is said that sovereigns have the right to punish any acts that excessively violate the law of nature or of nations in regard to any persons whatsoever. The right to punish is based not on civil power but on the law of nature, which is existed before there were civil societies.<sup>49</sup>

It is also said that any government has the right to enforce natural law against any other government that is guilty of violating it. The reason is that in the “state of nature”, where there is no enforcing power superior to that of the sovereign of each state, every violation of natural law will harm every other sovereign. Within such premises every state has an “imperfect duty” or a “duty of beneficence” in order to preserve such state of nature. Towards this proposition it is asserted that in moral the act of oppression, not a request of assistance, justifies an intervention.<sup>50</sup>

Terry Nardin elaborates further a common morality as the moral basis for humanitarian intervention. Its principles constitute a common moral world in which human beings have rights

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<sup>47</sup> The “assessment framework” outlines the procedural and substantial conditions related to the problems to be intervened in humanitarian terms. Meanwhile, the “approximate treaty application” considers the necessity to obtain an authorization from the Security Council or even a mandate from the General Assembly for the military action. See Ige F. Dekker, *Ibid.*, pp. 121–2.

<sup>48</sup> The moral and ethics aspect of humanitarian intervention in this section largely and basically refers to Terry Nardin, “The moral basis of humanitarian intervention”, in *Ethics & International Affairs*, Vol.16, Issue 1, New York, 2002, <http://proquest.umi.com/pqdweb?index=7&sid=1&srchmode=1&vinst=PROD&fmt=...> accessed on 29 July 2003.

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*

as members of the human community and not as members of particular community. In this context, Nardin holds that humanitarian intervention is a response to grave human rights violation, and the most basic human rights are universal moral rights – rights, in other words, that rest on the principles of common morality. These become good reasons for grounding the ethics of humanitarian intervention in common morality and not in particular religious or national moralities, or even in international law, which rests on custom and agreement, not moral reasoning.

Two main foundations of common morality, according to Nardin, are the principle of respect and the idea of beneficence. To respect other human beings as rational agents means not only that we must not interfere with their freedom but also that we should assist them in achieving their ends. Common morality also asks people to advance the well-being of others – by being cooperative, helpful, charitable, and the like – in ways that are morally permissible and not disproportionately costly.<sup>51</sup>

Common morality forbids the use of force without good reason because it violates the principle of respect. The use of force for self-defence is morally justifiable. But common morality does not limit the use of force to self-defence. It also permits to defend the rights of others when those rights are threatened. We are therefore justified in using force to thwart violence against other persons, provided that those persons are “innocent” – that is, not themselves engaged in unjust violence. Using force to resist those who attack the innocent does not violate the attackers’ rights as free persons because they have, by their own actions, lost the moral right to act as they choose. It is even permitted to kill attackers, if necessary, to protect their victims. We are justified in using as much force as is needed to thwart the attack, but not more – bearing in mind that precise calculations about such matters are impossible.<sup>52</sup>

## 2. *International politics*

While the international society has the UN, which is intended to preserve peace and security, there are many violent conflicts that persistently threaten the international peace. While there has been a set of human rights laws, there are continuing human rights violations. Although international society has been taught about ethics and moral standards, its members

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<sup>51</sup> *Ibid.*

<sup>52</sup> For this moral and ethic justification of humanitarian intervention see also Robert Tomes proposing the moral obligations and Louis Henkin saying the moral-political conclusion of humanitarian intervention. See Robert Tomes, “Operation allied forces and the legal basis for humanitarian intervention”, in *Op.cit.* and Louis Henkin, *Op.cit.*

tend to ignore them. These are continuing problems the contemporary international system deals with: there remains a disjuncture between human rights discourse and continuing practice of human wrongs and a discrepancy between the supposed norms of mutual respect and interventionist practices.<sup>53</sup>

In responding to such contradictory facts, two views have emerged; one is positive and the other is negative in seeing the prospect of humanitarian intervention. The positive view suggests that giving adequate respect to contextual case-by-case analysis and maintaining an acceptable balance between the sovereign equality and the international commitment to human dignity will provide the opportunity for improving international standard.<sup>54</sup> On the other hand, the negative view argues that it is irrelevant to discuss humanitarian intervention on a legal basis. In fact, any discourse of humanitarian intervention is humanitarian politics and humanitarian politics are essentially hegemonic politics.<sup>55</sup>

These two different views highlight the two grand theories of international relations: liberalism and realism. Each has different descriptions of the international system and different prescriptions in order to maintain international peace and security.<sup>56</sup> But more importantly, realism and liberalism inspire the emergence of pluralist and solidarist perspectives in explaining the possibility and plausibility of international humanitarian intervention.

Pluralists argue that there is a distribution of power to peoples through the plurality of states and each state has right to develop its own way of life. The right is formulated in sovereignty and non-intervention principles as “the powerful norms that combine state interests, moral principles, and formal laws”.<sup>57</sup> Based on sovereignty and non-intervention as legal and moral standards, the pluralist view of international society allows national communities to promote their diverse ends with the minimal of outside interference.

One important point from the pluralist perspective is its strong objection to the legitimacy and efficacy of humanitarian intervention. Its arguments are (1) there is no agreement, even possible agreement, about what constitutes a supreme humanitarian emergency; (2) human rights are constructed within a specific cultural context and are not universal; (3)

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<sup>53</sup> Alex Bergamy, “Humanitarian responsibilities and interventionist claims in international society”, *Review of International Studies*, Vol.29, 2003, pp. 321–2.

<sup>54</sup> ICISS held this view. See also Rosalyn Higgins, “Intervention and international law”, in Hedley Bull, *Op.cit.*, pp. 30–39.

<sup>55</sup> Tobias Vogel, *Op.cit.*

<sup>56</sup> Charles W. Kegley, Jr., *Controversies in International Relations Theory, Realism and the Neoliberal Challenge* (New York: St. Martin’s Press, 1995) pp. 1–17; Charles W. Kegley Jr. and Eugene R. Wittkopf, *World Politics: Trend and Transformation* (Boston: Bedford/St. Martin’s Press, 2001) pp. 32–35. See also James Mayall, ed., *The New Interventionism 1991-1994*, (Cambridge: Cambridge University Press, 1996) pp. 1–24.

<sup>57</sup> Alex Bellamy, *Ibid.*, p.323.

proposals for universal ethics and common standards of humane governance are always culturally biased and claims of an emerging legitimate right of humanitarian intervention cannot be accepted; and (4) interventionist practice, even well-intentioned interventionism, threatens international order.<sup>58</sup>

On the contrary, the solidarist perspective maintains that the diverse communities within the international society “can and do reach agreement about substantive moral standards and that international society has moral agency to uphold those standards”.<sup>59</sup> The solidarist asserts that there is a degree of solidarity among the society of states to develop and enforce international law on which “there is agreement in international society about what constitutes a supreme humanitarian emergencies and legitimate act of intervention”.<sup>60</sup>

What is clear from such intellectual debates is that the significance of humanitarian intervention is theoretically determined by a particular perspective held by the major international actors. Consequently, the implementation of humanitarian intervention is strongly dependent upon values, interests and power of the international actors. Humanitarian intervention is most likely a matter of politics. The following section will show how humanitarian intervention is perceived by certain international actors.

#### The UN position on humanitarian intervention

As has been mentioned, many scholars and institutions continue to examine the UN Charter and institution in order to construct the legitimacy of humanitarian intervention. Michael Akehurst sees Chapter VII conferring upon the Security Council a discrete authority to determine the existence of threats of peace.<sup>61</sup> For Stephen Garrett the UN is the only institution in determining, legitimizing, and implementing humanitarian intervention, including in carrying out a forceful interventionary action.<sup>62</sup> Evan Luard also sees the UN as the ultimate organization that can provide the broadest legitimacy for a collective intervention for collective purposes and with lawful methods.<sup>63</sup> ICISS asserts a similar notion, “The UN, whatever arguments may persist about the meaning and scope of various Chapter provisions, is unquestionably the principal institution for building, consolidating and using the authority of the international community.”<sup>64</sup> To support the primacy of the UN, the former Secretary-General Boutros Boutros-Ghali

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<sup>58</sup> Alex Bellamy, *Ibid.*, p. 324.

<sup>59</sup> Quoted in Alex Bellamy, *Ibid.* See also James Mayall, ed., *Ibid.*

<sup>60</sup> Alex Bellamy, *Ibid.*

<sup>61</sup> Michael Akehurst, *Op.cit.*, p. 106.

<sup>62</sup> Stephen A. Garrett, *Op.cit.*, p. 152.

<sup>63</sup> See Evan Luard, *Collective Intervention*, in Hedley Bull, *Op.cit.*, p. 157–79.

<sup>64</sup> ICISS, *Op.cit.*, p. 48.

proposed the idea of the need to establish a UN rapid deployment force “that would be of battalion-size, trained to similar standards and operating procedures, share common communications equipment, and train together in regular joint exercise”.<sup>65</sup>

However, there are still doubts about the UN’s credibility in determining, legitimizing and implementing humanitarian intervention. Four main reasons are usually presented<sup>66</sup>. First, there is a political problem within the UN. Any intervention mandated by the Security Council is a result of political process. Humanitarian intervention could be successfully undertaken only when there is a political consensus among the Security Council members. Second, there are structural problems in the UN system. The veto privilege of the five permanent members of the Security Council, the under-representation of the international community and the lack of consultation and transparency in decision-making process could reduce the UN legitimacy in undertaking humanitarian intervention. The veto right is also assumed to open the chance for finding other alternatives, including for great powers to act unilaterally. It is also seen as a political instrument for the permanent members to maintain the status quo. The third reason is the absence of hard legal provisions within the UN Charter. And finally, the operational and technical incompetence of the UN has frequently forced the UN to be dependent upon individual or group of major power states for the realization of its humanitarian objectives.

All the arguments lead to one common but critical question on the inherently institutional double standards within the UN. At one extreme, the Security Council might easily come into conclusion on the need to take military intervention for humanitarian purposes and have significant support from country members. On the other extreme, the Security Council might not have any resolve at all to take necessary measures to stop human suffering in a particular state. In most cases what the Security Council has done or would do lies in between the two extremes. Within the UN system the issue of humanitarian intervention is likely to be a political issue rather than humanitarian issue, as Tobias Vogel has suggested.<sup>67</sup>

#### Developed countries’ perspectives

The UN’s double standards in the practice of humanitarian intervention are also demonstrated by the leading world powers, which are in fact predominantly the Western democratic states. In the case of the USA for example, it is said that there are significant traces of altruism among American public. Most of the general public feels that promoting and defending human rights in other countries should be an important goal of the US. They also

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<sup>65</sup> See in Stephen Garrett, *Op.cit.*, p. 161.

<sup>66</sup> Stanley Hoffmann, *Op.cit.*, p. 21–27. See also Tobias Vogel, *Op.cit.*

<sup>67</sup> Tobias Vogel, *Ibid.*

agree that “sometimes the US should be willing to make some sacrifices if these will help the world as a whole”.<sup>68</sup>

The ethics and moral dimension of the Western humanitarian intervention is clearly expressed through the following notion.

The formula ‘right to intervene’ does not derive from divine origin and its imposition tends to extend and meddle in others’ affairs. If it is we ourselves who take on this responsibility, then it is not a right, but a duty, and voluntarily assumed. Furthermore, this duty should be determined not by the form that our intervention will take (military intervention) but by the needs of those who request intervention. Those who suffer do indeed have a right to assistance (an unwritten right, a human right); we who are willing to aid them can have only a *duty to assist*... This duty is one that we all share: we should not remain ignorant of what happens around us; we should, at the very least, accept our roles as witnesses of our time.<sup>69</sup>

The Western countries’ perspective on humanitarian intervention, however, is not solely determined by moral and ethical values. The wave of democratization in many countries and the rising capitalisation of the international economy have made these countries more convinced of their ideological rightness and strength. According to Andrew Hurrell, the growing links between political liberalization and market-based economy prompted the industrialized-democratic-Western countries to carry out foreign policies stressing the holy trinity of human rights, political democracy and good governance.<sup>70</sup> This indicates the significant advance of Western altruism based on non-humanistic motives and interests.

The alignment of altruism and non-humanitarian interests makes humanitarian intervention a highly selective manner. The decision by Western countries to take military intervention for humanitarian purposes is in fact heavily affected by their interests in non-humanitarian fields such as economy and security.

According to many scholars such as Stephen Garrett and Tzvetan Todorov, the decision for humanitarian intervention is influenced by several reasons or considerations. The first consideration is the power of the country suspected of wrongdoing. If the wrongdoing state is too powerful such as Russia in Chechnya or China in Tibet, there will be no intervention. In this sense, realism finds ground.

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<sup>68</sup> Two surveys run by the Chicago Council on Foreign Relations and the Program on International Policy Attitude at the University of Maryland in 1990 showed 52 percent and 84 percent respectively of the American respondents had this altruistic view. See Stephen Garrett, *Op.cit.*, p. 174.

<sup>69</sup> Tzvetan Todorov, “Right to intervene or duty to assist” in Nicholas Owen, ed., *Human Rights, Human Wrongs* (Oxford: Oxford University Press, 2002) pp. 26–48.

<sup>70</sup> Andrew Hurrell, “Power, principles, and prudence: Protecting human rights in a deeply divided world”, in Tim Dunne and Nicholas Wheeler, eds., *Human Rights in Global Politics* (Cambridge: Cambridge University Press) 1999, p. 279.

The second consideration is the relationship between the Western countries and the suspected wrongdoing states. On this ground it is said that the US and NATO will not intervene in the states of their strategic allies, but they will intervene in those states which are not their allies.

The third consideration for intervention is domestic public opinion. Domestic policy considerations frequently took priority over humanitarian concerns. The duty to assist is likely formed and demonstrated through public opinion. Nonetheless, Garrett has suggested that the general public is basically immature and hopelessly sentimental and therefore decisions whether to intervene or not to intervene ought to be left to those who are “tough-minded” enough to set aside whatever natural human feeling they may have and focus instead strictly on the national self-interest narrowly defined.<sup>71</sup>

The last but not least consideration is national interests. One illustration suggested that the US’s recognition of violent acts committed by the Turks against the Armenians would run counter to its national interests. By contrast, the US would have nothing to gain materially, politically or in terms of moral prestige by employing humanitarian intervention in African conflicts.<sup>72</sup>

Anthony Lake maintains that national interests are a compelling explanation for the interventionist behaviour of the US, not only during the Cold War but also before and after it. He emphasizes several conditions relating to US national interests that will ensure the use of military power, such as to defend against direct attacks on the US, its citizens at home and abroad, and its allies, to counter aggression, to defend its most important economic interests, to preserve, promote, and defend democracy and for humanitarian purposes.<sup>73</sup>

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<sup>71</sup> Stephen Garrett, *Op.cit.*, p. 81.

<sup>72</sup> Tzvetan Todorov, *Op.cit.*, p. 36; Stephen Garrett, *Op.cit.*, pp. 170–4.

<sup>73</sup> Quoted in Charles W. Kegley Jr., and Eugene R. Wittkopf, *American Foreign Policy*, 5<sup>th</sup> edition (New York: St. Martin’s Press, 1996) pp.100–122. See also Peter Schrader who highlights five contexts of the US intervention in the Third World. The five contexts are: (1) the increasing importance of the developing countries for the US trade and investment; (2) the Third World is a theater for conflict of increasing scope and intensity; (3) the strategy reorientation from the full-scale military conflict in Western Europe to the rise of low-intensity conflict in the Third World. The US has designed to take part in a host of military operations within the Third World. These operations include counter insurgency by providing aid to an allied government to defeat a guerilla insurgency, pro insurgency by aid designed to foster a guerilla insurgency against foreign government, and peacetime contingency operations such as short-term rescue missions, terrorism counteraction, anti-drug operations, pacification or control of ethnic conflict, humanitarian assistance and military civic action. Two fundamental assumptions for this rising strategic emphasis are (a) that the vital US interests are threatened by radical and revolutionary violence in the Third World; and (b) that the US must be provided to use military force to protect these interests; (4) the official recognition of individual Third World or regions as strategic or vital to the US interests; and (5) the spill over effect of the US intervention in the Third World. Obviously, any US intervention has had effects on the US institutions and society, and contribution to the US domestic crises of legitimacy. See

Western countries' perspectives about humanitarian intervention are strongly influenced by their humanitarian values and non-humanitarian interests as well. In this context, it may be said that "With regard to the role of human rights in foreign policy, no government has proven to be a model of consistency. Even among the most consistent, there always seems to be a double standard – or sometimes no standard at all – in the way that governments engage in human rights diplomacy".<sup>74</sup>

#### Developing countries position

Not surprisingly, the vast majority of developing countries strongly resist any form of intervention, even on behalf of humanitarianism, in other countries' domestic affairs. This position particularly relates to the fact that almost all exercises of humanitarian intervention have been directed to developing countries where humanitarian crises have occurred.

Another explanation of such position is the historical factor that most developing countries are former colonies of European powers. Although decolonization has conferred political liberation and independence on many political entities which have become equal members of the international system, international relations are highly characterized by ex-colonial and ex-colony relationships. These in many dimensions show superior-inferior or core-peripheral interactions and involve some feelings of hostility. There is a great distrust among the developing countries that "a new writ for intervention in world affairs would simply be a disguise for these [former colonial] powers' manipulation of their affairs as in the past"<sup>75</sup>.

The increasing cultural significance of the various Asian traditions including Confucianism, Islam and Buddhism is the third explanation for the resistance of developing countries to humanitarian intervention. Led by China, "Asian values", for example, assert that the "concepts of democracy, human rights, and freedom are relative and specific and they are to be determined by the specific national situation of different countries"<sup>76</sup>. This is an explicit opposition to the idea of universal human rights and the possibility of intervention, borne out of the desire not to let the developed countries impose certain definitions of democracy and human

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Peter J. Schrader, *Intervention into 1990s: US Foreign Policy in the Third World* (Boulder: Lynne Rienner, 1992) pp.7–10.

<sup>74</sup> Peter Van Ness, ed., *Debating Human Rights: Critical Essays from the United States and Asia* (London: Routledge, 1999) p. 12.

<sup>75</sup> Stephen Garrett, *Op.cit.*, p. 52

<sup>76</sup> This is the official view of the People Republic of China reiterated by President Jiang Zemin during his official visit to the US in 1997, quoted in Peter Van Ness, *Op.cit.*, p. 8.

rights upon them, especially if that imposition tends to violate the central moral principles of their own cultural communities.<sup>77</sup>

There are also moral, even religious, considerations that have emerged from a number of cases where humanitarian interventions have taken place in many Islamic societies and cultures, such as in Sudan, Somalia, Iraq, and Afghanistan. Since the international interveners are mostly Western countries with the Christian traditions and most of the international humanitarian-relief agencies are based in the West, the Islamic countries tended to refuse the Western-derived international humanitarian laws and demand that humanitarian intervention should be based on Islamic laws.<sup>78</sup>

The principal reference for developing countries to refuse humanitarian intervention is the international principles of sovereignty and non-intervention in their conventional meanings. To amplify such principles the President of Algeria, Abdelaziz Bouteflika, once said that “sovereignty is our final defence against the rules of an unjust world”.<sup>79</sup> Although there have been efforts to make humanitarian intervention not to be in contrast with sovereignty, most of the developing countries still hold firmly the principles of sovereignty and non-intervention.

But, it is worth noting that Third World countries also show inconsistencies in the issue of sovereignty and non-intervention principles. India intervention in East Pakistan (1971), Tanzania’s intervention in Uganda (1979) and Vietnam’s in Cambodia (1979) are three stark cases of disrespect for other sovereignties. Another instance is the demand of African states for the UN to take action over South Africa for her apartheid politics. Further, the Organization of African Union passed a resolution that called upon its members to appeal to the UN Security Council to pressure the UK to use force to rescue the people of Zimbabwe from a tyrannical white minority regime.

It is also striking, in this connection, how many in the Muslim world stridently denounced what they saw as the indifference of the Western nations to the suffering in the former Yugoslavia, particularly the Muslim community in Bosnia. There were also repeated calls for a humanitarian intervention that would assist their coreligionists; this vividly contrasted with their resistance to similar efforts in other areas. Several Muslim countries, among them Iran and Turkey, evidently decided on unilateral intervention themselves, and provided the Sarajevo

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<sup>77</sup> *Ibid*, p. 13; For useful references see Anthony Langlois, *The Politics of Justice and Human Rights: Southeast Asia and Universalist Theory* (Cambridge: Cambridge University Press, 2001); Amartya Sen, “Human Rights and Asian Values”, *The New Republic*, July 14 – July 21, 1997 as accessed from <http://www.mtholyoke.edu/acad/intrel/sen.htm> on 12 June 2003; and Shashi Tharoor, “Are Human Rights Universal”, *World Policy Journal*, Vol. XVI, No. 4 (Winter 1999/2000) accessed from <http://www.mtholyoke.edu/acad/intrel/tharoor2.htm> on 12 June 2003.

<sup>78</sup> Peter van Ness, *Op.cit.*, p. 52.

<sup>79</sup> In Shashi Tharoor and Sam Daws, *Op.cit.*

regime with considerable quantities of financial assistance, military equipment, and even volunteers. Stephen Garrett then writes:

All this suggests that the abstract commitment to the norm of sovereignty, even within the developing world, may wax or wane depending on the circumstances of individual case. Yet this hardly needs to be regarded as necessarily objectionable or invariably hypocritical.<sup>80</sup>

### Non-Governmental Organizations and the Media

Two non-state entities that have increasingly played significant role in the course of humanitarian intervention are non-governmental organizations (NGOs) and the media. In this context the NGOs are specifically humanitarian agencies whose personnel are practically concerned with impartial humanitarian activities and who actively engage in the protection and assistance of civilians, refugees, and other non-combatants suffering as a result of armed conflict.<sup>81</sup> These agencies may include ICRC, UNHCR, MSF, OXFAM, CARE, SCR, World Vision and also religious organizations such as Christian churches.

The role of NGOs in humanitarian intervention is based on their commitment to human values. NGOs, according to Andrew Hurrell, attempt “to harness the growing sense of a cosmopolitan moral awareness and to respond to the multiple failures of state system, both locally and globally”.<sup>82</sup> Moreover, NGOs take soft measures in implementing the international human rights standards namely through inquiry and exposure which are different to the harder and more coercive enforcement measures employed by powerful states. By soft measures NGOs seek to protect human rights through the mobilization of shame and by increasing the costs to a state’s reputation.<sup>83</sup> William Korey added that the influence of NGOs mostly derives from ideas and values rather than from narrow economic incentives or from power-political interests. Their strength and significance rest on “their ability to transform international moral standard into reality or at least into ‘customary international law’ that would carry the veritable obligatory character.”<sup>84</sup>

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<sup>80</sup> Stephen Garrett, *Op.cit.*, p. 53–4. See also Stephen D. Krasner, “Organized Hypocrisy in Nineteenth-century East Asia”, *International Relations of the Asia-Pacific*, Vol. 1 (2001) pp. 173–197.

<sup>81</sup> Hugo Slim, *Military Intervention to Protect Human Rights: The Humanitarian Agency Perspective*, paper presented before the International Council on Human Rights Policy, March 2001.

<sup>82</sup> Andrew Hurrell, *Op.cit.*, p. 282.

<sup>83</sup> *Ibid.*, p. 288.

<sup>84</sup> William Korey, *NGOs and the Universal Declaration of Human Rights* (New York: St. Martin’s Press, 1998) p. 2.

NGOs make a great contribution in determining where a humanitarian intervention should be deployed. In this context, there are at least four activities NGOs can carry out.<sup>85</sup> The first is to gather information and facilitate the flow of information from those directly affected to international human rights groups and monitoring bodies. This has been critical in opening up knowledge of human rights abuses in remote areas where national media might be uninterested. The second is to use that information both to mobilize shame and to apply pressure in specific cases and to extract from governments the need for new areas of rights. The third role is to channel external assistance on human rights and create social structures within which external assistance can be effectively used, especially when state structures have been weakened or destroyed. Finally, NGOs are a “transmission belt” for changes in attitudes and values where the focus of attention is not directly on governments but rather on broader social changes.

The NGOs’ role in humanitarian intervention is particularly determined by their status as constituting a group of informed and active citizenry. Through their institutionalized activities they can organize public opinion internationally to ask, for instance, for an international action to end grave violations of human rights in a particular state. Due to their flexibility they may employ various methods in forming public opinion and launching political lobbies.

Although the role of NGOs in promoting human rights is widely recognized, it remains difficult to determine precisely their position in the controversy of humanitarian intervention. This particularly points to the use of military force in order to protect civilians from violent conflict. While some NGOs may give support and even justify military intervention or at least show their tacit consent on a sort of collaboration between forcible and non-forcible intervention, others raise questions about the kind of militarization of humanitarian relief.<sup>86</sup>

Collaboration with the media is another factor that makes NGOs more influential by putting human rights on the journalistic and academic map of the world.<sup>87</sup> This is in line with the following illustration:

If a tree falls in the forest, and there is no one to hear it, does it really make a sound? The notion seems to be that trees may indeed be falling all over the world – that is, human catastrophes are steadily taking place – but if CNN is not there to ‘hear’ them, then we don’t have to notice, indeed won’t notice, and we can be comfortable in our ignorance.<sup>88</sup>

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<sup>85</sup> See Andrew Hurrell, *Op.cit.*, p. 288–9. See also William Korey, *Op.cit.*, p. 3–4.

<sup>86</sup> According to Hugo Slim there is a serious debate on the use or the abuse of the term of humanitarian as an adjective to describe the international use of force. Giving an example, for agencies like ICRC and MSF the phrase “humanitarian intervention” or the “humanitarian war” is logical impossibilities. See Hugo Slim, *Op.cit.*

<sup>87</sup> William Korey, *Op.cit.*

<sup>88</sup> Stephen Garrett, *Op.cit.*, p. 80–81.

The illustration shows that the media coverage has “significant influence on the policy process and might operate as either a necessary or even sufficient factor in producing a particular policy outcome”.<sup>89</sup> Due to the continuing development of real-time communication technology, the print and electronic media, specifically television, are able to provoke wider responses from various levels of audiences, from ordinary peoples to elite groups, to national, regional, and global events. This so-called “CNN effect” highlights a proposition that news media has a strong impact upon foreign policy-making and international politics. Piers Robinson writes, “Both TV news, because of the visual imagery, and newspapers, because of their greater tendency to express overt political opinion and influence elite opinion, might play an important role in influencing opinion during humanitarian crises”.<sup>90</sup> In other words, the media attempts to raise international attention on the events of humanitarian emergencies, create public opinion and persuade decision-makers.

The media’s role in humanitarian intervention is described by Martin Shaw in the case of the Kurds in Iraq. Shaw said that television news programmes were the central agencies of global civil society in the Kurdish crisis which forced changes in state policies and led to humanitarian intervention. “Television – not newspapers, not social movements, certainly not the traditional representative institutions – took up the plight of the Kurds and in an unprecedented campaign successfully forced governments’ hands”.<sup>91</sup> A similar illuminating observation is made by Stephen Garrett:

The technical capabilities of the electronic media in covering disasters around the world – symbolized in particular by the international coverage of CNN – have created a situation in which the emotions of the mass public can easily be aroused by terrible pictures. This, in turn, puts great pressure on their leaders to do something about the suffering on display.<sup>92</sup>

However, it is hard to define whether the media has a strong and constant concern for human rights violations on which we can assess its position on humanitarian intervention. Despite its vital role in raising international concern, the media coverage of humanitarian crises is likely motivated by non-humanitarian interests. And this is part of the media’s weaknesses. Taking the Kurdish crisis as a case of Western humanitarian intervention, Martin Shaw

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<sup>89</sup> Piers Robinson, *The CNN Effect: The Myth of News, Foreign Policy and Intervention* (London: Routledge, 2002) p. 37.

<sup>90</sup> *Ibid.*, p. 3.

<sup>91</sup> Martin Shaw, “Global voices: civil society and the media in global crises”, in Tim Dunne and Nicholas Wheeler, *Op.cit.*, p. 229.

<sup>92</sup> Stephen Garrett, *Op.cit.*, p. 80.

investigates four limits of television as a representative of a threatened society in zones of crises.<sup>93</sup> First, television can only fully represent people with film but cannot make all global voices of more brutally repressed people heard. Second, television represents people better as victims than as combatants or protagonists. Third, television mainly represents people indirectly and the campaign of human tragedies was built up by the authoritative voice of Western television reporters. Finally, television generally depends on state policies to give it its cues. In addition to such limits are financial constraints and the general public's supposed lack of interest in foreign affairs.<sup>94</sup>

Humanitarian intervention might be a matter of politics where many values and actors intermingle. The politics of humanitarian intervention is the discourse of uncertainty in responding to humanitarian crises. Ideally, it is the politics of how to place human values before national interests. It is also a debate on how to transform the right to intervene, the responsibility to protect and the duty to assist, into real action.

### **C. The domestic or pull factors of humanitarian intervention**

Many would now argue that humanitarian intervention should not derive from divine origins such as moral or ethics of international relations. Rather, humanitarian intervention with or without military involvement should be determined by the needs of those who request intervention. The ones who have the right to intervention are those who suffer from violent conflicts or government atrocities and those whose human rights are abused. What others have to or will do is to exercise their responsibility to give a hand voluntarily. The central idea is to make the humanitarian crises brought about by violent conflicts, civil wars, or state oppression the genuine reason for international humanitarian intervention. Humanitarian crisis in a certain state is therefore the primary pull factor of humanitarian intervention.

In cause-effect analysis of humanitarian intervention, the deployment of external military force is simply seen as being triggered by a condition in which a segment of the people are suffering from widespread deprivations of basic rights. The condition is descriptively called a humanitarian crisis,<sup>95</sup> a humanitarian emergency<sup>96</sup> or an international-social conflict.<sup>97</sup>

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<sup>93</sup> Martin Shaw, *Op.cit.*, p. 230–1.

<sup>94</sup> Stephen Garrett, *Op.cit.*, p. 81.

<sup>95</sup> See Marc-Antoine Perouse de Montclos, "A Crisis of Humanitarianism", *Forum for Applied Research and Public Policy*, Vol.16, Issue 2, Knoxville, Summer 2001, p. 95–100 ; K. Mills, "Sovereignty

Nicholas Wheeler, as mentioned before, calls this condition one that has shocked the international conscience, while for the ICISS the condition is marked by the threat or occurrence of large scale loss of life and ethnic cleansing.<sup>98</sup> The humanitarian crisis itself is generally perceived as caused by protracted violent conflict, and this protracted violent conflict usually takes place in a failed or collapsed state.

### *1. Failed states*

As mentioned, the rejection of humanitarian intervention comes primarily from developing countries. This is related to the fact that humanitarian intervention predominantly takes place in those countries. In recent practices humanitarian interventions are not merely intended to handle the situation in which large scale of killings or massive destructions had already emerged; they have also aimed to assist countries that have been identified as weakening states or that have nearly collapsed.

A failed state is one that has failed to perform its basic function, particularly in providing order and security. When states have failed or are failing to establish national order and security, this is the basic condition for eruption of domestic conflicts and the abuses of human rights.<sup>99</sup> This is in line with Michael Ignatieff's proposition that, "Yet even if some strong states remain a menace to their own people, the worst abuse now occurs not where there is too much state power, but too little. The human rights dilemmas of the twenty-first century derive more from anarchy than tyranny".<sup>100</sup>

The inference that human rights violations are derived from state failures draws attention to the critical issue of the relationship between human rights and state sovereignty where questions of the legality of humanitarian intervention persist. Mohammed Ayoob elucidates that many new states are struggling to establish themselves as full-fledged members of international society.<sup>101</sup> In the processes of state-making and nation-making, some of them continue to suffer

Eclipsed?: The Legitimacy of Humanitarian Access and Intervention", *The Journal of Humanitarian Assistance*, online, posted 4 June 2000.

<sup>96</sup> Michael Walzer, "The Argument about humanitarian intervention", *Dissent*, Vol.49, Issue 1, New York, Winter 2002, p. 29-37; Hugo Slim, "Military Intervention to Protect Human Right: The Humanitarian Agency Perspective", *The Journal of Humanitarian Assistance*, online, posted 12 March 2002.

<sup>97</sup> Oliver Ramsbotham and Tom Woodhouse, *Op.cit.* 87-105.

<sup>98</sup> ICISS, *Op.cit.*, p. 32.

<sup>99</sup> Mohammed Ayoob, "Humanitarian intervention and international society", *Global Governance*, Vol.7, Issue 3, Boulder: Jul-Sep 2001.

<sup>100</sup> Michael Ignatieff, "Intervention and state failure", *Dissent*, Vol.49, Issue 1, New York; Winter 2002, pp. 115-123.

<sup>101</sup> See also Francis Fukuyama, *State Building: Governance and World Order in the Twenty-First Century* (London: Profile Books, 2004).

and may undertake coercive actions against recalcitrant elements that refuse to accept the state's authority to maintain national order and security. Where a state fails to establish the security of the state and the security of the regime, the intractable groups will dominate and bring the state into violent protracted conflicts. Humanitarian intervention in such instances might be justifiable, and "the question of violating sovereignty becomes redundant because the state has disappeared. It does not pose the same normative dilemma as in those cases where a locus of sovereignty clearly exists."<sup>102</sup>

The two scholars cited above are clearly distinguishing states which fail to maintain order and security from states which deliberately violate human rights of selected groups of their citizens. In the first cases, Ignatieff and Ayoob argued, the states have lost their formal and material legitimacy as states. Ayoob asserted that the states have disappeared or not yet appeared. Further, Ayoob called these conflicts that take place within this category state-making wars, similar to those which occurred during the sixteenth to nineteenth centuries.<sup>103</sup> In the second group of cases, where the states violate human rights, Ayoob argued that the locus of sovereignty clearly exists. Liberia, Somalia, Sudan, Sierra Leone and Congo fall in the failed states category, whereas Iraq and Kosovo do not. In the latter the state authority still exists and the governments are also able to perform effectively most of its basic functions.

In practices, international interventions for humanitarian purposes are more likely to be directed to failed or collapsed states. These interventions relate to the many problems stemming from failed states. William Zartman listed these problems. He claimed that as the decision-making centre of government, the state is paralyzed and inoperative: laws are not made, order is not preserved, and societal cohesion is not enhanced; as a symbol of identity, it has lost its power of conferring a name on its people and a meaning to their social action; as a territory, it is no longer assured security and provisionment by a central sovereign organization; as the authoritative political institution, it has lost its legitimacy, which is therefore up for grabs, and so has lost its right to command and conduct public affairs; as a system of socioeconomic organization, its functional balance of inputs and outputs is destroyed; it no longer receives support from nor exercises control over its people, and it no longer is even the target of demands, because its people know that it is incapable of providing supplies. No longer functioning, with neither traditional nor charismatic nor institutional sources of legitimacy, it has lost the right to rule.<sup>104</sup>

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<sup>102</sup> Mohammed Ayoob, *Op.cit.*

<sup>103</sup> *Ibid.*

<sup>104</sup> I. William Zartman, ed., *Collapsed States: The Disintegration and Restoration of Legitimate Authority* (Colorado: Lynne Rienner) 1995, p. 5.

A failed state does not directly lead to widespread deprivation of human rights. What scholars suggest is that when state structures weaken, violent conflict often follows. Michael Brown elaborates further.

In the time of state structures are weakening, power struggles between and among politicians and would-be leaders intensify. Regional leaders become increasingly independent and, should they consolidate control over military assets, become virtual warlords. Ethnic groups which had been oppressed by the centre are more able to assert themselves politically, perhaps in the form of developing more administrative autonomy or their own states. Ethnic groups which had been protected by the centre or which had exercised power through the state find themselves more vulnerable. Criminal organizations become more powerful and pervasive.... Massive humanitarian problems, such as famines and epidemics, can develop. Widespread human rights violations often take place. The state in question might ultimately fragment or simply cease to exist as a political entity.<sup>105</sup>

What the international community should do in dealing with collapsed or nearly failed states like Indonesia in the end of 1990s is central to this research. Some possible answers can be found in the *Responsibility to Protect* report prepared by the ICISS; broadly, these include the responsibility to prevent, to react and to rebuild. But Michael Ignatieff's propositions are inspiring. First, he said, "intervention occurs, in general, where states are too weak, too friendless, to resist".<sup>106</sup> This is in line with the previous discussion that military intervention for humanitarian purposes will not occur where the states that have oppressed their people are strong and have the military might to deter and dissuade. As will be discussed, the international intervention in East Timor was likely to take place at a time when Indonesia was too weak to resist.

Second, Ignatieff proposed the necessity of rethinking the traditional suspicion of the state and of the exercise of sovereignty. Referring to the cases of the Balkans and Africa, where population are menaced by banditry, civil war, guerrilla campaigns and counter-insurgency by beleaguered governments, he argued that it is important to return to the Weberian concept of the state's monopoly on the legitimate means of force. "The chief prerequisite for creation of a basic rights regime for ordinary people is the re-creation of a stable national state capable of giving orders and seeing them carried out throughout the territory".<sup>107</sup> State sovereignty, he went on, is

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<sup>105</sup> Michael E. Brown, "The Causes of Internal Conflict: An Overview", in Michael E. Brown, Owen R. Cote, Jr., Sean M. Lynn-Jones, and Steven E. Miller, eds., *Nationalism and Ethnic Conflict* (Massachusetts: The MIT Press, 1997) p. 6.

<sup>106</sup> Michael Ignatieff, "Human Rights, Sovereignty and Intervention", in Nicholas Owen ed., *Op.cit.*, p. 71.

<sup>107</sup> Michael Ignatieff, "Intervention and State Failure", *Op.cit.* See also *Op.cit.*, p. 65.

the basic precondition rather than the enemy of human rights. This notion seems to suggest that an international intervention is justified if it aims to restore the state authority on its domestic affairs.

## 2. *Intrastate Conflicts*

Michael Brown maintained that a weak state is one of the structural factors that leads to internal conflict. He also proposed other underlying factors including political, economic and cultural causes of internal conflict. Duly considering the fact that these underlying factors do not necessarily lead to violence and that some places and some situations are more predisposed to violence than others, he then suggested a matrix of catalytic or triggering factors of internal violent conflict. He said that violent conflict in particular states might be triggered by internal, mass-level factors (bad domestic problems), internal, elite-level factors (bad leaders), external, mass-level factors (bad neighbourhoods) and external, elite-level factors.<sup>108</sup>

As the term fashionable, failed state is recognized to be “frustratingly imprecise”,<sup>109</sup> so too the term intrastate conflict is very broad.<sup>110</sup> The term intrastate conflict is interchangeably used with internal conflict, domestic conflict or non-interstate conflict, each of which generically refers to conflict taking place within a state.<sup>111</sup> The term intrastate conflict includes the three types of non-interstate conflict proposed by Miall et al which include revolutionary/ideology conflict, identity/secession conflict and factional conflict.<sup>112</sup>

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<sup>108</sup> Michael Brown, *Op.cit.*

<sup>109</sup> Noam Chomsky, *Failed States: The Abuse of Power and The Assault of Democracy* (Crows Nest NSW: Allen & Unwin, 2006). Two main characteristics of failed state, he says, are the inability or unwillingness to protect their citizens from violence and destruction and the “democratic deficit”.

<sup>110</sup> Lori Fisler Damrosch uses the term of “internal conflict” to put together all conflicts located primarily within the borders of an existing nation-state at the time the issue of collective involvement arises. These conflicts include ethnic strife, overthrow of an established government, disintegration of civil order, interference with humanitarian relief efforts and other violence occurring within a state. See in *Enforcing Restraint: Collective Intervention in Internal Conflicts* (New York: A Council on Foreign Relations Book, 1993) Introduction, pp. 4–5. See also Hakan Wiberg and Christian P.Scherrer, eds., *Ethnicity and Intra-state Conflict* (Aldershot: Ashgate, 1999) p. 2.

<sup>111</sup> Hugh Miall et al. note that there are as many typologies as analysts of conflict. See Hugh Miall, Oliver Ramsbotham and Tom Woodhouse, *Contemporary Conflict Resolution*, (Cambridge: Polity Press, 1999) p. 31.

<sup>112</sup> Hugh Miall et al, *Ibid.*, pp.29–32. See also Christian P. Scherrer, “Towards a Comprehensive Analysis of Ethnicity and Mass Violence: Types, Dynamics, Characteristics and Trends”, in Hakan Wiberg and Christian P. Scherrer, eds., *Op.cit.*, pp.52–88. By excluding the interstate wars and decolonization wars or Foreign-State-Occupations, the intrastate conflicts will include anti-regime wars or political and ideological conflicts, ethno-nationalist conflicts, inter-ethnic conflicts, gang wars and genocide; and David Carment and Patrick James, “International Ethnopolitics: Theory, Peacekeeping, and Policy”, in John F.Stack, Jr and Lui Hebron, eds., *The Ethnic Entanglement: Conflict and Intervention in World Politics* (Westport: Praeger, 1999) p. 22.

According to Miall et al, revolution/ideology conflict has the ambitious aim of changing the nature of the government of a state. This aim may include (a) the changing of the system from capitalist to socialist, or (b) the form of government from dictatorship to democracy, or (c) the religious orientation of the state from secular to Islamic. The second type, identity/secession conflict, involves the status of communities or ‘communal groups’ in relation to the state and their struggles for access, for autonomy, for secession or for control. Factional conflict shows a struggle to control the state or part of the state. This type of conflict covers coups d’etat, intra-elite power-struggles, brigandage, criminality and warlordism, where the aim is to usurp, seize or retain state power merely to further particular interests.<sup>113</sup>

The types of the conflicts roughly indicate the parties, the content and the different objectives within violent conflict which altogether influence the dynamics of conflict. Further investigation, however, remains useful since the parties to a conflict are opened to manipulation. Ramsbotham and Woodhouse noted that conflict parties are likely to use a particular identity mix of ethnicity, religion, region and other primordial elements. The collective identity of parties to conflict is an instrument which is constructed, reconstructed or deconstructed.<sup>114</sup>

Interests, values and power significantly influence the conflict parties and the dynamics of the conflict. But, since it is also not easy to draw a distinction between the core and peripheral interests, the escalation and de-escalation of internal conflict are heavily influenced by the qualitative and quantitative balance of power among the conflict parties and by how interests or values can be negotiated and compromises made.

Just as the interests and power relations among the conflicting parties are crucial, the dynamics and intensity of the conflict also influence on the possibility of external intervention.

The international dimension of a conflict and the humanitarian crisis it causes are two important issues that need to be taken into account. According to Patrick Regan the importance of internal conflict to the international community is affected by (1) the strategic environment in which the conflict is being waged, including both cold war dynamics and the number of shared borders, (2) the existence of a humanitarian crisis associated with the conflict, (3) the number of fatalities, and (4) the intensity of the conflict.<sup>115</sup>

In identifying the internationally strategic environment of domestic conflicts it has been noted that conflicts within countries may have crucial impacts to other countries in terms of

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<sup>113</sup> Brown specifically highlighted the motives or contents of conflicts in classifying conflicts, which are: ideological conflicts, criminal assault on sovereignty and power struggles. Michael Brown, *Op.cit.*, pp. 18–20.

<sup>114</sup> Ramsbotham and Woodhouse, *Op.cit.*, p. 98.

<sup>115</sup> See Patrick M. Regan, *Civil Wars and Foreign Powers: Outside Intervention in Intrastate Conflict*, (Ann Arbor: The University of Michigan, 2000) pp. 21–24.

economic and/or security interests. International implications of domestic conflicts include, but are not limited to, cross-border arms transfers, ethnic affinities, and refugee flows.<sup>116</sup> Nevertheless, a broader analysis of the structural circumstances should be added, and this is more daunting in the cases of intrastate conflicts in Indonesia.

There is no doubt that developing countries like Indonesia have huge structural, political, economic and cultural factors which collectively or separately may become the underlying or permissive causes of internal conflict. The transformation of these national problems into violent conflicts may be triggered, according to Michael Brown, by the elite or the mass.<sup>117</sup> The mass-triggered conflict is closely related to mounting economic problems, intensifying competition for resources, growing economic inequalities and modernization processes. The elite-triggered conflict is related to the power struggles involving civilian or military leaders. It is also worth noting that political reform following the collapse of authoritarian rule is likely to make particular states prone to violence.<sup>118</sup>

### 3. *Humanitarian crisis*

As mentioned above, the international dimension of intrastate conflict is also shown by the existence of a humanitarian crisis caused by the conflicts. Many international agencies have attempted to describe humanitarian crises, and their descriptions contain several crucial elements. The UN Inter-Agency Standing Committee (UN-IASC) offered a sort of official definition of a complex emergency as

a humanitarian crisis in a country, region or society where there is total or considerable breakdown of authority resulting from internal or external conflict and which requires an international response that goes beyond the mandate or capacity of any single agency and/ or the ongoing United Nations country program.

It is also said that such “complex emergencies” are typically characterized by: extensive violence and loss of life; massive displacements of people; widespread damage to societies and economies, the need for large-scale, multi-faceted humanitarian assistance, the hindrance or

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<sup>116</sup> For further analysis about the international dimensions of intrastate conflicts, see Lori Fisler Damrosch, *Op.cit.*, p. 5; Ramsbotham and Woodhouse, *Op.cit.*, pp. 87–97; Miall et al, *Op.cit.*, pp. 77–84; Christian Scherrer, *Op.cit.*, p. 54. See also K.M. de Silva and R.J. May, eds., *Internationalization of Ethnic Conflict* (London: Pinter Publishers, 1991); and Ralph R. Premdas, “The Internationalization of ethnic conflict: Some theoretical explorations”, in K.M. de Silva and R.J. May, eds., *Ibid.* pp 10–25.

<sup>117</sup> Michael E. Brown, *Op.cit.*, pp. 16–7.

<sup>118</sup> Jack Snyder, *From Voting to Violence: Democratization and Nationalist Conflict* (NY: W. W. Norton & Company, 2000).

prevention of humanitarian assistance by political and military constraints and significant security risks for humanitarian relief workers in some areas.<sup>119</sup>

There may be disagreement about the quantitative aspects of the items characterizing a humanitarian emergency. The loss of life by 100 – 999 people and more than 1000 people might be seen as a low intensity conflict and high intensity conflict respectively, as the Interdisciplinary Research Program on Causes of Human Rights Violations (PIOOM) suggested.<sup>120</sup> A similar controversy may happen to the extent of damage caused by the conflicts.

Perhaps, the most controversial issues are the assessment of the breakdown of national authority and the necessity for international response. Such controversy links to another controversial condition for humanitarian intervention where a state is concluded to be unable or unwilling to handle the crisis appropriately. This also relates to traditional debates on the principle of sovereignty and non-intervention.

This thesis is intended to investigate humanitarian crises in Indonesia that could have justified humanitarian intervention. The investigation is challenging since what is called a humanitarian crisis is understood more in qualitative rather than quantitative terms. The international community has not so far reached a consensus on the number of people affected by the crisis, the scale of damage caused by the conflict and the assessment of the competency and willingness of the concerned state individually or internationally to solve the crisis. Although a humanitarian crisis is in theory the objective reason for external humanitarian intervention, in practice it is subject to political calculations. In the words of Michael Ignatieff, a humanitarian crisis is mainly political rather than humanitarian or moral.<sup>121</sup>

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<sup>119</sup> IASC, December 1994. See in *OCHA Orientation Handbook on Complex Emergencies*, Office for the Coordination of Humanitarian Affairs, August 1999. See also Andrew Natsios, Commander's Guidance: A Challenge of Complex Humanitarian Emergencies, in *Parameters*, Summer 1996, pp. 50 – 66 who defines humanitarian emergency as a national crisis in which: (1) political authority and public services deteriorate or completely collapse; (2) internal ethnic, tribal, or religious conflict occurs, with widespread atrocities against noncombatants; (3) massive population movements take place, with people escaping violence or searching for food; (4) widespread food insecurity appears, frequently deteriorating into starvation; (5) a public health emergency causes epidemics of communicable disease; and (6) the chaos leads to macro-economic collapse with massive unemployment, destruction of the currency, and negative GNP growth. See also J.J. Albala Bertrand, What is a "Complex Humanitarian Emergency"? An Analytical Essay, *Working Paper* No.420, October 2000, Department of Economics, Queen Mary, University of London, ISSN 1473-0278.

<sup>120</sup> Mapping the Dimensions of Contemporary Conflicts and Human Rights Violations as accessed from <http://www.conflict-prevention.net/page.php?id=45&formid=72&action=show&articleid=31> on 12 June 2004.

<sup>121</sup> Michael Ignatieff, "Human Rights, Sovereignty, and Intervention", *Op.cit.*, p. 66.

#### D. Framing the analysis

While the international community continually develops moral, ethical, legal and institutional foundations of humanitarian intervention, and while there is no universally accepted consensus on what the humanitarian crisis is, there has been a set of principles upon which the deployment of military force for humanitarian purposes is seen as justified. Ramsbotham and Woodhouse proposed several aspects that have to be considered in analysing humanitarian intervention. These include (1) the purpose should be humanitarian, (2) the agency is one which is ideally run by a global and/or regional organization such as the UN, (3) the target state, (4) the level of force to ensure the success of intervention and (5) the legitimacy of the intervention.

Other scholars such as Nicholas Wheeler, Peter Baehr and the Independent Commission on Kosovo proposed several criteria of humanitarian intervention. These include (1) the existence of a supreme humanitarian emergency that shocks the conscience of mankind or reliable and objective evidence of grave and large scale of human rights violations, (2) the use of military force as the last resort, (3) the proportionality in using military force and the calculation that the military intervention has a reasonable chance of ending the humanitarian catastrophe.<sup>122</sup> Fernando Teson suggests eight principles for humanitarian intervention which are based on the legal, ethic and moral principles as discussed previously.<sup>123</sup>

Six criteria for humanitarian intervention proposed by the International Commission on Intervention and State Sovereignty (ICISS) are particularly useful in this thesis. The criteria are divided into two main groups: the threshold criterion and precautionary criteria. The threshold criterion solely points to (1) the just cause of intervention. The precautionary criteria include (2) the right intention of the intervention, (3) the use of military force as the last resort, (4) the proportionality of military intervention, and (5) the reasonable prospect of success of the military intervention. The final criterion, right authority of the intervention, particularly points to organizations such as the UN Security Council that hold the legal and legitimate authority to conduct the intervention.<sup>124</sup>

By the just cause of humanitarian intervention, ICISS argues that the use of military force is justified if there is a large scale loss of life or large scale ethnic cleansing. The loss of life may be actual or apprehended, with genocidal intent or not, which is a product either of deliberate state action or state neglect or inability to act or a failed state situation. The large scale

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<sup>122</sup> See in Shashi Tharoor and Sam Daws, *Op.cit.*

<sup>123</sup> Fernando R. Teson, "Eight Principles for Humanitarian Intervention", *Journal of Military Ethics*, Vol. 5, No. 2, 2006, pp. 93–113.

<sup>124</sup> ICISS, *Op.cit.* pp. 32–37.

ethnic cleansing may be also actual or apprehended which is carried out by killing, forced expulsion, acts of terror, or rape. It is important to note that ICISS does not make any distinction between the situation where the large scale of killing is caused by the action or deliberate inaction of a state, and the situation where the massacres take place in a failed or collapsed state.<sup>125</sup>

About the right intention of intervention, ICISS clearly emphasizes that the primary purpose of the intervention must be to halt or avert human suffering. This is in line with the classical definition of humanitarian intervention presented at the beginning.

ICISS also makes it clear that the use of military force for humanitarian purposes must be perceived as the last resort after every non-military measure has been explored. The military force must be used proportionally in the sense that it should be in line with the humanitarian objective and the rules of international humanitarian law. ICISS also asserted that for the military intervention to be justified, it has to have a reasonable prospect of success in fulfilling its humanitarian objective.

There is no question that the UN organizations are the legitimate and authoritative institutions to carry out humanitarian intervention. By looking at the UN Charter and the organizational authority of the Security Council, the General Assembly and the Secretary-General as having the primary responsibility for international peace and security, ICISS maintains that the UN is the only organization with universally accepted authority to justify humanitarian intervention. But, since it has not by itself the operational capacity, ICISS suggests that states should be willing to use force on behalf and for the goals of the UN. A further possibility, ICISS suggests, is the collective intervention by a regional or sub-regional organization motivated by humanitarian concerns<sup>126</sup> or approved by the community of democratic states.<sup>127</sup>

In an attempt to examine the international intervention in East Timor and to investigate the absence of humanitarian intervention in Maluku and Aceh, this thesis has to consider the international or push factors and domestic or pull factors which contributed to these different responses.

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<sup>125</sup> ICISS, *Ibid*, p. 33.

<sup>126</sup> ICISS, *Ibid*., pp. 47–54.

<sup>127</sup> Fernando Teson, *Op.cit.*, pp. 107–08.

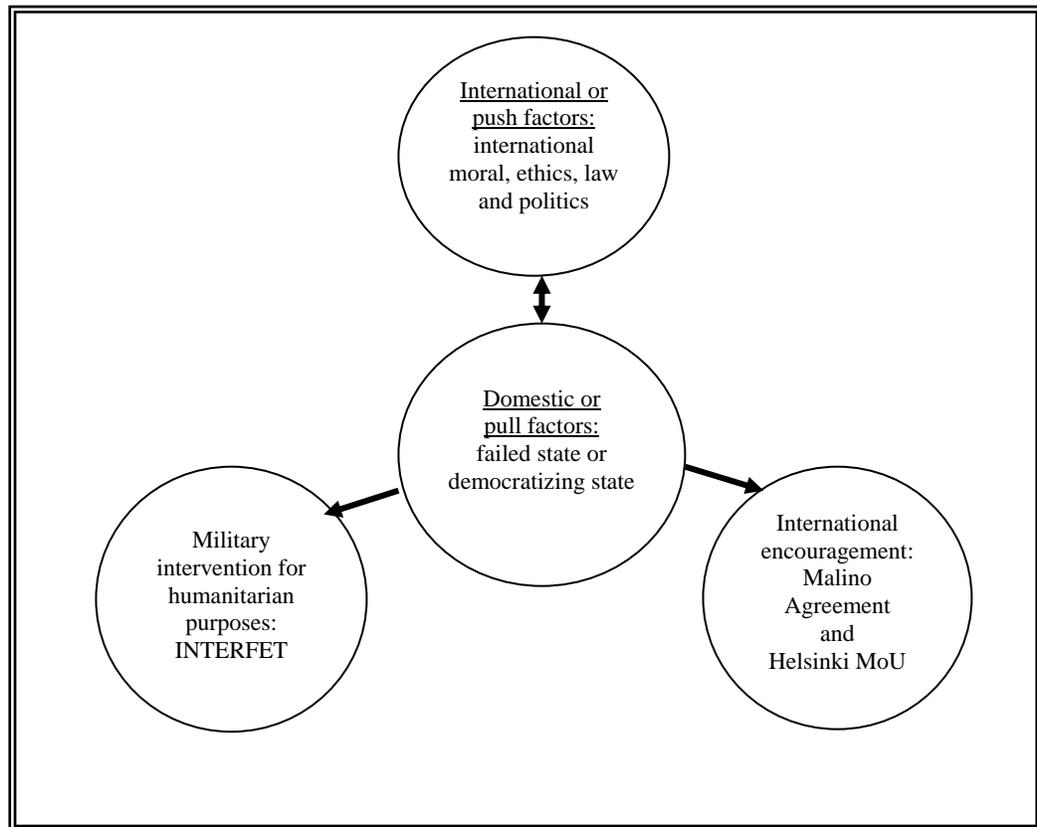


Figure 1: Factors influencing international responses to intrastate conflicts in Indonesia: East Timor, Maluku and Aceh

The diagram above shows that for the international community to decide on military intervention for humanitarian purposes, they have to consider the set of international principles of humanitarian intervention and the domestic condition of the state concerned. As has been discussed, the principles are based on the UN framework, international morality and ethics, the International Bill of Human Rights and international politics where the latter specifically refers to the interests of the major countries in non-humanitarian fields. Based on the principles, it is proposed that humanitarian intervention was likely to occur in East Timor, Maluku and Aceh.

However, the reality showed that military intervention for humanitarian purposes did not take place in Maluku and Aceh. This fact is likely to support the theoretical proposition *that for humanitarian intervention to occur, it is determined greatly by the domestic or pull factors within the Indonesia state*. The deployment of a multinational force in East Timor (INTERFET) is then assumed as being closely related to a situation where Indonesia at that time was too weak

to resist. On the other hand, the absence of humanitarian intervention in Maluku and Aceh is assumed as being associated with the situation that the state had began to restore its effective authority.

In order to support such hypothesis, further investigation of the domestic aspects of Indonesian state is crucial. Central to this investigation is the issue of *reformasi*. Apart from identifying the post-Suharto Indonesia as a weakening or nearly failed state, *reformasi* or the democratization process was widely used to interpret Indonesian domestic politics following the forced resignation of the authoritarian Suharto. The signs of political democratization in Indonesia seemed to make military intervention in Maluku and Aceh unnecessary. Democratization had even prompted the international community to delay the deployment of a multinational military force (INTERFET) in East Timor.

This research will therefore focus on the dynamics of Indonesian domestic politics. The investigation will include how the *reformasi* was correlated to the eruption and escalation of violent conflicts in the three regions. While many elements of major political forces were involved in the conflicts, many human rights activists and religious leaders in Maluku and Aceh called on the UN and foreign countries to intervene. Investigation will also be aimed at seeing how the conflicts and humanitarian crises affected the international responses. Finally, this research will discuss how the conflicts in Maluku and Aceh were then resolved based on the domestic political dynamics. All these will be presented in the next chapters.

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## CHAPTER THREE

### INDONESIA: A WEAK NATION AND WEAKENING STATE

#### A. Introduction:

As many violent conflicts take place in Indonesia, the public, political observers, and government officials usually link them to Indonesian social heterogeneity.<sup>1</sup> This apparently suggests that Indonesia's multi-culturalism is a natural or even a legitimate source of internal conflicts. As such multi-culturalism is a given characteristic of the Indonesian nation, intrastate conflict is thus seen as being natural and should be understood as normal.

The eruption of violent intrastate conflict since 1997, on the other hand, could indicate that the government of Indonesia was no longer effective to control its societal entities.<sup>2</sup> The security forces that had been so repressive during the New Order regime now seemed to be incompetent to provide security. Neither national bureaucracy nor the political machinery of Golkar, the other two powerful foundations of Suharto's regime, was able to prevent various social groups from acting violently. They had even been the target of political attacks.

Whether the explosion of intrastate conflict in the second half of the 1990s is seen in connection to the national plurality or as related to the inability of the government institutions to provide security and economic goods, it points to a condition of the nearly-failed state of Indonesia in the sense that the nation (or people) and the government were facing serious problem. The Indonesian nation, which was built on a very heterogeneous group of ethnic, cultural and religious entities, was trapped in deadly internal conflicts. The Indonesian state, whose power and functions were carried out by the government, found itself powerless and dysfunctional.

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<sup>1</sup> See, for example, Selo Soemardjan, "Konflik-konflik Sosial di Indonesia: Refleksi Keresahan Masyarakat", *Analysis CSIS*, Tahun XXXI/2002, No.3, pp. 306–21; Riwanto Tirtosudarmo, "Migrasi dan Konflik Etnis: Belajar dari Konflik di Kalimantan Barat and Kalimantan Tengah", *Ibid.*, pp. 340–52. See also Jacques Bertrand, *Nationalism and Ethnic Conflict in Indonesia* (Cambridge: Cambridge University Press, 2004).

<sup>2</sup> See, for example, Harold Crouch, "Introduction: Political Transition and Communal Violence", in *Peacebuilding Initiatives in Indonesia, Reader for the Seminar*, The Hague, 16 December 2004. Crouch said that "the democratic transition failed to produce strong and effective governments. All three post-Suharto governments were too concerned with self-preservation in Jakarta to devote adequate attention to communal and religious tensions in distant parts of the archipelago". *Ibid.*, p. 371.

Considering the contemporary idea that a failed state rather than an authoritarian state is the prime cause of the widespread deprivation of human rights, this chapter explores the weaknesses of Indonesia as a nation and the failure of its government. This is particularly important in order to see the nature and dynamics of intrastate conflicts which proliferated following the fall of authoritarian regime in May 1998. It is also vital to foresee the kinds of resolution to the conflicts, especially the possibility of international humanitarian intervention.

In the first part of this chapter, the discussion focuses on the political characteristics of the Indonesian nation-state. This is done by looking at major societal groupings which significantly shaped national orientations and influenced the relations among community groups and the interaction between the community organizations and the state institutions.<sup>3</sup> The main characteristics of the government and the military institution are also explored. All these help to clarify the identity of the Indonesian state and the government's primary political commitments.

The second part of the chapter will investigate the inability of state institutions to deal with many inherent problems within Indonesian people and nation. In the early 1990s the government appeared to be weakening when the call for national change and improvement became stronger. Because the government institutions themselves had inbuilt weaknesses, the endeavours to maintain the Indonesian nation-state according to the government's initial conception were seriously challenged. To accommodate demands for change and improvement was even more difficult. The wave of such demands for power distribution, respect for human rights and security apparently exceeded the capacity of state institutions to accommodate or was even beyond the political principles that had been established for a long time.

The third part will show the international dimensions of Indonesian nation-state. The multipolar or unipolar character of the post-Cold War global system and the internationalization of democracy and human rights brought both challenges and opportunities to create new forms of community organizations and state institutions and to transform their interactions.

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<sup>3</sup> To a high degree this interest is similar to Jacques Bertrand's historical institutionalist explanation. This approach seems effective in particular to show both the forms and relations of people groupings and state institutions. More importantly, the institutionalist perspective helps to explain the relations among societal groups and their interactions with state institutions. See Jacques Bertrand, *Op.cit.*

## B. Political character of Indonesian nation-state

With 1,072 ethnic and sub-ethnic groups residing in more than 13,600 islands – even though only 15 groups have more than one million members – the unitary state form of Indonesia was and is questionable. What made the unitary state of the Indonesian republic possible is, according to many Indonesian observers, history: the history of being under Dutch colonial power.<sup>4</sup> In addition to this is the role of Indonesian nationalist leaders such as Sukarno.<sup>5</sup> Apart from such cohesive forces, which I call historical and political factors, there are socio-cultural and religious factors that helped to conserve Indonesian stability and integration.

Colonialism, the role of strong governments (both Sukarno and Suharto), the social harmony emphasized by the Javanese culture and a majority of Muslim population mean that the question of Indonesia's identity has not yet been settled. In addition, national liberation movement, the role of the government, social and interethnic relations and inter-religious interactions are chiefly characterizing Indonesian contemporary politics. More specifically, Indonesian nation-state is chiefly characterized by three main issues: the Javanese hegemony, Islamic politics, and authoritarian regime. In addition to this is the dominant role of the military. Each issue has strongly affected to whom the nation-state tended to refer and what kind of political commitment the state stood for.

### 1. Javanese hegemony

There are three things underlying the significance of the Javanese in the Indonesian nation. First, demographically, the Javanese is the largest ethnic group in Indonesia.<sup>6</sup> Second, geographically, Jakarta, the centre of national government and power, is located in the island of Java. Third, politically, as a consequence, the combination of Javanese majority and Jakarta-based power raises the notion of Javanese hegemony in cultural, social and political terms. Jakarta, Java and Javanese are terms widely used but with contradictory implications.<sup>7</sup> On the one hand, the terms symbolize Indonesian stateness, modernity and prosperity to which the outer

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<sup>4</sup> See, for examples, in Robert Cribb and Colin Brown, *Modern Indonesia: A History Since 1945* (New York: Longman, 1995), pp. 32–46; Christine Drake, *National Integration in Indonesia: Patterns and Policies*, (Honolulu: University of Hawaii Press, 1989).

<sup>5</sup> David Bouchier and Vedi R. Hadiz, eds., *Indonesian Politics and Society: A Reader* (London: Routledge Curzon, 2003), p. 255; Colin Brown, *A Short History of Indonesia: The Unlikely Nation?* (Crows Nest, NSW: Allen & Unwin, 2003), p. 126.

<sup>6</sup> Leo Suryadinata, Evi Nurvidya Arifin and Aris Ananta, *Penduduk Indonesia: Etnis dan Agama dalam Era Perubahan Politik* (Jakarta: LP3ES, 2003) p. 21.

<sup>7</sup> The term of “*orang Jakarta*” or Jakarta-person is frequently used to refer to a person employed by the central government in regional office regardless his/her ethnicity.

islands extend respect, and loyalty, and in which they have strong interests. On the other hand, the terms reflect somewhat of a feeling of *internal imperialism* by the Javanese over other ethnic groups and the outer islands. While the first is likely to signify the aspiration for national integration, the second tends to underline the disintegrative potentials.

The Javanese majority in number and distribution throughout all provinces of the archipelago is consistent with the wide spread of its cultural values, traditional rites, and collective histories and memories.<sup>8</sup> The Dutch colonial policies of supplying the Javanese work-power to many plantation areas in the outer islands and the New Order decisions about transmigration from the highly dense population of Java to the less dense regions of the other islands played a significant role in this distribution. Such migration meant that visible or physical Javanese cultural elements (food, dress, arts, language and behaviour) and invisible or non-physical elements (social-political orientations and attitudes) are also widely multiplied. Since early time, almost all other ethnic and cultural groups have been introduced to and have had contact with Javanese ethnic and cultural traditions in their own regions.<sup>9</sup>

The Javanese are popularly known as an ethnic group strongly emphasizing hierarchy and harmony.<sup>10</sup> The horizontal orientation on harmony confirms the Javanese syncretism or *tantularisme*<sup>11</sup> in forming the multi-cultural nation and nurturing national integration. By syncretism, it is widely understood that the all good things of every single culture would be synergized and become a national culture. By *tantularisme*, every different culture is respected since every culture has its own goodness and virtue. This leads to pluralism or multiculturalism.

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<sup>8</sup> Some significant number of Javanese have even reached and dwelled in Suriname, New Caledonia and South Africa.

<sup>9</sup> Interaction among minor ethnic and cultural groups is very insignificant or never happens at all.

<sup>10</sup> This cultural identity is based on its old traditional view of cosmology, the cosmos (universe) is divided into macro and micro cosmos. Between them there are hierarchy and harmony. Within the micro-cosmos itself – where human being lives – there are also hierarchy and harmony shown by the relations between king/government/elite (*gusti*) and people/mass (*kawula*). The structural differentiation and functional relations are integral (*manunggal, jumbuhing kawula-gusti*) to natural law (*ukum phinesti*) and their right implementation will establish a perfect life (*kasampurna ning urip*). This basic value then determines social and political attitude and guides the daily life. See Niels Mulder, *Kebatinan dan Hidup Sehari-hari Orang Jawa: Kelangsungan dan Perubahan Kultural* (Jakarta: Gramedia, 1983); Niels Mulder, *Pribadi dan Masyarakat di Jawa* (Jakarta: Sinar Harapan, 1985); Budiono Herusatoto, *Simbolisme dalam Budaya Jawa* (Yogyakarta: PT.Hanindita, 1991); Ir. Sujamto, *Refleksi Budaya Jawa dalam Pemerintahan dan Pembangunan* (Semarang: Dahara Prize, 1992); and Soemarsaid Moertono, *Negara dan Usaha Bina-Negara di Jawa Masa Lampau: Studi tentang Masa Mataram II, Abad XVI sampai XIX* (Jakarta: Yayasan Obor Indonesia, 1985).

<sup>11</sup> See Sujamto, *Ibid.* pp.32–37. Tantularisme is a term referred to Empu Tantular who firstly found the *Bhinneka Tunggal Ika Hana Dharma Mangrwa*. According to Sajamto, the term of *tantularism* is better than syncretism to describe Javanese view on tolerance and plurality. *Tantularisme* is a spiritual motif (*momot*) that recognizes and fully comprehends the authentic truths wherever they come from.

Nonetheless, Javanese syncretism is also seen as tactical strategy in dealing with cultural and societal diversity.

The Javanese vertical and hierarchical attitudes are also worth noting. Javanese culture is widely seen as containing hierarchical social structure. Moreover, such culture confirms the need for a strong government. This leads to a situation where the people (including the Javanese majority and those on outer islands) are seen to be in a very weak position before a very strong government. Rather than a *manunggal* or populist government, the Indonesian governments from Sukarno to Suharto operated in a traditional Javanese kingdom style by maintaining a mystically divine power (*kasekten*). This conception and practice contributes to the formation of authoritarian regimes.

The Javanese conception of power, as it was first popularly conceptualized by Benedict Anderson<sup>12</sup>, is widely believed to have enabled Indonesian state authoritarianism. That power is concrete and real in the hands of the ruler and that power is neither legitimate nor illegitimate, were widely utilized to validate the authoritarian inclination, particularly in Suharto's New Order. Since power manifests in everything and everybody it is imperative for the leader to collect and put it in his hand. And because power exists prior to anything else and its source is homogenous rather than heterogeneous, it is free from considerations or questions about its legitimacy or illegitimacy. As a consequence, "power is a zero-sum game: to get it, you have to take it from someone else".<sup>13</sup>

Another important thing is the Javanese conception of the nation and the state. There is no distinction between nation and state. For Javanese the nation or state is personified by the king and established in a kingdom (*kerajaan*)<sup>14</sup>.

Although the Javanese influence to Indonesian nation and state appear to be fertile topics for further elaboration, it is fair to say that the Javanese hegemony is more likely to have been driven by the role of the king/elite/government. National leaders, from Sukarno to Suharto, have exploited Javanese culture for their own political advantages. William Liddle, who introduced a concept of "Javanism", suggests that the *abangan* Javanese character gave Sukarno a near-monopoly over the formation of a vocabulary of national political discourse, whereas the *priyai* Javanese culture inspired Suharto to be an idealized version of a traditional Javanese

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<sup>12</sup> Benedict Anderson, *The Idea of Power in Javanese Culture*, 1972. These Javanese conceptions contrast to the West's ones where power is an abstraction of social-political relations, its source is heterogeneous, it can be accumulated and it concerns with legal and legitimacy considerations.

<sup>13</sup> Adam Schwartz, *A Nation in Waiting: Indonesia's search for stability* (St. Leonards NSW: Allen & Unwin, 1999), p. 45.

<sup>14</sup> *Kerajaan* (kingdom) in Javanese vocabulary is *keraton* coming from *ke-ratu-an* and has origin in *ke-datu-an* or *kedaton*.

king.<sup>15</sup> The key to Javanese cultural value, Liddle argues, is the benevolence-obedience ideal; Suharto acted as a benevolent ruler who decided everything for the benefits of his people and at the same time enjoyed unreserved obedience from his people. This ideal strongly affected the centralization of power in his hand and the uniformity in governmental practices.

Sukarno and Suharto, by constantly quoting or comparing Indonesia to the old Javanese kingdoms, especially Singhasari, Majapahit and Mataram, have created a Java-based Indonesia history. Majapahit in the thirteenth century is particularly important to insist the vision and idea of Javanese-Indonesia<sup>16</sup> or Greater Java<sup>17</sup> or pan-Indonesia,<sup>18</sup> which includes Sumatra, Kalimantan, Brunei, Sulawesi, Maluku, Sunda, Bali and the Malay Peninsula. For Ledge “the major kingdoms in Java marked the growth of a sophisticated material culture and of a political strength” of Indonesia<sup>19</sup>. It was strengthened by national symbols which are rooted in the Javanese culture. The national flag with its red and white colours, refers to the Majapahit kingdom, national motto of *Bhinneka Tunggal Ika* (generally translated as diversity in unity) originates in the Javanese-language root Sanskrit, and the national emblem, Garuda, also relates to Majapahit.<sup>20</sup>

The establishment of Batavia (new Jakarta) in 1610 as the Dutch colonial headquarters and then the capital city for the newly independent Indonesia bolstered the historical and political significance of Java. Although the Dutch were likely to settle at Sunda Kelapa (Batavia) because they wanted a port closer to the sea lane than Ambon (Maluku), Jakarta became the place of national historic events such as Sumpah Pemuda (Youth Oath, 1928) and the proclamation of independence (1945). Since independence, Jakarta has become the centre from which power would be divided and distributed to the regions. Jakarta is the core from where 70 per cent of national economy is produced. It is the place to where national political loyalty is directed and regional economic resources are gathered. Because of its closeness to Jakarta, major cities in Java have been also the centres for the higher education industry, because of which ten of thousands of young people from outer islands come to Java. Urbanization in Jakarta and

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<sup>15</sup> William Liddle, *Leadership and Culture in Indonesian Politics* (Sydney: Allen & Unwin, 1996) p. 78 and 80. See also Jorgen Hellman, *Performing the Nation: Cultural Politics in New Order Indonesia* (Copenhagen: NIAS, 2003) pp.168–70 and Ariel Heryanto, “Introduction: State Ideology and Civil Discourse” in Arief Budiman, ed., *State and Civil Society in Indonesia* (Clayton Victoria: Centre for Southeast Asian Studies, Monash University, 1990) pp. 289–300.

<sup>16</sup> See Jean Gelman Taylor, *Indonesia: Peoples and Histories* (New Haven: Yale University Press, 2003) pp. 340–385.

<sup>17</sup> R. William Liddle, *Op.cit.*, p. 78.

<sup>18</sup> See in Christine Drake, *Op.cit.*, p. 22.

<sup>19</sup> Ledge in *Ibid.*

<sup>20</sup> Ledge in *Ibid.*, p. 33. See also Keith Foulcher, “The Construction of an Indonesian National Culture: Patterns of Hegemony and Resistance” in Arief Budiman, ed., *Op.cit.*, p. 303.

Javanese cities indicates a discrepancy and has created a core-periphery relation between Jakarta and the regions of Java and the outer islands in general.

Utilizing history is justifiable in establishing and maintaining national pride and unity. However, as Christine Drake insists, engineering and crafting different collective memories discriminatively and disproportionately has actually deepened the divisions between the Javanese inheritors of these treasures and the ‘inheritors-by-extension’ from the outer islands. According to her Indonesian source, the greatness of Majapahit is illusionary and can be used to denigrate outer islanders’ own great regional histories.<sup>21</sup> When used in this way, it does not create a strong national unity.

The combination of the ethnic majority, cultural hegemony, and political importance of Jakarta and Java raise the question about for whom the country stands. Suspicion of internal imperialism by the Javanese emerges from this context. Javanization was a conception which was used by many people in East Timor and Aceh, as well as Papua, to reflect the Javanese presence in their own region and community or to describe its growing influence over their cultures and behaviours. The term tends to suggest that being Javanese is the same as being Indonesian. In its turn, this social political configuration raised the issues of ethnic and cultural minority, social inferiority, political subordination and economic exploitation among non-Javanese ethnic groups, particularly those in the outer islands.

## 2. *Islamic dilemma*

While Indonesia might have some cultural ground for being a Java-based nation or a Javanese-hegemonic nation, Indonesia may be also called an Islamic-nation. This is particularly based on the demographic fact that 88 percent of Indonesian population are Muslim, which makes Indonesia the largest Muslim country in the world. But rejection will emerge soon. Although “Islam is essential to the legitimacy of Indonesia’s New Order Regime and at the same time is the major (indeed, only credible) source of popular opposition to it”, as Ruth McVey asserts,<sup>22</sup> it does not mean that Indonesia is a nation with an Islamic ideology.

Islamic politics or political Islam in Indonesian nation-state precisely rests on such a disjuncture. The only outcome of such a situation is an Islamic political dilemma. On the one hand, based on the Muslim overwhelming majority there is a constant demand from some Indonesian Muslims for the nation-state to be more Islamic. On the other hand, the government has so far been determined to maintain a religiously neutral Indonesia. Major sections of the

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<sup>21</sup> In Christine Drake, *Ibid.*, p.24

<sup>22</sup> See Ruth McVey, “Islam, state and society in Indonesia”, in <http://www.irja.org/politics/islam.htm>.

Indonesian Muslim community prefer a pluralist and non-theocratic Islamic nation state. Non-Muslim minorities obviously support a non-Islamic state.

A few months prior to the Independence Day in 1945, political debates were undertaken about Indonesian national ideology. Liberation leaders were divided into a nationalist group (*paham kebangsaan*) and an Islamic group (*paham keagamaan*). Considering the non-Muslim communities and seeking the unity of Indonesian nation, a compromise was then made: Indonesia took neither a secular nor a theocratic identity, as formulated in *Pancasila*. On 18 August 1945 *Pancasila* was formally declared the ideology of the Indonesian nation-state.<sup>23</sup>

The decision to impose *Pancasila* as the nation-state ideology, however, was never comprehensively accepted by some Islamic leaders. They argued that the Jakarta Charter – enshrining “the obligation to carry out the *shariah* for the adherents of Islam” after the principle of “Belief in one God” – would not be dropped from the preamble of the 1945 Constitution (UUD 1945). They also argued that UUD 1945 was just a provisional constitution for the sake of Indonesian independence.<sup>24</sup> The formal imposition of *Pancasila* and the continuing demand for Islamic ideology concurrently invented the dual-identity of Indonesian: *Pancasila* and Islam.<sup>25</sup>

After the Dutch formally transferred sovereignty in December 1949 to the new Indonesian state, demands for the inclusion of Islam in the constitution and as a national ideology became stronger. Several regions even carried out armed rebellions to insist on the imposition of Islamic identity. The Darul Islam movement in West Java launched a military rebellion to form an Indonesian Islamic state (NII). It was then followed by similar movements in Aceh and South Sulawesi. Islamic leaders from the Masjumi party backed the Darul Islam movements, either because they were against the non-Islamic ideology or they were against the tendency to centralize power in the hand of the central government.<sup>26</sup>

Both political and military movements to bring Indonesia into an Islamic state failed, however. But it was harsh measures by the central government which forced the rebellion

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<sup>23</sup> *Pancasila* literally means five principles which include the principle of “belief in one God”, humanism, nationalism, democracy and social justice. *Pancasila* as national ideology and UUD 1945 as national Constitution were formally announced on 18 August 1945 and both were seen as the foundations of Indonesian nation-state.

<sup>24</sup> A brief but detailed explanation on the 1945 debates can be seen in Rizal Sukma, *Islam in Indonesian Foreign Policy* (London: RoutledgeCurzon, 2003) pp. 9–22.

<sup>25</sup> *Ibid.* According to Rizal Sukma, the earlier Islamization process in Indonesia brought about significant impacts on the place of Islam in politics and within society and also the state identity. There are four characteristics of the process: the place of Islam in Javanese courts, the blending of Islam with older Hindu-Buddhist-Javanese traditions, differences between coastal and interior Islam and Javanese and non-Javanese, and the uneven impact of Islam in the archipelago.

<sup>26</sup> Jacques Bertrand, *Op.cit.*, pp. 35–6.

against the *Pancasila*-based nation-state underground. Ideas of and hopes for implementing Islamic ideology and law in national and state affairs were still alive.

Under Suharto's New Order regime, Muslim aspirations to have a more Islamic character in national and state affairs remained. Due to Suharto's military-backed policy to crack down on communism and the communist party (PKI), Islamic politics seemed to gain momentum in establishing its role in the Indonesian nation and state. But it was clearly fruitless. Not only was *Masjumi* forbidden to re-establish,<sup>27</sup> all Islamic parties under Sukarno's regime were forced to unite in the United Development Party (PPP) in 1974. Even further, the question of an Islamic state was settled and would not be reopened. *Pancasila* was the only legitimate ideology, instead, not only for the state, but also for all political and societal organizations including those with Islamic characteristics (1984).

Up to the fall of Suharto, Islamic ideologies and groups, as many observers believed, were marginalized. Azyumardi Azra held that for more than forty years Islamic politics was the subject of state repression; there was no room for political Islam to breathe.<sup>28</sup> Like Azra, van Bruinessen also maintained that de-politicization of Islam and de-Islamization of the state apparatus had created the feeling that Islam was under threat.<sup>29</sup> Jacques Bertrand even highlighted that "more repressive policies were used against Islamist groups.... Any debate on questions of Islam and politics was interpreted by the regime as subversive".<sup>30</sup>

In dealing with the government, Muslim groups took different ways. The first was taking part in the formal political process by joining the government-controlled party PPP.<sup>31</sup> The second was returning to and focusing on religious, societal, education and cultural activities. This was particularly shown when NU withdrew from PPP in 1984.<sup>32</sup> Taking the form of societal organizations and distance themselves from formal political institutions was the most popular alternative for many Islamic organizations.

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<sup>27</sup> *Masjumi* or *Majelis Sjuro Muslim Indonesia* was an Islamic political party struggling to replace *Pancasila* with Islam in 1950s but dissolved by Sukarno.

<sup>28</sup> Azyumardi Azra, *Indonesia, Islam, and Democracy: Dynamics in a Global Context* (Jakarta: Solstice, 2006) p. 12.

<sup>29</sup> Martin van Bruinessen, "Post-Suharto Muslim Engagements with Civil Society and Democracy", in Hannemal Samuel and Henk Schulte Nordholt, *Indonesia in Transition* (Yogyakarta: Pustaka Pelajar, 2004) p. 39.

<sup>30</sup> Jacques Bertrand, *Op.cit.*, p. 40.

<sup>31</sup> See Deliar Noer, "Contemporary Political Dimensions of Islam", in M.B. Hooker, ed., *Islam in South-East Asia* (Leiden: E.J.Brill, 1988).

<sup>32</sup> "Kembali ke Kitah 1926" (return to the spirit of 1926) was a prominent phrase showing the NU movement. This step was taken in part as a sign that NU did not want to cooperate with the corrupt and repressive government. See in Zachary Abuza, *Political Islam and Violence in Indonesia* (London: Routledge, 2007) p. 18.

Apart from the long-established organizations like NU and Muhammadiyah, which focused on religious, educational and social activities, there were many more Islamic organizations founded during Suharto's rule. *Dewan Dakwah Islamiyah Indonesia* (DDII, the Indonesian Council for Propagation of Islam)<sup>33</sup> and *Komite Indonesia untuk Solidaritas Dunia Islam* (KISDI, Indonesian Committee for Islamic World Solidarity)<sup>34</sup> were two organizations with strong commitment for an Islamic state or shariah law. Hizb ut-Tahrir, which came to Indonesia in 1980s, was another preaching (*dakwah*) organization. This organization was critical of Indonesia's character as a secular state and did not believe in democracy and the nation-state. It demanded that Indonesia to be based on shariah law and be united under a world Islamic caliphate.<sup>35</sup> Another form of Islamic reactions due to the repressive indoctrination of *Pancasila* was the mosque-based organizations and networks.<sup>36</sup>

This brief discussion of Islamic politics reveals three important lessons. First, there was a constant conflict between some Muslim groups and the Suharto government. While these groups wanted Islamic ideology, the government was inclined to sustain the pluralist or non-religious ideology (*Pancasila*). By relying on the national constitution, the government apparently intended to build a civic nationalism where equal and universal citizenship rights

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<sup>33</sup> DDII, founded in 1967 by Masjumi leader Muhammad Natsir, had a goal "to create a conservative Islamic constituency capable of challenging the [Suharto] regime". DDII focused its activities on "proselytizing and indoctrinating students in secular universities" which based on the principle of *tawhid* – the oneness of god, that all aspects of life should be based on the life and teachings of the Prophet. See Zachary Abuza, *Ibid.*, p. 17. See also Arskal Salim and Azyumardi Azra, eds., *Shari'a and Politics in Modern Indonesia* (Singapore: Institute of Southeast Asian Studies, 2003).

<sup>34</sup> KISDI, also established by Natsir and DDII activists in 1987, was more focusing on propagandizing opposition to the international Jewish-Christian conspiracy, which was seen as wanted to destroy the political strength of Islam in Indonesia, rather than opposing Suharto's secularist-authoritarian government. With such agenda, KISDI was more open in its *dakwah* activities. It was able to mobilize popular support toward mistreatment of Muslim not in Indonesia, *per se*, but abroad such as in Palestine, Bosnia, Afghanistan and Iraq. See Van Bruinessen, *Op.cit.*, p. 39–40. KISDI was also known to have support from certain elements of the military, most notably with generals Prabowo Subianto (Suharto's son in law) and Z. A. Maulani. Between 1987 and 1993 Suharto tried to use KISDI to counter the democratization movement. In 1998 KISDI was allegedly mobilized to crush the student demonstration. See also in Zachary Abuza, *Ibid.*, p. 19 and Rizal Sukma, *Op.cit.*, pp. 55–56.

<sup>35</sup> See Zachary Abuza, *Ibid.*, p. 78 – 9; S. Yunanto, et al., *Militant Islamic Movements in Indonesia and South-East Asia* (Jakarta: FES and RIDEP Institute, 2003).

<sup>36</sup> These are called by van Bruinessen as *jama'ah* and *usrah* type organizations. They emerged in 1980s and were introduced by DDII. As mosque-based organizations, either in university campus or non-campus, their activities were mostly underground or perhaps ignored by security apparatus. The non-campus-based organizations openly and politically opposed the government's tight control over political Islam. They also organized military training and were involved in several violent incidents. On the other hand, the campus-based networks, the so-called *Tarbiyah* movement, were more likely student study circles and had the priority in developing an Islamic society and achieving an Islamic state. Their network members then founded *Partai Keadilan* (Justice Party) following the fall of Suharto and in approaching the 1999 election. See Van Bruinessen, *Op.cit.*, pp. 49–53.

were guaranteed by the state.<sup>37</sup> Although Islamic struggle in the forms of *dakwah* and underground activities did not directly and significantly harm the state institutions, they persistently opposed *Pancasila* and wanted to replace it with Islamic ideology as the nation-state's unifying ideology.

Second, there is an enduring division within Islamic politics. In political orientation, the mainstream Muslims want a modern but secular or religiously neutral nation-state. But, there were also several Islamic groups that preferred an Islamic state and/or the implementation of shariah law. A small number of radical groups expects an "Islamic political entity" or simply stated, a caliphate state.<sup>38</sup> This internal fragmentation might confirm the "minority mentality" of Indonesian Muslims.<sup>39</sup> This also might find its legacy in Islamic political orientations (*politik aliran*) articulated by Clifford Geertz in 1960.<sup>40</sup> Obviously, Islamic and Muslim internal division did not only weaken the Islamic politics against the government, but also likely weakened the societal foundation of the Indonesian nation-state.

The final implication of Indonesian Islamic politics is related to non-Muslim communities. The anti-Islam conspiracy theory popularized by several Muslims reflected a form of paranoia towards Christian communities and their Western roots. From the side of Muslims, there has been a deep apprehension about *Kristenisasi* (Christianization) through the spread of

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<sup>37</sup> See Jack Snyder, *From Voting to Violence: Democratization and Nationalist Conflict* (NY: W. W. Norton & Company, 2000) and also Michael Brown, The Causes of Internal Conflict: An Overview in Michael E. Brown, Owen R. Cote, Jr., Sean M. Lynn-Jones, and Steven E. Miller, eds., *Nationalism and Ethnic Conflict* (Massachusetts: The MIT Press, 1997) pp. 8–9. Although *Pancasila* is widely seen as an inclusive ideology, some Islamic groups also see *Pancasila* as an exclusionary ideology because in their eyes *Pancasila* has rejected their Islamic ideology.

<sup>38</sup> Azyumardi Azra, *Op.cit.* pp. 6–11. A modern nation-state, which is mostly based on Western concepts and practice, is a state which adopts secularism or quasi-secularism, even though it may accept Islam as the official religion. An Islamic state refers to a traditional monarch state which takes the Qur'an as the basis of constitution and shariah as the legal system. While Turkey is seen as an example of modern, secular nation-states, Saudi Arabia and Gulf states are the examples for traditional Islamic states. The caliphate state is basically defined as a kind of Islamic political entity which wants to establish a single and universal caliphate state. "The proponents of the universal caliphate believe that this kind of Islamic political entity led by a single caliph is the answer and the only answer to resolve Muslim disunity and powerlessness vis-à-vis the Western powers".

<sup>39</sup> As quoted in Michael R.J. Vatikiotis, *Indonesian Politics under Suharto* (London: Routledge, 1993) p. 121. In a very simple interpretation, the phenomena illustrate the minor role of Indonesian Muslims in politics even though the overwhelming majority in number.

<sup>40</sup> Many scholars and observers attempt to categorize the division of Islam in Indonesia, but without ignoring Clifford's initial classification. Clifford Geertz, *The Religion of Java* (Glencoe: The Free Press, 1960). A short critical review on Geertzian frame can be seen in Azyumardi Arza, "Menimbang Kembali Politik Aliran" in Dr. Imam Tolkhah, *Anatomi Konflik Politik di Indonesia [Anatomy of Political Conflict in Indonesia]* (Jakarta: RajaGrafindo Persada, 2001), pp.xi-xvi. For other classifications of Islam movements see Robert Hefner, "Islam and Nation in the Post-Suharto Era", in Adam Schwarz and Jonathan Paris eds., *The Politics of Post-Suharto Indonesia* (NY: Council on Foreign Relation Press, 1999) pp. 40–72 ; Liddle, *Op.cit.*, p.74–5; Vatikiotis, *Op.cit.*, p.11; and also Anders Uhlin, *Indonesia and the "Third Wave of Democratization"* (Richmond: Nordic Institute of Asian Studies, 1997), p. 70.

Christian institutions and proselytization among Muslims.<sup>41</sup> In contrast, the Christians were also anxious about and fearful of *Islamization*, in particular through the transmigration policy and the continuing demand among Muslims to call for an Islamic state or Islamic law. Suharto's manoeuvres to accommodate Islamic politics in his last decade in power and the formation of different radical groups increased apprehension among the Christians. DDII, KISDI and the intimidating attacks by radical groups against Christian churches and other properties were seen as serious threats by Islam to the Christian in the country.<sup>42</sup>

Similar to the phenomena of Javanese hegemony, the Muslim overwhelming majority, its spread across the archipelago and the continuing demands for Islamic ideology have raised the issue of minority status of the other religious communities (the Christians, Hindus, and Buddhists). More than a mere statistical matter, the non-Muslim minority groups have tended to be very sensitive and reactive to any loss in their perceived rights. On the other hand, the Muslim majority was proactive in gaining what they perceived as their majority privileges.

The relationship between Indonesian Muslims and non-Muslim communities was not always antagonistic, however. Despite some worries and anxieties, there was a sort of peaceful coexistence. The majority of Muslims generally live in tolerance with non-Muslim compatriots, which depicts to the international community the general picture of Indonesian Muslim as moderate, tolerant and pluralist.

It is also worth noting that Indonesian Muslims play a key role in maintaining national territorial integrity, as was shown in the liberation wars. Political repression and military oppression against political Islam did not push Islamic groups to initiate secession from Indonesia. In the case of the Darul Islam, for example, Colin Brown argued that "the Darul Islam was never a serious military threat to Indonesia, but its continued existence was a constant reminder to Jakarta that the problem of the position of Islam in the state had still not been resolved".<sup>43</sup> Instead of challenging the unitary state of Indonesia (NKRI), Islamic politics mostly sought to have Islamic identity within NKRI. However, as discussed, the demand for a more Islamic nation gave non-Muslim communities in East Timor and South Maluku a reason to call for separation from NKRI.

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<sup>41</sup> The perception of Islam as a threat see in Martin van Bruinessen, *Op.cit.*, pp. 41–3. See also "Media Dakwah Scripturalism: One form of Islamic political thought and action in New Order Indonesia", in William Liddle, *Ibid.*, p. 271.

<sup>42</sup> Van Bruinessen, *Ibid.*

<sup>43</sup> Colin Brown, *Op.cit.*, p. 170.

### 3. Authoritarianism

The third issue that strongly characterized the Indonesian state until the end of the twentieth century is authoritarianism. Authoritarianism by definition is the exercise of strong control by the ruler over the ruled or by the government over its people. It is not a typical characteristic of the nation, as the abstraction of a collectivity that is seemingly composed of equal human beings with similarity in race, ethnic, culture or past history. Authoritarian politics chiefly rests on unequal relations between the powerful rulers and the powerless ruled. The longstanding practices of such asymmetric relations, justified at some extent at least by cultural values, however, might lead to an authoritarian nature of the nation-state.

Most of the periods of Indonesia's independent history have been marked by authoritarian rule, as it was under the colonial era. With the exception of the liberal politics of 1949–1957,<sup>44</sup> Sukarno was widely seen as holding command of the national political stage from 1945 to 1965. As mentioned before, Sukarno firmly imposed the unitary state system and *Pancasila* ideology by dissolving the federal format, cracking down on Islamic armed rebellions, and tightly controlling national political dynamics. Suharto acted similarly after he took power from Sukarno in 1966 and he was even more repressive in ruling the country up to 1998. By excessively using the military (ABRI), maximizing *Golkar* as a supportive political machine and controlling the public servant (via *Korpri*) and other strategic interest groups, for more than three decades Suharto ruled the country without the exercise of any meaningful popular voice or opposition from the people.

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<sup>44</sup> There may be a disagreement about the period of liberal politics in Indonesia, which was also known as a 'parliamentary political system' or 'constitutional democracy'. For some scholars, the first general election held in 1955 was seen as the beginning of such a liberal system. On 5 July 1959, President Sukarno issued a decree stating the return to the 1945 Constitution and dissolution of the Constituent Assembly. The decision "marked the end of the parliamentary democracy period", Leo Suryadinata wrote. See, Leo Suryadinata, *Elections and Politics in Indonesia* (Singapore: ISEAS, 2002) p. 26.

However, other scholars said that the era of liberal democracy in Indonesia was from 1949 to 1957. Following the Round Table negotiations in December 1949, Indonesia began a liberalized political system by offering political forces in Indonesia the opportunity to establish various political parties. In February 1957 President Sukarno promulgated the 'Conception' of government on which the national political system was based on deliberation and consensus instead of the "50% plus one" majorities which was suspiciously seen as the Western system that was not suitable to Indonesian culture. This promulgation was seen as the end of liberal democracy in Indonesia. For references, see Herbert Feith, *Decline of Constitutional Democracy in Indonesia* (Ithaca: Cornell University Press, 1962) and Herbert Feith and Lance Castles, eds., *Indonesian Political Thinking 1945-1965* (Ithaca and London: Cornell University Press, 1970). See also, Ruth T. McVey, "The Case of the Disappearing Decade" and Daniel S. Lev, "On the Fall of the Parliamentary System", in David Bourchier and John Legge eds., *Democracy in Indonesia: 1950s and 1990s* (Clayton, Victoria: Monash University, 1994) pp. 3–15 and 39–42; and Rusadi Kantaprawira, *Sistem Politik Indonesia* (Bandung: Sinar Baru, 1983).

How Indonesia, and not merely Sukarno and Suharto individually, became an authoritarian state remains an interesting topic. Scholars usually refer to Indonesia's colonial history. Benedict Anderson<sup>45</sup> and Mangunwijaya<sup>46</sup> are two leading scholars who have clearly highlighted the role of the Dutch and Japanese colonial powers in shaping Indonesian authoritarianism. By looking at the Indonesian power structure in 1983, Anderson maintained that Indonesian authoritarianism was mostly inherited from the Dutch colonial power structure. The state bureaucracy, which was elitist, paternalistic, strong, and corrupt, was one example of the Dutch heritages. In addition were a silent and passive mass and a political culture averse to opposition and conflict. Anders Uhlin added that "the armed anti-colonial struggle prepared the ground for the development of a strong and comparatively well-organized military, which has become a principal impediment to democracy."<sup>47</sup>

The short term of Japanese occupation in Indonesia fortified the societal and political basis of authoritarianism and militarism in Indonesia. What mostly inherited from Japan were the strong political institutions in social control. Mangunwijaya further explained this:

The most influential novelty brought by the Japanese is the entire fabric of social and cultural engineering, with its atmosphere of uniforms, marching, inspection-ceremonies, parades, unification of professional organizations, military and paramilitary language, attitude and behaviour, security surveillance, and a whole set of commands and chains of instruction, etc., often in a benevolent and useful way, but too often fascistic and communistic in performance and spirit.<sup>48</sup>

Javanese culture is the second strand used to explain Indonesian authoritarianism. Like the colonial history, the Javanese hegemonic culture might to a large extent affects the structure of Indonesian nationality and statehood, and national leadership.

Sukarno was described as "a romantic Javanese nominal Muslim with populist instincts".<sup>49</sup> As mentioned previously, Sukarno frequently cited the Majapahit kingdom as a model for Indonesia. As for the dissolving of the federal structure and restoring unitary state in 1950, Adam Schwarz suggested this was done because Sukarno saw federation as unfit to "the stylized collectivism of ancient Javanese kingdom, the mystical sublimation of subject, ruler and

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<sup>45</sup> Benedict Anderson, "Old State, New Society: Indonesia's New Order in Comparative Historical Perspective", *Journal of Asian Studies*, 1983, Vol. 42, No. 3, pp. 477-496.

<sup>46</sup> Mangunwijaya, "The Indonesia Raya Dream and its Impact on the Concept of Democracy", in David Bourchier and John Legge eds., *Op.cit.*, pp. 79-87.

<sup>47</sup> Anders Uhlin, *Op.cit.*, p. 28.

<sup>48</sup> Mangunwijaya, *Op.cit.*, p. 86.

<sup>49</sup> In Ricklefs as quoted in Anders Uhlin, *Op.cit.*, p. 31.

realm”.<sup>50</sup> Sukarno’s favouring of a unitary state was widely explained through the concept of an integralist state or *negara kesatuan*. It was said that within *negara kesatuan* the diverse societies are integrated into the whole, the rulers and the ruled are not separated, and individualism must defer to collectivism. As in a family, children or people are taken care of and protected by loving parents – or by the government. “They do not need their ‘human rights’ from the whims of their parents”, said an integralist proponent Supomo.<sup>51</sup> Suharto inherited the concept and secured it with repression.

Javanese mystical views of power (*kasekten*) seem to have strikingly shaped Sukarno and Suharto’s authoritarian views and exercise of power, albeit in different ways. According to Liddle, Javanese syncretism brought Sukarno great capacity to deal with, which did not necessarily mean to settle, political differences and disputes. Glorious Javanese history gave him a grandiose vision of Nusantara or Greater-Java or Indonesia. Liddle also said that the high level of Javanese culture was less influential to Suharto. Suharto was “less-cosmopolitan and more small-town-conservative, more a product of a bureaucratic and military milieu, and more inclined to an *arriviste priyai*-style cultural outlook”.<sup>52</sup> It was also said that Sukarno ruled the state by force of his personality, while Suharto led through a network of rigid hierarchy and stifling bureaucracy.<sup>53</sup> The economic development and the omnipresence and omnipotence of military forces had guarded Suharto’s divine power through corporatist and totalitarian policies. Keith Loveard added that development kept the majority of people quiet and Suharto remained tolerable; and, because there was a strong sense that Suharto had control of the power, whatever they did to oppose it would be futile.<sup>54</sup>

Suharto’s unsettled and bitter childhood, his military background in KNIL (the Netherlands army), PETA (Japanese troop), and TRI (Indonesian People Army), and his surprising role in the abortive coup of 30 September 1965, all together might have had some influence upon his authoritarian regime.<sup>55</sup>

Apart from historical, cultural, and personal background, explanation might also be found in the national constitution (UUD 1945). The constitution did not merely enforce the unitary state form (NKRI) and national ideology, but also entrusted the president with huge

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<sup>50</sup> See Adam Schwarz, *Op.cit.* p. 8. It must be added the political consideration for the decision where the federal suggestion was viewed as the Dutch’s strategy of “divide and rule” to weaken the newly independent Indonesia and in turn to restore its colonial rule over the archipelago.

<sup>51</sup> As reworded in Adam Schwarz, *Ibid.*

<sup>52</sup> William Liddle, *Op.cit.*, p. 78.

<sup>53</sup> It was said by Adam Malik, a non-Javanese, Foreign Minister and then Vice-President to Suharto, as cited in Vatikiotis, *Op.cit.*, p. 27.

<sup>54</sup> Keith Loveard, *Suharto: Indonesia’s Last Sultan* (Singapore: Horizon Books, 1999) pp. 123–4.

<sup>55</sup> *Discussion* with Prof. Colin Brown on 30 November 2005.

power. In addition to executive power, the president held the legislative and judicial authority. There was no separation of powers as required by liberal democratic politics. This seemed to be in conformity with the Javanese concept of power and traditions of kingdom. While UUD 1945 did not explicitly restrict the presidential term, the Javanese culture and traditions allowed the king to take all necessary means to maintain power. It was the king himself, in his concern with the cosmos, who was to determine when to step down (*lengser kapraban, madheg pandhito*).<sup>56</sup>

Historical, cultural, constitutional and individual factors may have collectively contributed to the emergence of an Indonesian government with authoritarian power. But what is more important to emphasize is that the centralized power of the state in the hands of the government in fact created a weak instead of a strong nation-state.

At the state level, the Indonesian authoritarian regime demonstrated powerful institutions particularly the executive agencies. The legislatures (DPR/MPR) often functioned as rubber-stamp machines. The judiciary was not independent and was a derivative of the executive. Based on a patronage system, the bureaucracy worked without professionalism and public accountability. And the military (ABRI) was like a government security apparatus rather than the guarantor of the people's security.

State failure is man-made, as Robert Rotberg has suggested. Rather than being caused by environmental or external factors, he claims that state leadership could destroy the state and that their decisions could continue to weaken the nation.<sup>57</sup> Under the New Order patronage system, state institutions were composed mostly of those who furthered the government's interests instead of those who served the nation-state interest as a whole. Corruption, collusion and nepotism (KKN) became common practice. When corruption was rampant, which meant that only a few state apparatus or institutions benefited, fewer and fewer political goods – security, education, health services and economic opportunity – were delivered to the people. As a consequence, the state institutions suffered from less and less legitimacy.

At the societal level, the effects of the authoritarian government were clear. The tight grip of the government in controlling the people created passive and quiet majority. The state's deep intervention and intense surveillance led people to live without creativity. The government's priorities of national security, stability and economic growth had in fact alienated

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<sup>56</sup> See Franz Magnis Suseno, "Langsir Keprabon: New Order leadership, Javanese culture, and the prospects for democracy in Indonesia" in Geoff Forrester, ed., *Post-Suharto Indonesia: Renewal or Chaos?* (Bathurst, NSW: Crawford House Publishing, 1999), pp. 214–28.

<sup>57</sup> Robert I. Rotberg, "Failed States: The New Nature of Nation-State Failure", *The Washington Quarterly*, CSIS & MIT, Summer 2002, Vol. 25, No. 3.

and marginalized some parts of society. Those opposed to the government's policies were even seen as the state's enemies.

State policy in controlling discourses on ethnicity, religion, race and groups – the so-called anti-SARA policy<sup>58</sup> – not only raised vertical discontent, grievance and opposition against the government, but also sowed the seed of distrust, hate and hostilities among different communal groups. Political and social observers frequently argued that the anti-SARA policy made communities unfamiliar with peaceful methods of conflict resolutions. The likely alternatives were to avert, hide and bury conflict and then for it to explode through violent acts at times when the security apparatus was not present or ineffectual.

The authoritarian government had also weakened Indonesian nation-state at the international level. This was firstly caused by the fact that the New Order's development programs mostly relied on international markets, investments and financial aid. Worse still, foreign economic assistance, which was also the source for corruption among state institutions,<sup>59</sup> was allocated to buy political loyalty. Indonesian dependence upon global free-market mechanism and foreign debts made national economic development vulnerable. As will be discussed below, the changes in the global system had a bid impact upon the government.

Indonesian authoritarianism was not without any positives. Sukarno and Suharto, by enforcing the unitary state system and *Pancasila* had the idealism to build Indonesia a civic nationalism. In almost six decades of independence, the Indonesian people learned to be a pluralist nation, where, in theory, the vast diverse entities were equal, respected and unified. With a strong government, particularly under Suharto's New Order regime, the nation was comparatively stable and united. In tandem with political stabilization, the government carried out economic development programs. These resulted in the government's performance legitimacy as William Liddle has termed it.<sup>60</sup> All these features also brought about the growth of a middle class group which in turn became a political force calling for democratization.<sup>61</sup>

The Indonesian nation-state was built on a strong government instead of on a democratic and cohesive society. However, the government's strength was mostly based on a combination of authoritarian politics and economic development which was heavily dependent on international aid. This appears to be paradoxical. On the one hand the government endeavoured

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<sup>58</sup> SARA stands for *Suku* (ethnicity), *Agama* (religion), *Ras* (race) and *Antar-golongan* (inter-groups).

<sup>59</sup> See for example, *Indonesia: Country Procurement Assessment Report*, Document of the World Bank, Report No. 21823-IND, March 27, 2001.

<sup>60</sup> William Liddle, *Op.cit.*

<sup>61</sup> See Ed Aspinall, *Opposition and elite conflict in the fall of Soeharto*, in Geoff Forrester and R.J. May eds., *The Fall of Soeharto* (Bathurst, NSW: Crawford House Publishing, 1998) pp. 130–53. See also Anders Uhlin, *Op.cit.*, pp. 44–8.

to develop a civic, pluralist and strong nation based on a unitary state form and the *Pancasila* ideology; but, on the other hand, the government's corporatist and repressive policies were likely to undermine the nation-state structure and its integration.

#### 4. *The Military*

Although the military (ABRI or later TNI and Polri) seemed to be an integral part of the New Order authoritarian regime, in certain ways they also characterized the Indonesian nation-state. Based on its dominant role, through the doctrine of dual-function and historical fallacies, as one Indonesian scholar has asserted,<sup>62</sup> Indonesian was also known as a militaristic country. According to Mohtar Mas'oe'd the dominant role of ABRI in Indonesian politics was mainly based on their interest in having institutional autonomy and developing a political autonomy in dealing with other political institutions.<sup>63</sup>

The Indonesian armed forces occupied a position of powerful domination within the nation since independence.<sup>64</sup> When the civilian government of the new independent nation prepared for and preferred diplomatic negotiation with the Dutch who planned to restore imperial power and had occupied Yogyakarta (the then Indonesia's capital in 1949),<sup>65</sup> the armed-forces declared military resistance. It was said that the armed forces would continue war with or without the government. By mobilizing unarmed civilians, which then formed a people's-army, this military confrontation helped to force the Dutch to recognize Indonesian sovereignty in December 1949. In the 1950s, when national politicians and civilian government were absorbed in organizing political parties and fighting for power in the new found liberal democracy and parliamentary system, regional rebellions erupted in West Java, Sumatra, South Sulawesi and Ambon.<sup>66</sup> The armed forces once again acted to suppress the rebellions and to save the unitary

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<sup>62</sup> See Hermawan Sulistyono, *Bedil & Kursi: Dimensi Politik Militer Indonesia* (Jakarta: Pensil-324, 2004).

<sup>63</sup> To have an institutional autonomy of ABRI was seen as a defensive interest. This meant that all aspects related to military professionalism and organization had to be free from external intervention. On the other hand, the political autonomy was seen as more offensive in terms of the possibility of ABRI to take part in non-military affairs. See Mohtar Mas'oe'd, "Bisnis and Otonomi Politik Militer", in Anas S. Machfudz and Jaleswari Pramodhawardani eds., *Military without Militarism* (Jakarta: LIPI, 2001) pp. 301–23.

<sup>64</sup> The historical background and political analysis of ABRI's dual-functions, see Vatikiotis, "The Military and Democracy in Indonesia", in R. J. May and Viberto Selochan, eds., *The Military and Democracy in Asia and the Pacific* (Bathurst, NSW: Crawford House Publishing, 1998) pp. 29–46. See also Vatikiotis, "Indonesia under Suharto", *Ibid*; Ulf Sundhaussen, *The Road to Power: Indonesian Military Politics 1945-1967* (Kuala Lumpur: OUP, 1982); and Anas S. Machfudz and Jaleswari Pramodhawardani, eds., *Ibid*.

<sup>65</sup> Information about Indonesia's history from 1945 to 1955, see Colin Brown, *Op.cit.*, pp. 156–84.

<sup>66</sup> Toward the role of military during the Indonesian revolution (1945-1949) Anders Uhlin concludes that "what is important for the strength and legitimacy of the army after independence is not its actual performance during the national revolution, but the way its role as defender of the Republic has been described and propagated". Anders Uhlin, *Op.cit.*, p. 34–5.

state. The role was repeated on the tragic event of September 1965 when the Communist Party (PKI) allegedly launched a coup d'état and assassinated six senior officers. The army stepped in to restore order and saved the state from communism. According to Vatikiotis this event, which marked the birth of the New Order, brought ABRI a leading role in Indonesian formal political life and ended the twenty years of military-civil tension.<sup>67</sup>

Given the set of historical events above, ABRI was gradually successful in establishing the claim that it was the warrior of independence, the guardian of the nation, and the saviour of the state. This self-perception, as Finer maintains, imbued a tradition of loyalty to the state, rather than obedience to the rulers of the day.<sup>68</sup> This was in line with ABRI's oath, (*Sapta Marga and Sumpah Prajurit*), which enshrined that military loyalty is devoted to NKRI which is based on *Pancasila* and the 1945 Constitution.

Military domination in politics was consolidated during the early years of the New Order through the *dwi-fungsi* (dual-function) doctrine. The first function was security and defence affairs. Due to Suharto's priority in maintaining national stability and security, the armed force created a territorial command structure. By this structure the armed forces were present at every level of government administration.<sup>69</sup> They held powerful authority in gathering information (*penyelidikan*) and in making and implementing decision (likes arresting - *pengamanan* and taking control - *penanganan*). The second function was *kekaryaan* which was generally an engagement in political and administrative activities. Military officers were allocated seats in DPR and MPR and in provincial and district assemblies as well. Many active and retired military officers posted in bureaucratic positions which were supposedly the civilian posts: serving as cabinet ministers, ambassadors, provincial governors and district heads (*bupati* or *walikota*). In the 1990s around 14,000 military officers occupied political and governmental posts outside the formal military structure.<sup>70</sup>

Apart from *dwi-fungsi*, the military extended its role into business. The general reason for this was that the government could provide only one-third of the military budget. ABRI was thereby forced to generate income to meet the other two-thirds of expenditure. This was carried out by running various companies such as in the oil, mining, agribusiness, forestry,

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<sup>67</sup> In Michael R. J. Vatikiotis, *The Military and Democracy in Indonesia*, *Op.cit.*

<sup>68</sup> *Ibid.*

<sup>69</sup> This ranged from the ABRI headquarter in Jakarta to provincial level (*Kodam*, Regional Command), district level (*Korem*, District Command), sub-district level (*Kodim*, Subdistrict Command), to village level (*Koramil* and *Babinsa*). Within this territorial command, ABRI carried out various activities including intelligence operations, territorial operations, and political and business activities as well.

<sup>70</sup> Takashi Shiraishi, "The Indonesian Military in Politics", in Adam Schwarz and Jonathan Paris eds., *Op.cit.*, p. 75.

transportation, insurance and banking sectors. The military also ran illegal businesses, raising revenue from local business or imposing tolls in operational areas.<sup>71</sup>

ABRI was likely to show an example of Indonesian oneness in terms of integration, cohesiveness and commitment to Indonesian nationality. ABRI was built without any preference for ethnicity and religion. However, ABRI's cohesiveness and self claim to be the defender of NKRI and Pancasila was not totally true – or at least, was undermined by its internal problems. For example, in the early 1990s a division between the groups of “*merah putih*” and “*hijau*” came to the fore. *Merah putih*, which literally means red and white – the colours of Indonesian flag – referred to officer groups intended to preserve the military's institutional autonomy and secure the secular character of the state. *Hijau* or the green was the other group who preferred the state to be more Islamic in character. Despite lack of evidence to support such on Islamic orientation, it was said that the group members were highly critical of Indonesia's ethnic Chinese and Christian minorities.<sup>72</sup> They, as mentioned earlier, had regular contacts with some Islamic intellectuals and associations such as the Centre of Information and Development Studies (CIDES), ICMI and KISDI.

A comparatively minor problem within ABRI's internal affair was factionalism based on different graduating years from the Military Academy. A more conspicuous distinction within the armed force was the gap between the top-ranked officers and the majority troops in terms of social and economic welfare. This was widely seen as a structural reason for the low level military personnel being involved in violent and criminal acts.<sup>73</sup> Some even saw it as a legitimate justification for such acts.

ABRI's dual-function plus its business activities in fact weakened the Indonesian state. In an economic sense, one political observer argued that ABRI's businesses had seriously distorted the rational economic system which was predominantly based on competition. They also weakened national economy, because the military was likely to run rent-seeking businesses.<sup>74</sup> In addition, the military officers were in fact unable to avoid the passions of having and abusing unlimited power, just like the politicians they had strongly criticized. They could not keep away from corruption. Mohtar Mas'ood asserted that the practices “did not just

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<sup>71</sup> See Moch. Nursalim, ed., *Praktek-praktek Bisnis Militer* (The Business Practices of the Military) (Jakarta: The RIDEP Institute, 2003). Indria Samego et al., *Militer dan Bisnis: Peran ABRI dalam Pembangunan Ekonomi* (Jakarta: LIPI, 1998).

<sup>72</sup> Takashi Shiraishi, *Op.cit.*, pp. 80–82. See also Kivlan Zen, *Konflik dan Integrasi TNI-AD* (Jakarta: Institute for Policy Study, 2004).

<sup>73</sup> Faisal H. Basri, “ABRI dan Bisnis”, in Anas S. Machfudz and Jaleswari eds., *Op.cit.*, p. 280.

<sup>74</sup> Faisal Basri, *Ibid.*, pp. 281–2.

jeopardize the military internal institution, but had threatened the continuity of Indonesia as a nation”.<sup>75</sup>

In the political field, the ABRI’s dual-function was also establishing an internal colonialism, as Daniel Dhakidae has suggested. It was implemented through the military control over public civilian offices, the exploitation of economic, social and political resources at the expense the people, and the ideological manipulation.<sup>76</sup> This notion seemed to confirm the previous argument that the government authoritarianism in fact failed to bring Indonesia a pluralist, civic and modern nation-state. ABRI’s dual-function was undoubtedly unable to achieve the ideals of the Indonesian people, nation and state.<sup>77</sup>

One very critical implication of ABRI’s dual-function was related to human rights issues. ABRI was widely charged as being the chief violator of human rights. Whether ABRI acted on behalf of securing NKRI and *Pancasila*, the government, the businessmen or their institutional interests, the members of the armed forces were extensively involved in intimidating, terrorizing, arresting, torturing and/or killing ordinary people.<sup>78</sup> Several cases that raised the issue of massive human rights violation can be presented.<sup>79</sup> The slaughter of hundreds of thousands of PKI members and supporters in 1965 was the first and foremost case. In the 1980s the Kedung Ombo and Tanjung Priok incidents were two notorious cases. People in Kedung Ombo (Central Java) were intimidated, arrested, killed and coercively replaced for the interests of the development of an irrigation system. Hundreds of people were shot down in Tanjung Priok due to the allegation that they opposed the government and state ideology. In the 1990s, the Santa Cruz massacre (1991), the farmer grievance in Nipah (Sampang, Madura, 1993) and Haur Koneng incident

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<sup>75</sup> Mohtar Mas’oed, *Op.cit.*, p. 317.

<sup>76</sup> Daniel Dhakidae, “Politik Militer Indonesia dan Kolonialisme Internal”, in Anas S. Machfudz and Jaleswari, *Ibid.* pp. 139–149. See also J. Soedjati Djiwandono, “Hegemoni Militerisme atas Kesadaran Sipil”, in Anas Machfudz, *Ibid.*, pp. 151–164.

<sup>77</sup> Mohtar Ma’oed, *Op.cit.*, p. 317.

<sup>78</sup> *Kopkamtib* (Operational Command for the Restoration of Order and Security), *Opsus* (Special Operation), *Bakorstanas* (Coordinating Agency for National Stability), *Bakin* (Coordinating Body of National Intelligence), the office of the Attorney-General and the Directorate General of Social and Political Affairs at the Ministry of Home Affairs were several state institutions determining the sort of punishment for people protests and oppositions. See Richard Tanter, “The Totalitarian Ambition: Intelligence Organizations in the Indonesian State”, in Arief Budiman, ed., *State and Civil Society*, *Op.cit.*, pp.213–88. I draw heavily upon this article in discussion of the Indonesian military oppression. See also Benedict R. O’G. Anderson ed., *Violence and the State in Suharto’s Indonesia* (Ithaca: SEAP, 2001).

<sup>79</sup> A more complete presentation of the military oppression can be read in Geoff Simons, *Indonesia: The Long Oppression* (London: Macmillan Press, 2000). In its preface Simons wrote, “There is no need to consider how Indonesia compares with other countries in this bloody regard. It is enough to say that ordinary Indonesians have been forced – over centuries – to endure torture, rape, arbitrary execution, threat and intimidation, commercial exploitation, starvation, massacre and all other grim violations favoured by repressive regime and that many civilized foreign powers have been content to aid such abuse”.

(1995) left hundreds dead – deaths caused by armed forces. Military operations in certain regions, such as East Timor and Aceh, caused even graver violations of human rights.

To sum up this section, ABRI did play a role in securing the unitary and pluralist character of the Indonesian nation state. It also significantly contributed to the maintenance of national stability. Nevertheless, it has to be said that Indonesian unity and stability was mostly based on a militaristic approach rather than on law and order. Even worse, instead of being purely and specifically aimed at guarding national integration and security, the armed force was often motivated by their self-interests and/or those of the government of the day, rather than the security of the general people. This raises the question about for whom Indonesian security force (ABRI) were standing. As long as ABRI was committed to its vested-interest or to the government's interests and tended to deny people their basic rights for security, it was another sign of the weaknesses of the Indonesian state structure.

### **C. The weakening government:**

There is no doubt that the government and ABRI were the key players in promoting the Indonesian nation-state as it was up to the early twenty-first century. Through their authoritarian power and coercive force, they attempted to form a pluralist, religiously neutral and unitary nation-state. Economic development, although primarily leant on the international free-market and overseas investment, made such nation-state-making programs possible. The Javanese hegemonic ethnicity and culture, with its strong emphasis on social harmony, seemed to provide ground for national unity. Its *abangan* Islamic religion even helped secure the non-theocratic Islamic Indonesia. Despite predispositions towards an authoritarian and centralized regime, and other's suspicions that such a regime had been sustained, the Javanese dominant role helped to preserve the vast diverse nation in a comparative unity. A dilemma remained with the role of Islamic politics. Half a century of Indonesian nation-state history, the government tight control, and the ABRI's dual-function did not bring aspirations for an Islamic state to an end.

To what extent the authoritarian government and ABRI were able to maintain Indonesia as a unitary, pluralist and harmonious state becomes a crucial question. The role of the government seems difficult when we look at the national goal: "to develop an Indonesian nation which is independent, united, sovereign, just and prosperous" as enshrined in the Preamble of the 1945 Constitution (UUD 1945). The question is relevant when we look at the inherent weaknesses of the authoritarian government which became clearer in the years approaching the fall of Suharto. These weaknesses were particularly related to (1) the government's responses to

the rising demand for democratization, which resulted from national development; (2) the government's unchanged policies in dealing with regional discontents and the reinforcement of religious identity caused by political repression; (3) Suharto's ageing; and (4) external or international factors. The latter is discussed in a separate section (*see Section D*).

Many scholars, like Harold Crouch, William Liddle, Ed Aspinall and Anders Uhlin, agree that Suharto's New Order economic development produced a growing middle class in Indonesia; theoretically, these were a determinant force changing the authoritarian politics. Relying on the theory of the wave of democratization, Anders Uhlin maintained that the 5-7 percent annual growth of Indonesian GNP created new social classes that could have demanded democratization.<sup>80</sup> Ed Aspinall also saw that students, journalists, intellectuals, workers and political activists played a critical role in opposing Suharto's authoritarianism. Nonetheless, he argued, for most of the New Order period, the government faced little significant challenge from these groups. This was because "the middle class ceded their political rights in exchange for social stability and economic growth".<sup>81</sup>

Apart from a group of middle class who favoured the state authoritarianism for security and economic reasons (particularly the Chinese ethnic group and Suharto's business cronies), as Uhlin mentioned, there were other groups who were criticizing, opposing or performing non-conformist behaviour toward either Suharto's authoritarianism, Indonesia's unitary form, the religiously neutral ideology or the ABRI's dual-function, or some combination of these. Edward Aspinall called these as *semiopposition*, *alegal opposition*, and *proto-opposition* groups.<sup>82</sup>

The *semiopposition* were elements who took part in the formal political system. Although their movements were strictly monitored and their political freedoms were limited, they to some extent attained benefits from the New Order toleration and political cooptation. Working as legislative members (DPR/MPR) or actively involved in political parties (PPP and PDIP), Islamic organizations (Muhammadiyah and NU), and societal organizations, they employed "work-from-within" strategies to seek political reform.

Aspinall named "Petition of Fifty" and "Forum Democracy" as examples of *alegal oppositions*. They were "opponents whose activities, without being strictly illegal, have no legal sanction and run counter to the spirit if not the text of the Constitution and laws of the regime. They are outside the law: alegal".<sup>83</sup> Most of the group's elements were "exemplary individuals"

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<sup>80</sup> Anders Uhlin, *Op.cit.* p. 45.

<sup>81</sup> Ed Aspinall, "Opposition and elite conflict", in Geoff Forester and R. J. May eds., *Op.cit.* p. 141.

<sup>82</sup> Edward Aspinall, *Opposing Suharto: Compromise, Resistance, and Regime Change in Indonesia* (Stanford, California: Stanford University Press, 2005).

<sup>83</sup> *Ibid.*, p. 8.

and dissidents. They were supportive to the unitary and pluralist nation-state. They might have contributed to the establishment of strong government, but critically called the government to be consistent with the regime's foundational ideology. Since they were prominent individuals and particularly because they did not attempt to mobilize a mass based opposition, their existence were permitted, albeit with some reservations.

The *proto-opposition*, also known as civil society organizations, also played a certain role in undermining the authoritarian regime. As they mainly worked within the society in a very specific sector related to various societal interests, their role in promoting political reform was incremental rather than one of outright confrontation. In addition to their inherent characteristics such as being trustworthy, small in size, flexible and accountable, their rapid increase and spread across the nation reinforced pressures for the central government and state institutions to be more accommodating, responsible and democratic.

While huge national resources were allocated to have the mass obedience and to keep the *semiopposition*, *alegal opposition* and *proto-opposition* activities at low level, the government also had to allocate resources to deal with groups who fundamentally opposed its ideology and authoritarian regime. These groups can be classified as *mobilizational opposition*.<sup>84</sup> They explicitly demanded that the regime be replaced with another system, and for the objective, they sought to organize and mobilized a mass support base.

Two forms of groups fell within the above category. One was groups strongly associated with regional entities. East Timor, Aceh and Papua were three regions where there were calls for secession from NKRI and therefore a freedom from *Pancasila* ideology and authoritarian rule. A group of people in Maluku was also calling for separation, but as will be discussed later, they were less significant. The second group was those associated with religious identities. Although Aspinall excluded these two opposition groups from his analysis, their endless political struggles to break away from NKRI and/or to establish an Islamic state were considerably weakening the New Order authoritarianism. They continued to mobilize broader support, locally, domestically and internationally. Tactically, they moved from one issue to another. They diversified fronts, from armed insurgency through clandestine politics and diplomatic forums.

In responding to *mobilizational oppositions*, the government poured huge amounts of money into combating them or reinforced military forces in regions with separatist claims. In international forums, the government's diplomatic approach was reactive or even

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<sup>84</sup> *Ibid.*, p. 6.

unsympathetic.<sup>85</sup> On behalf of national integration or based on ABRI's interest, hundreds of thousands military personnel were deployed to defend Indonesia's interests in East Timor and Aceh. In other words, there was no change in the government policies in dealing with regional discontents.

As the opposition to authoritarianism tended to grow and resistance to NKRI and *Pancasila* either from regions or Islamic groups persisted or even intensified, the country was facing Suharto's growing age and declining health. The issue was critical due to one thesis arguing that Suharto was the key to the New Order authoritarianism.<sup>86</sup> During his last decade in power, there had been anxiety about his competency to lead the country. The issue here was how he could make policies that would keep a balance between his own interests (including his family and cronies) and the country's interests as a whole.

Concern on Suharto's future was exacerbated by the issue of succession. This was in anticipation that Suharto would die or be incapacitated. In order to prevent a vacuum of power, there was a growing expectation that by choosing a strong and loyal vice president, a successor would be prepared. But, the discourse of succession was also likely triggered by political grievances. For example, the intention of ABRI (led by L. B. Murdani) to nominate a person with a military background for vice president in 1987/1988 represented a dispute between Suharto and the military. Suharto's economic policies, which persistently gave more benefits to his family and cronies than to national development, were also seen as another reason for succession. In the eyes of an increasing number of Indonesians rampant practices of corruption, collusion and nepotism among public and military officials were evidence that Suharto's government was incompetent to rule the country.

Calls for Suharto's resignation became stronger in 1990s. In 1993, however, Suharto was re-elected for his sixth term in power. As he was at 71 years old, doubt rose whether he would be able to govern the country due to his bad health (severe kidney and heart problem).<sup>87</sup> Although the New Order authoritarianism had reached some sort of institutionalization, as William Liddle argued,<sup>88</sup> or because the regime was more likely constructed on a weak patronage system and economic allies, as Robinson and Uhlin contended,<sup>89</sup> there was a growing concern that the system would collapse at the time when Suharto had to step down or became

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<sup>85</sup> See PACIS, *Diplomasi Indonesia di Bidang HAM, Research Report* (unpublished) (Bandung/Jakarta: PACIS and Balitbang Deplu-RI, 1999).

<sup>86</sup> See William Liddle, "Suharto's Indonesia: Personal Rule and Political Institutions", firstly published in *Pacific Affairs* 58, 1, Spring 1985, and was re-published in William Liddle, *Op.cit.* pp. 15–36. See also Anders Uhlin, *Op.cit.*, pp. 57–61.

<sup>87</sup> *Ibid.* p. 57.

<sup>88</sup> William Liddle, *Op.cit.*, pp. 209–23.

<sup>89</sup> In Uhlin, *Op.cit.*, pp. 58–61.

physically incapacitated. In December 1997 Suharto fell ill. “His illness did not seem to have had any permanent impact on him, but it did panic the financial markets and raise the questions about the wisdom of his staying on as president for the foreseeable future”, Geoffrey Forrester wrote.<sup>90</sup> He further said that Suharto became erratic and disdainful. The appointment of his business crony, Mohammad (Bob) Hasan and his daughter, Siti Hardiyanti Rukmana (Tutut), as the ministers for Trade and Social Affairs respectively in his Seventh Development Cabinet (1998), was one clear case of his less than accommodating response to criticisms.

#### **D. Indonesia’s International Context**

Undoubtedly, Indonesian internal dynamics are closely linked to the global dynamics. Indonesia emerged as a result of the global anti-colonialism movement of the twentieth century. This would be a clear evidence of Indonesia’s international context. This affirms the notion that “apart from legend, there was no historical precedent for the effective territorial unity of the new state before the Dutch had consolidated their colonial domain.”<sup>91</sup> As a political entity, Colin Brown asserted, “Indonesia came into existence between 1945, with the proclamation of independence by Sukarno and Hatta, and 1949, when the Dutch acknowledged that independence”.<sup>92</sup> Despite debates about the essence of the Dutch transfer of sovereignty in December 1949, there is no question that the Dutch colonialism influenced what Indonesia looks like in the past, present and future.

The decolonization process also helped to form Indonesia’s international orientation and relations. In the post-World War II bipolar system, Indonesia declined to align to one of the blocs. Instead, Indonesia decisively took an independent position. With the principle of *bebas dan aktif* (literally independent and active) it was said that “the government is of the opinion that the position to be taken is that Indonesia should not be a passive party in the arena of international politics but it should be an active agent entitled to determine its own standpoint with the right to fight its own goal – the goal of a fully independent Indonesia”.<sup>93</sup>

As a new post-colonial nation-state emerging in a bipolar world, Indonesia had to secure its existence within the system. The first and most crucial task was to have international recognition as a sovereign nation-state. Diplomatic efforts within the bipolar system, which was

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<sup>90</sup> In Geoffrey Forrester, “Introduction”, in Geoffrey Forrester and R. J. May eds., *Op.cit.*, p. 17.

<sup>91</sup> Michael Leifer, *The Foreign Relations of the New States* (Victoria: Longman, 1974) p. 17.

<sup>92</sup> Colin Brown, *Op.cit.* p. 5.

<sup>93</sup> Mohammad Hatta, *Mendayung Antara Dua Karang* (Rowing Between Two Coral Reefs) as quoted in Rizal Sukma, *Op.cit.*, p. 25.

normatively founded on the Westphalian state system, seemed to help Indonesia obtain its sovereignty, this being the ultimate legal status of international actors. The rivalry between the two blocs in expanding their sphere of influence to newly independent countries was favourable to Indonesia securing its status as a unitary nation-state, as enshrined in UUD 1945.<sup>94</sup> The system also appeared to encourage an active Indonesian foreign policy. Sukarno's confrontation policy against the establishment of Malaysia in the early 1960s was an instance of how the bipolar system worked. Finally, more than just protecting national sovereignty, the Cold War system was also widely seen as contributing to Indonesia's taking over of Papua from the Dutch in 1963 and incorporating East Timor from the Portuguese in 1976.<sup>95</sup>

Indonesia's international non-aligned status, which was asserted through the historical event of the Asia-Africa Conference in 1955 in Bandung, also reflected the need to keep the nation united. According to Michael Leifer and Rizal Sukma, the divisive ideological and political competition in the formation years of Indonesia was of paramount significance for Indonesian foreign policy which was bound to be circumscribed by the overriding concerns for national unity.<sup>96</sup> Apart from the division between nationalist and Islamist groups in forming Indonesia's nation-state identity, division also occurred between nationalist and left groups in laying down the international orientation of the new state. As *Pancasila* had just been introduced to curb nationalist-Islamic ideological conflict, so too the principle of *bebas-aktif* appeared to be a win-win solution to disputes between one camp, which preferred an alignment with the Western bloc and was antagonistic towards communist interests, and the other camp, which favoured the communist bloc and opposed alignment with Western colonialist forces. The principle of *bebas-aktif* was thereby a political compromise and it was pragmatically pursued. This meant that Indonesian foreign policy "should be resolved in the light of its own interests and should be executed in consonance with the situations and facts it has to face".<sup>97</sup>

However, Indonesia's interest in internal unity within such international dynamics appears ambiguous. On the one hand, there was an understanding that it was, as mentioned above, the history of colonialism and the experience of a revolutionary period that had prompted internal political integration. On the other hand, external forces were often suspected of being a threat to the disintegration of Indonesia. This was specifically shown by the case explained

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<sup>94</sup> Considering the international system and diplomatic activities, Indonesian political analysts with a particular emphasis on Indonesia's foreign relation helped to clarify the role of Indonesian armed forces in seizing and/or securing Indonesia's independence. Michael Leifer's books (1974 and 1983) are particularly helpful.

<sup>95</sup> See Wanandi, Jusuf, *Official Statement for the Public Hearing held by Commission for Reception, Truth, and Reconciliation in Timor-Leste* (CAVR), Dili, 15 December 2003.

<sup>96</sup> Rizal Sukma, *Op.cit.*, p. 23–27. See also Michael Leifer, *Op.cit.*, pp. 19–23.

<sup>97</sup> Rizal Sukma, *Ibid.* p. 25.

earlier in which a nationalist group under Sukarno leadership abolished the federal form imposed by the Round Table Agreement and brought the Republic into being as a unitary nation-state.

Although suspicion that international forces had an intention to weaken Indonesian unity continued to afflict Indonesian foreign relations, there was also a broad acknowledgment that domestic diversity in ethnicity, culture, religion and political orientation was the major source of threat to national unity and integration. Islamist insurgencies in West Java, Aceh and South Sulawesi and regional rebellions in Sumatra and Sulawesi (PRRI/Permesta) and in South Maluku (RMS) were convincing evidences of internal threats to Indonesian nation-state. The Madiun Affair in 1948 and the abortive coup in September 1965 were other instances of ideological threats.<sup>98</sup> All these events underlined the fact that domestic sources of national disintegration were more dangerous than external sources. This new understanding led Suharto to focus on national stability, security and integration.

Having national stability as priority, Suharto re-orientated Indonesian foreign relations towards cooperation with the West. This replaced Sukarno's aggressive and confrontationalist foreign policy. Suharto's determination to crack down on communism and the communist party (PKI) in Indonesia was particularly beneficial in gaining support from America and its Western allies. The Western countries even provided the government with military assistance (in training and weaponry) and economic investment. Suharto sought this external assistance in part to support the government in securing its power and also to overcome economic problems that could have ignited political instability. In its turn, the Cold War system and in particular the Western countries served not just to preserve Indonesian territorial integration and political integration, but also significantly contributed to instituting authoritarianism by assisting the government to control the diverse nation and to develop its economy.

Until the 1990s there was no evidence to what extent the Western countries were concerned with Indonesian ethnic and religious diversity. What is generally known is that those countries had great interest in Indonesian stability and integration. With Indonesia stable and united, foreign states reciprocally gained benefits in terms of regional security and economic interest. Indonesian territory connecting the western (Indian) and the eastern (Pacific) oceans and the southern (Australia) and the northern (Asia) continents made Indonesia's geography strategic for international security and trade. Economically Indonesia was also important because of its huge natural resources and as a potential market for international products. The international interests in Indonesian security and economy, on the one hand, and Indonesian

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<sup>98</sup> See Colin Brown, *Op.cit.*, pp. 168 and 198–200. See also Ian Chalmers, *Indonesia: An Introduction to Contemporary Traditions* (Oxford: Oxford University Press, 2006) pp. 182–3.

interests in national integration and economic development, on the other, had incorporated Indonesia within the international system, which was, once again, a bipolar system based on realist politics.

The integration of Indonesia into the international system was not without problems. Indonesian demands for foreign aid and international investment in order to accelerate national development meant Indonesia was less independent from external forces. Politically, Indonesia was prone to interference from the West. Economically, Indonesia became an integral part of the international free-market system but without any effective capacity to control the system or to handle its negative impacts. In terms of its security, the Indonesian military and defence system was deeply dependent upon the Western countries. The principles of *bebas-aktif* and non-alignment were therefore widely criticized, particularly by national left-wing elements and Non-Alignment country members.

By 1989 the international system began to change dramatically. The Soviet Union collapsed and the East-West rivalry within the bipolar system diminished. This led to disintegration and violent conflicts in Eastern Europe, reviving the idea of balkanization. In the West, the relations between the bloc leaders and supporting members required revision. The general result was that maintaining close relationship by providing developing states like Indonesia with security protection and economic assistance appeared to be less significant.

In the broader context the new international system showed a structural change. The old system framed the weaknesses of many developing states in terms of ideological rivalry (East – West conflict) and tended to put aside the political-economy issues (North – South relations). Within the decline of ideological contentions, the international relations were more likely to be determined by political and economic structures. Today, relations between the West and the rest of the world are most influential and are likely to be marked by the clash of civilizations – or even the end of history.<sup>99</sup> The world structure became more complex and hierarchical. States with secure, wealthy and developed liberal democracies were at the top, whereas the insecure, weak, and poor states were at the bottom of the new structure. This raises a notion that the problem of weak and failing states following the decline of Cold War system was a systematic one.<sup>100</sup>

Within the new system Indonesia, like many other developing countries, had to provide themselves with security and development. The problem was clear: national capacity for

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<sup>99</sup> See Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1996).

<sup>100</sup> Hans-Henrik Holm, *The responsibility that will not go away: Weak states in the international system*, Paper presented at West Lafayette, Purdue University, 25–27 February, 1998.

securing national territory and maintaining political stability was very limited and domestic resources for sustaining economic development were unavailable or very scarce. And it was also obvious that solutions to the problems were not merely economic. The key to deal with both national problems and the new international system was political. This led to a conclusion that it was the national political system which had to substantially change in order to secure Indonesia as a nation-state. More specifically, given Indonesian ethnic, cultural and religious diversity has existed no matter what the international system, the authoritarian rule was the first characteristic that had to be changed.

To what extent the Indonesian nation-state had to make adjustments to find its place within the new international system was particularly crucial due to the internationalization of democracy and human rights. Unlike the previous system which solely emphasized power politics, the post-Cold War system is based on both norms and power. It was said that norms, especially Western norms, underlied the structure of the international system and served to shape the ideas, preferences, and purposes of states.<sup>101</sup> It is also known that the traditional system that had preserved states as the ultimate actors is now unreliable since non-state actors such as MNCs and NGOs play increasing roles.

As has discussed in Chapter Two, the ideas, preferences and norms proposed by the new system, which is led by the Western countries, are the principles of democratic legitimacy and a law-based state. The argument is that international peace and order could only be achieved if the system is based on a democratic governance system instead of on state logic, power politics and alliance mechanisms.

By the early 1990s the discourse of democracy and human rights was particularly striking in the case of Indonesia. Pro-democracy movement sought to disseminate the ideas. Various forms of forum such as academic courses, discussions, seminars, workshops and conferences were organized. Different kinds of associations were formed and networks between various groups with similar interest in democratization and concerns on human rights issues were developed. Although there were serious problems in the tactics, strategies, and goals of the democratization movement, as Uhlin and Aspinall observed, there was no doubt that many elements of domestic politics believed that Indonesia had to be a democratic nation-state.<sup>102</sup> Otherwise, the country would be likely to disintegrate and dissolve.

The increasing number of working and middle classes generated by national development and the steady rise of resistance and oppositions driven by government

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<sup>101</sup> Michael Doyle and John Ikenberry eds., *New Thinking in International Relations Theory* (Boulder: Westview Press, 1997) pp. 268–73.

<sup>102</sup> Anders Uhlin, *Op.cit.* and Edward Aspinall, *Opposing Suharto, Op.cit.*

discriminative policies and/or military repression, together contributed to the growing demand for democratization. In addition, democratization movements in foreign countries were catalytic factors fortifying domestic demands. The introduction of glasnost and perestroika in 1985 by President Gorbachev in Soviet Union, for example, had been followed by the *keterbukaan* (openness) policy in Indonesia as a response to the growing demand for democracy. “People Power” in the Philippines, which forced President Marcos to step down in 1986, was particularly inspiring to the democratic movement in Indonesia. The fall of the Berlin Wall in 1989, marking the end of the bipolar system, and the Tiananmen massacre in the same year, where pro-democratic movements were brutally shot down by the military, were two other important events which made the democratization movement in Indonesia stronger.

The collapse of states and the violent ethnic and religious conflicts in the East European region had different implications within Indonesia. For Indonesian democratic activists, the roles played by labour union, church institutions, and new political parties in Poland, and Hungary and mass demonstration in Czechoslovakia and East Germany helped to convince them that the change and fall of an authoritarian ruler was possible.<sup>103</sup> For political groups seeking an Islamic state or those struggling for a state independent from Indonesia, such as East Timor and Aceh, the emergence of new states in East Europe based on ethnic or religious identity was inspiring. They also began to see the international system as a resourceful forum for their separatist movements. For the government and those who preferred the existing format of the Indonesian nation-state, the East European experiments were something that had to be avoided in Indonesia.

In its response to democratization movements, the Indonesian government did very little. By its *keterbukaan* policy, the government showed its limited tolerance for discussing controversial issues through public media, such as newspapers and magazines. Mass demonstrations were allowed, even though they were limited to labour strikes and Muslim protests such as in the case of the Monitor magazine blasphemy (1990), the Gulf War (1991), and national lottery for sports (1991 and 1993).<sup>104</sup> These kinds of public protests had no serious political implications for the nation-state, government power and policies. Reform within the state institutions and authoritarian regime was practically absent. Suharto’s movement in approaching Muslim groups and showing interest in Islamic religion was more likely a political manoeuvre in order to secure his power than a democratic movement in order to give his power a larger societal base.

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<sup>103</sup> Uhlin, *Ibid.*, p. 181–2.

<sup>104</sup> *Ibid.*

In regard to demands for human rights, in June 1993 the government established a National Committee for Human Rights (Komnas HAM). The committee was generally intended to support the promotion of human rights by formulating national regulations or ratifying international conventions. As it was founded on a president decision, the committee was responsible to the government and its activities did not have any effect to government policies. In its early years, the committee was more symbolic than reflective of the real intention of the government to promote human rights.

How the new international system affected the Indonesian nation-state can be explained by the Santa Cruz massacre on 12 November 1991. The international reactions to the incident suggested that the international community still paid attention on East Timor although it had been incorporated for about fifteen years. Furthermore, the international community had condemned the Indonesian government and the military for neglecting democratic solutions and basic human rights in the regions. Although foreign major states did not threaten Indonesian authority over the territory, the suspension of economic aid definitely afflicted the Indonesian government and armed forces.

While foreign governments probably acted cautiously in dealing with the Santa Cruz incident and still valued highly Indonesian stability and integration, both international and national NGOs were enthusiastic in campaigning for democratization and human rights in Indonesia and, in particular, questioning the Indonesian administration on East Timor. NGOs from the Netherlands and other European countries, America, Australia and neighbouring countries in Asia (the Philippines and Thailand) provided national NGOs with financial support and accesses to international forums. Amnesty International, Human Rights Watch, the Ford Foundation, and the Asia Foundation are just a few international NGOs that helped to internationally publicize undemocratic practices and human rights violations in Indonesia. Working together with national and international media to make known Indonesia's domestic problems internationally and nationalizing international values fortified demands for democratization in Indonesia.

As mentioned above, the government's responses to the increasing demands for democratization were technically inappropriate and substantially insufficient. They were inappropriate because criticisms of national undemocratic policies and practices were likely perceived as feelings of distrust of and hostility towards the government. Demands and criticisms were not merely ignored, but were continually dealt with using subversive laws by which protesters were punished without fair trial. The government's reactions by giving freedom to the press and forming Komnas HAM were also insufficient because the government and

ABRI still held the final decisions. Instead of trying to respond positively to the international demands and pressures for democratization, the government and its main authoritarian institutions tended to shield themselves behind the principle of state sovereignty and nationalism.

Failures to accommodate domestic demands and to respond international pressures for democratization created an even more difficult condition for the government. When the government and ABRI, which were expected to keep the state integration, stability and development, were in trouble, the nation-state was technically in trouble too. In short, the inappropriate and insufficient adjustment of the government toward international norms of democratization and human rights made Indonesia vulnerable to international intervention.

### **E. Concluding notes**

According to the national constitution Indonesia is a unitary state based on *Pancasila* ideology. By NKRI and Pancasila the very diverse people groups and government are expected to be integrated based on the principles of belief in one God, humanism, unity, democracy and social justice. Since its independence, however, Indonesian nation-state has been closely circumscribed by Javanese hegemony, Islamic politics, authoritarian rule and militaristic control. These political forces have become the strengths and weaknesses of the Indonesian nation-state.

The Javanese ethnic majority and its cultural stress on harmony are widely believed to help the very diverse ethnic and cultural minorities bond together under NKRI. The overwhelming majority of Muslim Indonesian people and their *abangan* faith are also seen as contributing to national integration. On the other hand, the government and ABRI are two key institutions which authoritatively introduced and imposed the integrationist nation and pluralist state ideology. On these social and political grounds, there is no doubt that Indonesia would be a strong nation-state.

However, the Javanese hegemony also raised the issue of exploitation, marginalization and subordination of regional and ethnic minorities. The Muslim majority also raised the feeling of non-Muslim minorities being under threat. In addition, some Islamic groups held the notion of being marginalized, alienated, and even confronted. All these kinds of social weaknesses were severely exacerbated by the government and the military, in particular during Suharto's New Order regime.

In order to maintain a united, stable and pluralist nation, the government chiefly relied on cooptation and repression strategies. By its cooptation strategy the government sought to incorporate individuals, social groups and regions into its authoritarian rule. This was carried out

by providing incentives, either through delivering economic development with limited political freedom or by tolerating illegal practices such as corruption, collusion and nepotism (KKN). By repression strategy, mainly using the coercive military force, the government sought to destroy any expression of political grievances, opposition and resistance. This led to massive violations of human rights. On many occasions Suharto and ABRI acted for their vested interests and not solely for the sake of national integration, plurality and development.

Although for about three decades Suharto and ABRI preserved national integration and *Pancasila* ideology, it became clear by the 1990s that authoritarian rule and a coercive approach were no longer effective. First, the government stabilization and development programs had raised domestic demand for political reform. Second, the government corporatist and repressive policies were intensifying instead of diminishing disintegrative forces. Some regional entities such as in East Timor and Aceh and some Islamic groups continued to struggle either for secession from NKRI or for Islamic ideology. Third, since Suharto got older and his government became more corrupt and ineffective, the future of the nation-state was at stake. Finally, changes within the international system demanded Indonesia move towards a democratic government.

Although the natural characteristic of Indonesia as a multi-cultural entity, the government and the military have been central in attempts to create a united Indonesian nation-state. Suharto's authoritarianism to secure NKRI and *Pancasila*, however, was too expensive, politically and economically. ABRI's dual function appeared counterproductive and dangerous to force unity and plurality. Political manoeuvres to maintain the militaristic-authoritarian regime only met with increasing domestic demands for political change. Pressure upon the government and ABRI also came from the international community. Within the new international system most Western countries and international institutions commanded democratization and respect for human rights.

By the rise of domestic demand and international pressure for Indonesian democratization, it is clear that Suharto's authoritarian government and its militaristic institutions were weakening. Suharto's inclination to make incremental political adjustment and the military's reluctance for political reform had weakened the nation-state. Since government power had been severely exacerbated by the Asian financial crisis, the increasing domestic demand and international pressure for democratization made the country prone to internal violent conflicts. With the government weakening and the country by nature weak, Indonesian nation-state was also vulnerable to international intervention.

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## CHAPTER FOUR

### **REFORMASI AND VIOLENT CONFLICT IN EAST TIMOR, MALUKU AND ACEH**

#### **A. Introduction**

The main characteristics of the Indonesian nation-state discussed in the previous chapter were rightly seen by many analysts as the roots or underlying factors that had permitted conflict and violence to explode at the end of 1990s. While the government responses to improve domestic conditions were insufficient, the efforts of some domestic elements to fix such an unhealthy nation and government system were practically unsuccessful. It seemed that it was only a combination of domestic demands (including pro-democracy movements, an elite conspiracy and a factional split within the military) and international pressures (including the postponement of financial aid, the demand for democratization and human rights and particularly the financial crisis in mid-1997) made political change possible in 1998.<sup>1</sup> All these factors of and demands for political changes were framed in the phrase of the reform movement: *gerakan reformasi*.

*Reformasi*, however, was not a narrow term. It was not limited to the replacement of President Suharto. As the problem of the Indonesian nation-state was huge and complex, as discussed in Chapter Three, so the reform agenda was complicated. The multi-cultural foundation of the country, the corrupt and repressive state institutions, and the advent of a solidarist and interventionist international system were related to the political reform. And since the reform was not carefully planned or well organized, the country became trapped in a dangerous condition which was marked by the proliferation of bloody internal conflicts.

This chapter does not intend to explain how the political reform took place or how it generated violent conflicts. The problems this chapter seeks to discuss are the levels or scope of

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<sup>1</sup> These factors are particularly meaningful in explaining the resignation of Suharto. See Sukardi Rinakit, *The Indonesian Military after the New Order* (Copenhagen S, Denmark: NIAS Press, 2005) pp. 2–5. About elite conspiracy, Rinakit wrote that leaders of ICMI were behind this conspiracy. Achmad Tirtosudiro (the chairman), Adi Sasono (the secretary) and other Islamic leaders (Amien Rais, Nurcholis Madjid, Emha Ainun Nadjib, and also Akbar Tanjung) executed political manoeuvres, including to convince Harmoko and Syarwan Hamid (the chairman and the vice-chairman of the MPR) to politely ask Suharto to resign, and the possibility of organizing demonstrations. Rinakit also said that since Vice-President Habibie was the general chairman of ICMI, he was suspected to be the master-mind behind the ICMI political manoeuvres to unseat Suharto.

*reformasi* and how these were linked to the dynamics of conflicts that took place in East Timor, Maluku and Aceh.

The first part of this chapter will investigate what *reformasi* meant. Considering the problems of the Indonesian nation-state, *reformasi* apparently wanted to reform all aspects of the nation-state. There were at least four aspects or units of this reform, namely the replacement of Suharto, the reform of his political institutions, and the reform of certain national and international systems.

The second part investigates the dynamics of conflicts during the first years of *reformasi*. Since the scope of each of the issues was not clearly defined and the relationships between the issues were overlapping, it is quite clear that *reformasi* was likely to complicate rather than resolve the weaknesses of the nation-state. The initial periods of *reformasi* not only brought old grievances and longstanding buried conflicts to the surface, but also generated new ones.

The last part will present the violent conflicts in East Timor, Maluku and Aceh, which erupted or re-escalated during the reform era. While the political reform contributed to the eruption and re-escalation of the conflicts, this part will specifically explore their “internal dynamics” by stressing the local issues, the principal parties to the conflicts and the humanitarian effects.

## **B. *Reformasi***

In the early years of the reform movement, the format of the Indonesian unitary state (NKRI) and the secularist character of *Pancasila* were widely debated. But, questions about the government were central. There was a consensus that the authoritarian centralist government had to be reformed. This included Suharto personally and his principal political institutions: ABRI, Golkar and Korpri.

### *1. The replacement of Suharto*

The conceptual and practical reasons that made Suharto the first and foremost target of political change were based on the characteristics of his authoritarian regime. It was widely believed that Indonesian politics was characterized by paternalistic or patrimonial leadership. Within this, there were a small number of elites functioning as patrons to a large number of clients. At the peak of the patronage system was Suharto. People groups were at the lowest level. Between Suharto and people there were several tiers that formed the pyramid shape of such a

patronage system. Structural and functional interactions revealed that patrons gave order and provided protection while clients supplied resources and loyalties. Clients at the lowest level (peoples) were not only far from the top patron but also suffered multiple exploitations for the benefits of the higher tiers. The implications of the New Order patrimonial system were favouritism and arbitrariness which were incompatible to economic rationality and which also triggered intrigues, distrust, and internal conflicts.<sup>2</sup> Many pro-democratic activists thought that the strategic way to change this unhealthy practice was to bring down the highest patron, the “Javanese king”, Suharto.<sup>3</sup>

Since the 1970s demands for democratization had been made by individuals and non-governmental organizations (NGOs). But, direct protests and oppositions against Suharto probably became known in the 1980s, when some retired generals, civilian ex-politicians, intellectuals and student figures issued a ‘Statement of Concern’ criticizing president Suharto,<sup>4</sup> particularly when Suharto appointed Sudharmono vice-president.<sup>5</sup> In the following years, many high-ranking military officers and politicians organized as the *Forum Pemurnian Kedaulatan Rakyat* (FPKR – Forum for the Purification of People’s Sovereignty) demanded the replacement of the military government with a government based on the sovereignty of the people, criticized the business interests of Suharto’s family members and cronies, and campaigned against casting a vote (*golput*) in the unfair general elections.<sup>6</sup>

Due to the advance of Suharto’s age – he was born 8 June 1921 – and the rampant expansion of political violence and massive corruption, discourse and debate on succession gradually spread. Following the election of Suharto as president for the fifth term (1988-1993), students rallied to call on Suharto to step down.<sup>7</sup> Since the mid-1990s opposition to the

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<sup>2</sup> See “The Relative Autonomy of the Third World Politician: Suharto and Indonesian Economic Development in Comparative Perspective” in R. William Liddle, *Leadership and Culture in Indonesian Politics* (Sydney: Allen & Unwin, 1996) pp.107–140.

<sup>3</sup> Many writings about Suharto have been published that present his good and bad sides. Books and articles published before 1998 generally present him as a smiling general, *bapak pembangunan* (the father of development), a strong as well as a wise man. His dark sides became public after his downfall in May 1998. Neutral, objective, and academical political analyses about Suharto can be read, for example, in Liddle, “Suharto’s Indonesia: Personal Rule and Political Institutions” in *Ibid.*, pp. 15–36; Vatikiotis “Suharto,” in Michael R. J. Vatikiotis, *Indonesian Politics under Suharto* (London: Routledge, 1993) pp.1 – 31; “The Rise of Suharto and After” in Damien Kingsbury, *The Politics of Indonesia* (Victoria: Oxford University Press, 2002) pp. 47–61; Asvi Warman Adam, *Soeharto: Sisi Gelap Sejarah Indonesia* (Yogyakarta: Ombak, 2004). Suharto’s biography can be read in *Suharto: Pikiran, Ucapan, dan Tindakan Saya* (Jakarta: PT Citra Lamtoro Gung Persada, 1991).

<sup>4</sup> In Anders Uhlin, *Democracy and Diffusion: Transnational Drawing-lesson among Indonesian Pro-democracy Actors* (Lund: Lund University, 1995), p.100.

<sup>5</sup> See in Vatikiotis, *Op.cit.*, pp. 80–5.

<sup>6</sup> Anders Uhlin, *Op.cit.*, p.101.

<sup>7</sup> *Ibid.*, pp.111–16. Edward Aspinall, “The Indonesian student uprising of 1998,” in Arief Budiman et.al, *Reformasi: Crisis and Change in Indonesia* (Melbourne: Monash Asia Institute, 1999) pp. 212–37.

government had become more open and stronger and the demands for democratization became more focused, suggesting that Suharto had to be replaced. A pamphlet spread by *Forum Kota* (*Forkot*, a coalition of student movements) in May 1998 saying “We have only one enemy: Suharto,” clearly reflected the central issue.<sup>8</sup> Following the economic difficulties caused by the Asian financial crisis and the eruption of mass violence in 1996 and 1997, opposition to Suharto rose rapidly. Various elements of the people across the nation, particularly from the middle class, showed support for Suharto’s removal.<sup>9</sup>

The peak of anti-Suharto movements took place in May 1998. Pro-democracy and anti-Suharto movements demonstrated in Jakarta and other cities. The shooting of students on 12 May and the rioting in Jakarta and Solo on 13–15 May 1998 made the call for Suharto’s removal even stronger. In addition, Suharto’s political supporters became more anxious about the increasing anger and frustration of the people. The ruling political elites split and fragmented.<sup>10</sup> On 18 May 1998 the MPR chairmen were forced to ask Suharto to resign. In the following two days fourteen of Suharto’s cabinet ministers resigned from their posts, which placed stronger pressure on Suharto to step down.

On 21 May 1998 Suharto finally resigned. The people movement had successfully removed the symbol of the authoritarian centralist government. The entry point for *reformasi* (reform) had been obtained.<sup>11</sup>

## 2. Institutional reform: ABRI, Golkar, Korpri

The political structure of Suharto’s New Order regime, as many experts said, was complex.<sup>12</sup> The replacement of Suharto was insufficient to bring about a democratic system.

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<sup>8</sup> Two well-known student radical groups were Aldera (*Aliansi Demokrasi Rakyat* – The Alliance for People Democracy) and *Partai Rakyat Demokratik* (PRD — Democratic People Party. See “Manifesto of the People’s Democratic Party”, 22 July 1996; and Aldera’s political statement sent to MPR/DPR 13 January 1998.

<sup>9</sup> The advent of Amien Rais in political discourse on succession was significant. Since the mid-1990s he frequently spoke about the need for political preparation for the president’s succession. As an influential political scientist and the chairman of modernist Islamic organization, Muhammadiyah, his opinion got various responses, either positive or cynical. To *Jawa Pos* daily he once stated that he was ready to be president in the 1997 general election. The statement got support from a group of people in Yogyakarta. See “Amien Rais: Saya Siap Jadi Capres”, *Jawa Pos*, 26 September 1997 and “Kami Dukung Amien Rais”, *Bernas*, 3 Oktober 1997.

<sup>10</sup> See Sukardi Rinakit, *Op.cit.* For initial analyses about the fall of Suharto, See Geoff Forrester & R.J. May eds., *The Fall of Soeharto* (Bathurst: Crawford House Publishing, 1998).

<sup>11</sup> Four modes of political change from Samuel Huntington include transformation, replacement, transplacement and intervention. This formulation is used in Arief Budiman “The 1998 crisis: change and continuity in Indonesia” in Arief Budiman, et.al, *Op.cit.*, pp.41–58.

<sup>12</sup> The complexity of Suharto’s New Order regime was described using different concepts such as beambtenstaat, authoritarianism, bureaucratic-authoritarianism, corporatism, primordial cum military regime, and authoritarian bureaucratic capitalism. See Henk Schulte Nordholt and Hanneman Samuel,

Instead, all the elements of the authoritarian system needed to be changed and reconstructed. The *reformasi total* meant that all non-democratic institutions and practices had to be transformed. Such institutions encompassed the executive institutions involving cabinet members, the bureaucracy, and the military; legislative institutions consisting of MPR and DPR and to some extent political parties and the electoral system; and the judicial system including the Supreme Court and other related law enforcement institutions.<sup>13</sup>

ABRI, Golkar, and the state bureaucracy came under intense pressure because of their crucial roles in sustaining the authoritarian New Order.

### *The military (ABRI)*

Two main themes of protest against ABRI/TNI were its dual-function and its massive violations of human rights. By the dual-function, as has been discussed, the military held power in both defence and non-defence affairs.<sup>14</sup> This political construction gave ABRI absolute power. ABRI had unquestionable authority to decide what was wrong, what or who were the enemies, and what punishment they were likely to receive. According to one scholar, the military had the power over the use of violence without proper management of this violence, the latter requiring legal restrictions and higher institutions to control and manage the use of violence.<sup>15</sup>

The military political domination was obviously at the expense of civilian political freedom and security. Not only were people mobilized through officially recognized political channels, but they were also intimidated or terrorized. Hundreds of thousands if not millions of people died at the hands of their own military apparatus.<sup>16</sup> In short, a number of Indonesian people lost their basic human rights because of the military political power and interests or the interests of those who paid the military most.<sup>17</sup>

<sup>13</sup> "Introduction: Indonesia After Soeharto: Rethinking Analytical Categories", in Henk Schulte Nordholt and Hanneman Samuel eds., *Indonesia in Transition* (Yogyakarta: Pustaka Pelajar, 2004) pp. 1–15.

<sup>14</sup> A broader categorization involves state institutions, market institutions, and civil society institutions.

<sup>14</sup> For further information see See Angel Rabasa and John Haseman, *The Military and Democracy in Indonesia: Challenges, Politics and Power*, © 2002, online book

<http://www.rand.org/publications/MR/MR1599>, accessed on 17 October 2003, pp. 69 and 72–4.

<sup>15</sup> Daniel Dhakidae, "Politik militer Indonesia dan kolonialisme internal" [Politics of Indonesian military and internal colonialism] in Anas S. Machfudz and Jaleswari Pramodhawardani, eds., *Military without Militarism* (Jakarta: LIPI, 2001) pp. 139–49.

<sup>16</sup> See Geoff Simons, *Indonesia: The Long Oppression* (Hampshire: Macmillan, 2000). See also Joshua Barker, "State of Fear: Controlling the Criminal Contagion in Suharto's New Order"; and Jun Honna, "Military Ideology in Response to Democratic Pressure During the Late Suharto Era: Political and Institutional Contexts", in Benedict R. O'G. Anderson ed., *Violence and the State in Suharto's Indonesia* (Ithaca: SEAP, Cornell University, 2001) pp. 20–53 and 54–89.

<sup>17</sup> In *The Jakarta Post*, March 17, 2003.

For a long time pro-democracy activists and human rights NGOs,<sup>18</sup> student groups,<sup>19</sup> and many scholars had criticized the excessive involvement of ABRI in Indonesian politics.<sup>20</sup> But with the arrival of the reform era, there was a common demand that ABRI/TNI had to ‘go back to its barracks’. The military had to leave their previous non-military roles and to respect civilian supremacy. Furthermore, pro-democracy and human rights activists also urged that ABRI/TNI officers and troops who had been involved in killings and other forms of massive human rights violation in the past should be brought to justice. Undoubtedly, all these criticisms led to great difficulties for ABRI related to its previous performance, existing and future interests in each of the following dimensions: organization, politics and economics.

### *Golongan Karya (Golkar)*

As one of the very important institutions of the New Order regime, Golkar became a main target of political reform. Golkar had been the key political machine for Suharto’s political legitimacy and ABRI’s political domination. As such, for either political or academic reasons, criticisms of Golkar emerged when the New Order was still in power. There had been a growing demand for a multi-party system with free and fair general elections and for the abolition of Golkar privilege. But, more radical opposition to Golkar emerged following the fall of Suharto.

A series of events from 1998 to 2001 put substantial pressure on Golkar. As Golkar ranked second behind PDIP in the 1999 election, mounting anti-Golkar sentiments accused the New Order’s party of continuing manipulative practice and ‘money politics’. Students organized in Famred (The Forum for Students’ Action for Reform and Democracy) demonstrated to demand Golkar be dissolved. They saw Golkar as the most likely obstacle to democratization and deemed it the New Order vehicle for retaining the political status-quo and re-capturing power.<sup>21</sup> A headline in the *Suara Merdeka* daily labelled Golkar as a latent danger, a term which was used to label the communist party (PKI) in the Suharto era.<sup>22</sup> Pressures on Golkar continued

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<sup>18</sup> Some of the human rights NGOs include LPHAM (Institute for the Defence of Human Rights), YLBHI (Indonesia Legal Aid), INSAN (Human Rights Information and Studies), Elsham (the Institute for Policy Research and Advocacy), Yapusham (the Centre for Human Rights Studies), PIPHAM (The Centre for Human Rights Information and Education), PBHI (the Centre of Indonesia Legal Aid) and PIJAR (The Centre for Information and Action Network for Reform).

<sup>19</sup> Apart from PRD and Aldera, student movements, among others, were SMID (*Solidaritas Mahasiswa Indonesia untuk Demokrasi* – Indonesia Student Solidarity for Democracy) and FAMI (*Front Aksi Mahasiswa Indonesia* – Indonesian Student Action Front). For these groups, ABRI was seen as part of the fascist government.

<sup>20</sup> PRD, “Society’s Pressing and Urgent Needs”. See also Manifesto of the People’s Democratic Party, July 22, 1996.

<sup>21</sup> “Famred Gelar Demo anti-Golkar,” *Kompas*, 31 March 1999.

<sup>22</sup> “Awat, Golkar Bahaya Laten,” *Suara Merdeka*, 31 March 1999.

in 2001. *Kompak* (*Koalisi Mahasiswa anti Golkar – Student Coalition against Golkar*), *Koalisi Nasional anti-Orde Baru* (National Coalition against the New Order), NGOs and thousands of people and public figures ran rallies to demand Golkar's dissolution.<sup>23</sup> Sri Bintang Pamungkas said that the crises of Indonesian economics, society, and politics were caused by Golkar.<sup>24</sup> Several of Golkar's regional offices, mostly in East Java, were attacked and destroyed by the anti-Golkar protesters.

### *The Bureaucracy*

The Bureaucracy or public service also became a critical target in *reformasi total* (total reform). Two main reasons for demands that this state institution be reformed were, first, its absolute loyalty toward Suharto's authoritarian regime instead of servicing the public, and, second, the massive corruption, collusion, and nepotism. However, unlike ABRI and Golkar, the bureaucracy faced softer pressures from the reform movements. There was no single organization or radical action directed at the national association of public servants (*Korpri*), either as an institution or its individual members. Perhaps, realizing that *Korpri* was likely just the tool or victim of Suharto authority or that *Korpri* was very vital in continuing government administration, there was no demand to abolish *Korpri*, but rather that it return to its function as public servants rather than Suharto's administrative vehicle.

### *3. National transformation*

Compared to the first two levels of political transformation, reform at the national level demanding democratic principles was apparently less controversial, because reform at this level did not directly relate to particular political forces or threaten their interests. In its general understanding, political reform at the national level meant to transform the authoritarian regime to a democratic regime. The reform supporters argued that in the future the nation-state had to rely on the rule of law instead of on authoritarian power. It was also suggested that rather than the government, not least the military, the people had to be the centre of the state. This was the people who possess the national sovereignty. Furthermore, the centralized government had to be changed through decentralization programs. National power had to be distributed to regions and the local communities had to equally participate in national decision making processes and development programs. A good and clean government was another discourse within the political reform. It was in line with the anti-corruption, collusion and nepotism movement. As the

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<sup>23</sup> "Ribuan Orang Desak MA Bubarkan Golkar," *Kompas*, 20 May 2001; "Perang Terbuka Melawan Golkar," *Gatra*, 8 February 2001.

<sup>24</sup> "Sri Bintang memimpin demo bubarkan Golkar", *Tempointeraktif*, 12 July 2001.

upcoming political system was expected to be no longer based on force and manipulation, the national governance mechanisms were also expected to adopt accountability and transparency principles.

Nonetheless, the calls for democratic principles were not less dangerous. There were two main issues, namely the unitary state of Indonesia (NKRI), in both political and territorial terms, and the *Pancasila* ideology which contributed to the eruption of violent conflicts, including in the three case studies proposed here. In the matter of NKRI, three main perceptions emerged from the collapse of the New Order regime:

First, some argued that the unitary state had ended or had to be ended. This perception was particularly held by separatist groups. Fretilin and clandestine movements in East Timor, GAM in Aceh, RMS in Ambon and the Papua Free Movement (*Organisasi Papua Merdeka* — OPM) in Papua tended to view that the fall of Suharto and his militaristic regime had ended the illegal unification of their regions into NKRI. Or at least they saw the collapse of Suharto's authoritarianism as a crucial moment in their striving for liberation from NKRI.

Second, the unitary state form of Indonesia had to be reviewed. This perception was generally associated with the *reformasi*. Within this perception three notions were suggested for the new Indonesia: federalism, regional autonomy (*otonomi daerah*), and creation of new units of regional administration (*pemekaran daerah*). Mangunwijaya and Amien Rais were two prominent figures who seriously considered national plurality in ethnicity, culture, region, and religion as objective conditions for building Indonesia as a federal state. They argued that rather than a unitary state, the federalist state was more accommodating to the diverse societal entities and in the meantime could reduce the practice of authoritarian and centralized state power.<sup>25</sup>

Third, the unitary state of Indonesia still existed and had to be protected in its original state form as an expression of Indonesian nationalism. For government officials, nationalist-integrationist politicians, and notably the military leaders, separatist movements and federalist ideas were dangerous. For the ABRI Commander, Wiranto, for instance, federalism was nonsense.<sup>26</sup> He restated that the NKRI formulated by the founding fathers was already in its final form.<sup>27</sup> The Minister of Home Affairs made a similar statement, "The government at all costs is determined to secure NKRI".<sup>28</sup> "The form of NKRI does not need to change to federal or another.

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<sup>25</sup> See in St. Sularto and T. Jakob Koekerits eds., *Federalisme untuk Indonesia: Seminar Sehari "Federalisme, Mungkinkah bagi Indonesia?"* (Jakarta: Kompas, 1999). Amien Rais once said that Indonesian national integration can be conserved by either enlarged autonomy or federal system. See *Kompas*, 1 December 1999 and 9 December 1999

<sup>26</sup> See *Kompas*, 3 May 1999.

<sup>27</sup> In his address before a meeting of all provincial governors, see *Kompas*, 16 November 1999.

<sup>28</sup> *Kompas*, 13 December 1999.

What we need to do is to resolve its objective weaknesses”, Akbar Tanjung the DPR chairman, known as a nationalist politician, said.<sup>29</sup> Megawati, the vice-president and the chairperson of PDIP – the largest party in the DPR, also stressed that “since the beginning the nation’s founding fathers were convinced that the best form of the Indonesia state was a unitary state.”<sup>30</sup>

Another important issue within the political reform concerned *Pancasila*. As mentioned, *Pancasila* had been criticized, particularly because of the repressive role of the New Order regime in interpreting this ideology. The *Pancasila* ideology was mostly used to justify the government authority, interests and policies. The problem of *Pancasila*, however, was not limited to its interpretation but also its place as the state ideology. The fall of Suharto, on the one hand, had pushed Muslim groups with Islamic ideological orientation to be more radical in their activities. KISDI, DDII, FPI and Laskar Jihad were involved in various violent acts on behalf of Islamic teachings or shariah.<sup>31</sup> On the other hand, the fall of the authoritarian regime had generated a feeling of uncertainty and anxiety among non-Muslim communities.<sup>32</sup> The revival of Islamic ideology and the emergence of radical organizations forced non-Muslim entities to take all necessary actions to defend their political and religious rights.

With such a political and social configuration the role of *Pancasila* as a unifying ideology was doubted. As tension rose and violent acts took place, one had the impression that it was not *Pancasila* but the authoritarian government and repressive security forces which had made for the apparently moderate, tolerant, and harmonious inter-religious interactions. And once the government and ABRI were no longer effective to secure these peaceful relationships, different religious groups were likely to engage in conflict and violent acts.

The fear of Balkanization in Indonesia in the early period of reform was particularly related to the existence or revival of separatist movements in different regions. But, the threat of disintegration was also related to the likelihood of *Pancasila* being effective as a unifying ideology. While the question of NKRI, as raised by the separatist movements, was likely to form vertical conflicts, the question of *Pancasila* was likely to trigger a kind of horizontal conflict. And the interconnectedness between the two made the conflicts more complicated as shown by the violent regional conflicts in East Timor, Maluku and Aceh.

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<sup>29</sup> *Kompas*, 17 November 1999.

<sup>30</sup> *Kompas*, 16 July 2000.

<sup>31</sup> See Yunanto et al., *Op.cit.*, p.4. See also *Gatra*, No. 1–2, 27 November 2004. This edition presents three kinds of Indonesian Islam in dealing with democracy: (a) pro-democracy Islam, (b) accept democracy with notes, and (c) against democracy Islam.

<sup>32</sup> See Mohammad Fajrul Falaakh, “Islam and the current transition to democracy in Indonesia” in Arief Budiman, et.al, *Op.cit.*, p.204–5.

#### 4. International issues

The international capitalist and free market system was also the target of criticisms by some elements in Indonesia. It was argued that the international capitalist forces, on which Suharto's New Order leaned to drive economic development, had made the country's economy overly dependent and that in the end the country had been burdened by enormous foreign debts. With their left-populist ideologies, radical groups such as PRD, student wings, and some NGOs fiercely accused international financial institutions such as the IMF, the World Bank, IGGI/CGI, and many multinational corporations (MNCs) plus foreign donor states (Japan, USA, EU, Taiwan and others) of weakening the Indonesian economic structure and worsening national development. In this respect, PRD stated that "Indonesian economic development, which benefited only a small number of capital owners and was exploited by foreign investors, has precisely led the people to be more brutal. The people were even further away from the prosperity and justice goals".<sup>33</sup>

The rise of fuel prices and electricity and telephone charges due to the IMF recovery program in 1998 led students and NGO activists to form an alliance to oppose the IMF and other international financial organizations. The Pro Democratic Activist Network (*Prodem*) and LS-ADI (*Lingkar Studi – Aksi untuk Demokrasi Indonesia – Study and Action Circle for Indonesian Democracy*) organized demonstrations and demanded that the IMF and the World Bank to cancel Indonesian debts. They argued, "The New Order government's debts aren't Indonesian people's debts".<sup>34</sup>

The second theme of protest against the international system was its interventionist tendency. Some government officials, politicians and ABRI officers criticized foreign governments, international governmental organizations (IGOs) and international non-governmental organizations (INGOs) for having forced the implementation of liberal democracy and the universal principle of human rights upon Indonesia. They even blamed national pro-democracy and human rights NGOs for being non-nationalist, anti-government, anti-*Pancasila* organizations or foreign henchmen who worked for foreign instead of national interests.

Some sections of the Indonesian people also protested against Western states for allegedly having conspired to bring about the fall of Suharto and his authoritarian regime. Another allegation of international conspiracy was associated with the eruption of regional

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<sup>33</sup> "Manifesto of the People's Democratic Party", 22 July 1996.

<sup>34</sup> "LSM Minta IMF Hapus Utang Indonesia", *Tempo* Interaktif, 23 April 2001. See also Prijo Wasono, "Alliances against globalization: New alliances are formed against IMF and foreign debt", *Inside Indonesia*, Oct – Dec 2003.

conflicts.<sup>35</sup> As we will see, there were allegations that Western countries played a role in supporting separatist movements in East Timor, Maluku and Aceh.

In contrast, there were a number of national pro-democracy and human rights activists and NGOs who praised the role of the international community. Those associated with the International NGO Forum on Indonesia Development (INFID), for example, believed that foreign governments and organizations played a vital role in Indonesian democratization.<sup>36</sup> Nevertheless, pro-democracy and human rights activists often criticized the international community for insufficient willingness to act, unresponsiveness, and lack of responsibility in handling Indonesia's 'multiple-crisis'. In line with the fourth mode of political transition,<sup>37</sup> they believed that democratization and human rights could be imposed by external forces.

What kind of role the international community could and would play in political reform in Indonesia was determined by the norms within the new international system. As has been discussed, the post-Cold War international order has been promoting a system which is based on democratic governance rather than merely on a sovereign state system. Every government is required to be democratic and respectful of human rights. Nevertheless, it is also obvious that major international states and organizations have also interests in security and economic issues. As mentioned in Chapter Two, most of the problems within the international system emerged because of the disjuncture between the interest in promoting democracy and human rights on the one hand and the interests in non-humanitarian fields on the other. All these global principles and practices, as will be discussed in the following chapters, were definitely determining the roles of the international community in resolving the violent internal conflicts in Indonesia.

### **C. *Reformasi* and the political dynamics of internal conflict**

The broad agenda of reform reflected the optimistic and holistic view of the democratic future of the Indonesian nation-state. *Reformasi* was not just limited to the replacement of Suharto or his successor Habibie. The resignation of Suharto was likely to pave the way for the transformation of the notorious and repressive ABRI, the hegemonic Golkar and the corrupt bureaucracy. It was hoped that reform at these two levels would lead to reform at the national

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<sup>35</sup> See Sukardi Rinakit, *Op.cit.*, p. 3.

<sup>36</sup> Anders Uhlin clearly depicts the dissemination of democratic ideas by both interactive and comparative forms. See Anders Uhlin, *Democracy and Diffusion*, *Op.cit.*, pp. 151–206. See also Bob S. Hadiwinata, *The Politics of NGOs in Indonesia: Developing democracy and managing a movement* (London: RoutledgeCurzon, 2003).

<sup>37</sup> See Arief Budiman, "The 1998 crisis: change and continuity in Indonesia", in Arief Budiman et al, *Op.cit.*

level. The “Java-based” and/or the Jakarta-centric system was expected to be more “Indonesianized” and/or decentralized. The implementation of *Pancasila* ideology was expected to be more consistent. All these changes were expected to bring a more adaptive but effective nation-state within the new international system.

Nevertheless, *reformasi* perhaps firstly reflected the emergence of serious challenges or even threats to the interests of those who had benefited from the previous political system. There was no doubt that these groups would take all necessary steps to maintain their privileges or at least to avoid radical loss. On the other hand, *reformasi* was also seen as an opportunity by the longstanding oppressed groups to achieve their political interests.

How to conduct democratization without harming the interests of certain political groups was problematic. Earnest attempts to work out those problems did not guarantee that democratization would be free from troubles. Democratization could slow down or be delayed. Democratization, as it was promised by *reformasi*, “is not a panacea for a collapsing state”, Marina Ottaway suggested. She further said, democratization “can lead toward democracy, but it can also hasten state collapse. Conflict becomes more overt”.<sup>38</sup>

The links between the reform era and the eruption of various violent conflicts could be described as below.

First, there was no clarity about the extent or scope of each level of political reform. While the four levels of the reform agenda outlined above were commonly accepted, at least in the abstract, the scope of each level was vague and led to controversy. For example, the replacement of Suharto was generally welcomed, but the students’ demand for his trial for alleged corruption and human rights violation instantly generated controversy, resistance and animosity from Suharto’s loyalists. A similar configuration occurred in the case of ABRI and Golkar. ABRI’s leaders seemed to admit the necessity to revise its dual function. But, the calls for ABRI to return to its barracks and for the trial of the military officers who had committed massive human rights violations resulted in acrimony from the military. Golkar also seemed to immediately restructure its organization and redefine its orientation to address the changing politics.<sup>39</sup> But, political opponents also asked for Golkar to be dissolved and its leaders to be held responsibility for past mistakes.

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<sup>38</sup> Marina Ottaway, “Democratization in Collapsed States,” in I. William Zartman ed., *Collapsed States: The Disintegration and Restoration of Legitimate Authority* (Boulder, Colorado: Lynne Rienner Publishers Inc., 1995) p. 239.

<sup>39</sup> On 9 – 10 July 1998 Golkar conducted an extra-ordinary meeting (*musyawarah luar biasa*, MLB). The meeting resulted in a new organizational committee led by Akbar Tanjung and new political orientation. See “Golkar Harus Introspeksi,” *Kompas*, 29 July 1998; “MLB Golkar Didemo,” *Kompas*, 10 July 1998; and “Akbar Tanjung: Golkar Dituntut Paradigma Baru,” *Kompas* 25 July 1998.

One critical issue in regard to the vague boundaries of the level of political reform was the concept of the right to self-determination. Rather than emphasizing the right of individuals to have a democratic government – this was the main theme of *reformasi* – several regions were demanding the right of groups to determine their political destiny by simply having their own state.<sup>40</sup> Without any clarity in the scope and connection between different levels of reform, post-Suharto politics was likely to be left without orientation or priority.

Second, pro- and anti-*reformasi* supporters were fragmented. It was extremely difficult to precisely identify parties and their political stances within the transitional politics. The issues or levels of political reform above did not outright indicate their supporting groups. While political analyses tended to simplify that students, intellectuals, journalists, urban workers and human rights activists were the principal supporters of political reform, it was hard to precisely identify those who opposed democratization. ABRI and Golkar were widely seen as pro-status quo, but in different forums they often claimed to support democratization. Other forces like PDIP, PPP and other new political parties, Islamic organizations and ethnic and regional entities were difficult to classify as pro or contra political reform at one or more of the levels above.

Reform pressures led to Habibie, ABRI, Golkar and the bureaucracy being fragmented instead of being reconsolidated. On one hand this prevented the emergence of a new authoritarian regime. On the other hand, the fragmentation deteriorated the capacity of government institutions to function effectively. In the mean time, the old and newly formed opposition political parties, mass organizations and individual leaders also disintegrated. Worse, certain government institutions were allowed to take decisions without adhering to widely agreed upon rules of law or check and balance mechanisms from other political forces. As we will see, Habibie's policy to offer East Timor a referendum and the excessive military involvement in regional conflicts took place in this circumstance. Continuing a huge agenda of reform without the principle of the rule of law and strong political institutions, the post-Suharto politics was likely to bring the country into chaos and anarchy.

Finally, the overlapping issues of *reformasi* and the changing position of elite and political forces with respect to reform contributed to the complexity of violent internal conflicts. In the first instance, there was a revolutionary conflict with the aim of changing Suharto dictatorship to a democratic government. But, there was also ideological conflict since there were groups who wanted Indonesia to embrace an Islamic religious orientation. The demands of some regions to have greater roles in the national political system and a greater share of revenues in national economic development contributed to communal identity conflict. Regions where

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<sup>40</sup> Marina Ottaway, *Op.cit.*, p. 238.

some groups demanded independence from NKRI intensified the secession or separatist conflict. There were also factional conflicts, with different political groups competing for power and/economic interests.

All these problems influenced the dynamics of internal violent conflicts that took place in the time of political reform. Simplifying these problems, the dynamics of conflict, which indicated the escalation or de-escalation and perpetuation or termination of violent conflicts, were therefore strongly affected by several factors. First, transitional politics and the longstanding internal weaknesses of Indonesian nationality and statehood had become important to these internal conflicts. Second, the issues and the parties to the conflicts overlapped. The third factor was the lack of cohesiveness and coordination among government institutions. In the meantime, vested interests of non-governmental political forces such as political parties, the military and individual leaders likely fuelled the conflicts. The final factor contributing to the dynamics of the conflicts was the international environment. The internationalization of democracy and human rights contributed to the eruption and escalation of violent conflicts. However, as we will see, the three domestic factors above were more influential to the dynamics of the conflicts.

The dynamics of each conflict affected how the violent conflicts in East Timor, Maluku and Aceh were resolved. Before discussing the resolutions, these dynamics need to be investigated.

#### **D. Violent internal conflict in East Timor, Maluku and Aceh**

Considering the different kinds of violent conflicts that emerged out of the political transition, the conflicts in East Timor, Maluku and Aceh were chosen as the cases of this research. To ensure theoretical consistency with respect to the dynamics of the conflicts and taking into account the technical principles of comparative analysis, how the three internal conflicts are mapped is crucial. The theoretical guidance suggested that there are three main aspects in conflict mapping: (1) the background of the conflict, (2) the conflict parties and issues, and (3) the global, regional and state contexts of the conflict.<sup>41</sup> In the interest of assessing the possibility of international humanitarian intervention, another aspect needs to be added: (4) the effects of the violent conflicts. The extent of complex humanitarian emergencies or humanitarian

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<sup>41</sup> See Miall et al. and Patrick Regan, Chapter Two, *Supra* pp. 38–40.

crises caused by conflicts, as has been discussed, was the theoretical or normative reason for the presence of external humanitarian intervention.

In general, the weaknesses of the Indonesian nation-state as discussed in Chapter Three were the background of the conflicts in East Timor, Maluku and Aceh. The transitional politics following the collapse of the Suharto government were both an additional background and the context at a state level of the conflicts. The solidarist tendency of the post-Cold War system, emphasizing the internationalization of democracy and human rights, was the global context of the conflicts. What is important to emphasize about the conflicts in East Timor, Maluku and Aceh in the following sections and chapters are the issues, the parties and the effects of the conflicts. These are presented case-by-case.

### *1. East Timor and the popular consultation*

Decolonization in Portuguese Timor only began following political change in Portugal in April 1974. Three prominent political groups emerged in Timor to respond to this change: *Uniao Democratica Timorese* (UDT), *Associacao Popular Democratica de Timor* (Apodeti), and Association of Timorese Social Democrats (ASDT), which was later popularly known as the *Frente Revolucionaria de Timor-Leste Independente* (Fretilin). Each party had political preferences and led the territory into internal armed conflict. The smallest group, Apodeti, had an opinion that East Timor was politically and economically too weak to be an independent nation and therefore advocated integration with Indonesia. UDT favoured a link with Lisbon, while Fretilin wanted full independence. As the largest party, Fretilin unilaterally proclaimed the independence of a Democratic Republic of East Timor (DRET) on 28 November 1975.

It was obvious that these different political groups shared the same idea that the East Timorese had the right to determine the future of their territory. But, at that time, without a consensus based decision and although Fretilin had declared East Timor independence, Indonesia invaded in December 1975 and annexed the territory on 31 May 1976 as Indonesia's twenty-seventh province.

The Indonesian incorporation of East Timor faced strong opposition from the UN and the Portuguese, the former colonial administrator. They argued that the integration of East Timor within Indonesia was an offence to international principles of the right to self-determination, political freedom and independence, and that the use of force was against the territorial integrity of the East Timorese.<sup>42</sup> Historical and cultural arguments were also proposed to show that the

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<sup>42</sup> See for example *General Assembly Resolution 3485 (XXX)*, "Question of Timor", 12 December 1975 and also the *Security Council Resolution 384 (1975)*, 22 December 1975. In both resolutions it was stated

incorporation was illegal and that the East Timorese right to self-determination had to be restored.<sup>43</sup>

In attempts to justify the integration, the Indonesian government argued that the incorporation was based on the consent of the East Timorese through the Balibo Declaration (signed on 29 November 1975), in which the leaders of UDT, Apodeti, KOTA, and Trabalhista demanded Indonesian political and military assistance.<sup>44</sup> In this sense, Indonesia accepted the principle of self-determination, arguing that the Balibo Declaration reflected East Timorese political rights. But it was widely believed that Indonesian domestic politics, which was marked by the emerging role of ABRI and the anti-communist campaign, motivated the annexation.<sup>45</sup> And due to the existing Cold War system it was said that the major countries such as Australia, the USA, France and the UK opposed the emergence of DRET and preferred the incorporation of East Timor within Indonesia.<sup>46</sup>

For more than two decades East Timor was effectively controlled by Indonesia. And since the country was ruled by Suharto's authoritarian regime, the same regime also generally applied in East Timor. It was a combination of military repression, political co-optation, and economic incentives. One major difference was that East Timor, in the first decade of the incorporation, was the location of massive military operations. The military took the decision to close East Timor to the external world in order to extend their operations. It was publicly reported that around 200,000 people died as a result of this 'politics of integration'.

By 1989 Indonesia's East Timor policy changed, partly because of national and international pressures. The military approach was softened through a "smile policy", which was

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to call upon all States to respect the territorial integrity of East Timor as well as the inalienable right of its people to self-determination and to call upon the Government of Indonesia to withdraw without delay all its forces from the territory.

<sup>43</sup> See David Hoy, *Target Timor: An Account of East Timor* (Toowoomba, Qld, 1999) p. 8.

<sup>44</sup> See Yayasan Hak and Fotilos, *Timor Lorosae: Sebuah Tragedi Kemanusiaan* [Timor Lorosae: A Humanitarian Tragedy] (Jakarta, n.d.), pp. 9–14.

<sup>45</sup> See Jose Ramos-Horta, *Towards A Peaceful Solution in East Timor* (Sydney: the East Timor Relief Association Inc., 1997); Jusuf Wanandi, *Official Statement for the Public Hearing held by Commission for Reception, Truth, and Reconciliation in Timor-Leste* (CAVR), Dili, 15 December 2003; Geoffrey C. Gunn, "The Five-Hundred-Year Timorese *Funu*" in Richard Tanter, et al., eds., *Bitter Flowers, Sweet Flower: East Timor, Indonesia, and the World Community* (Annandale, NSW: Pluto Press Australia Pty Ltd., 2001) pp. 10–12.

<sup>46</sup> The invasion of East Timor took place after the US President Gerald Ford and his Secretary State Henry Kissinger talked with President Suharto in Jakarta. About Australia's view, David Hoy wrote that Australia realized that Indonesia was likely to successfully annex Portuguese Timor. Military opposition for Australia was not an option due to a lack of resources, limited military capabilities, inability to deal with the potential indirect affects (refugees etc.) and that the USA favoured Indonesian annexation (probably because they were convinced FRETILIN was communist) and because of the interest to secure the potential untapped oil and gas reserves in Timor gap. See David Hoy, *Op.cit*, p. 30–1. Resourceful information about the role of the US, see <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB174/index.htm>.

accompanied by social and economic development.<sup>47</sup> Nevertheless, the social and economic approaches were continually undermined by the military. Terrorizing and intimidating people, exploiting local divisions and employing a network of spies and local provocateurs were the standard practices. In addition, the provincial administration in both civilian and military units was involved in rampant corruption and other abuses of power, which caused growing anti-government feelings. The government policies on transmigration and development also generated fear of Islamization and Javanization among local communities.

The issue of the East Timorese right to self-determination plagued Indonesia's administration. Fretilin and its claim for independence persisted. Under the leadership of Xanana Gusmao, Fretilin carried out its struggle on three different fronts: the military front under Falintil, the political front with a clandestine strategy, and the international diplomatic front under the influential figure of Jose Ramos Horta. All fronts were organized under CRRN (National Council of Revolutionary Resistance, established in 1981), which was then changed to CNRM (National Council of Maubere Resistance, in 1987) and was later changed to CNRT (National Council of Timorese Resistance) in 1998.<sup>48</sup>

While the East Timorese under the Fretilin umbrella represented the genuine struggle for East Timor's independence, there were other groups of East Timorese who saw the integration with NKRI as realistic. These groups included East Timorese who had politically and economically benefited from the New Order corporatist policies. Some of them occupied good positions in national and regional political and governmental institutions. For these groups the issue of the right to self-determination had been subsumed within the unitary state of Indonesia.

However, difficulties persisted due to campaigns launched by pro-democracy and human rights activists. In the post-Suharto era these groups tended to deliberately associate the right to self-determination with general issues of human rights. This was in part related to the reform demands spreading across the nation and in part a tactical manoeuvre to avoid ABRI's reprisal. Proposing democratization and human rights issues was rather less sensitive and dangerous than contesting the right to self-determination, which was officially seen by the military as a serious threat to NKRI.

It is worth noting that the claim for the right to self-determination and the struggle for human rights in East Timor were not limited to East Timorese elements. Many Indonesians

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<sup>47</sup> See in Michael R. J. Vatikiotis, "Indonesian Politics under Suharto", *Op.cit.*, p. 185.

<sup>48</sup> Research and analysis about the East Timorese resistance can be read in Sarah Niner, "A Long Journey of Resistance: The Origins and Struggle of CNRT" in Richard Tanter et al., *Bitter Flowers, Sweet Flower*, *Op.cit.*, pp. 15–29; Helen Mary Hill, *Gerakan Pembebasan Nasional Timor Lorosae* (Dili: Yayasan HAK dan Sahe Institute for Liberation, 2000) as an Indonesian version of *FRETILIN: The Origins, Ideologies and Strategies of a Nationalist Movement in East Timor* (MA Thesis, Monash University, May 1978).

shared deep concern about the brutality and impunity of the security forces in dealing with East Timor. In a response to the mass killing at Santa Cruz cemetery for instance, many pro-democracy and human rights activists demonstrated in protest against ABRI and the government.<sup>49</sup> While they rallied in front of the UN office in Jakarta, a student association in Yogyakarta made a petition:

For humanitarianism and common welfare we strongly demand the government to revise the integration, which apparently brings about much more victims that are unequal to the East Timorese adoption of integration. We ask a referendum supervised by the UN in order to know the true will of the East Timorese.<sup>50</sup>

Another student movement in Bandung expressed a similar request, “to demand the Indonesian government to withdraw all its armed forces from East Timor and to give East Timorese their complete and free right to determine their fate in order to avoid meaningless death”.<sup>51</sup>

The international elements also regularly called upon the Indonesian government to respect human rights in East Timor. International NGOs such as Amnesty International (AI) and Human Rights Watch (HRW), the UN and the EU country members constantly condemned violations of human rights in that region and even called for the fulfilment of the East Timorese rights for self-determination. As mentioned earlier, the Dutch and the US governments had suspended foreign aid and military assistance to Indonesia in response to the Santa Cruz tragedy.

A fundamental change in dealing with East Timor emerged following the nomination of Habibie to replace Suharto. On 9 June 1998 President Habibie made a public announcement that the East Timorese would be granted special status or broader autonomy within NKRI. But it was not the goal that Fretilin had fought for. Most East Timorese people and leaders rejected the offer and demanded the right to self-determination through a referendum.<sup>52</sup> According to Xanana Gusmao, the East Timorese leader in jail at that time, Habibie’s proposal for political autonomy

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<sup>49</sup> These protesters included Indonesian Front for the Defence of Human Rights (Infight), LPHAM, Pijar, Yayasan Hidup Baru (New Life Foundation), YAPIPHAM, Institut Sosial Jakarta (ISJ), the Joint Committee for the Defence of the East Timorese (JCDET), student organizations, and individual figures demanded the government to review its policies upon East Timor. See *Kompas*, 20 November 1991.

<sup>50</sup> Quoted from George J. Aditjondro, *Menyongsong Matahari Terbit di Puncak Ramelau* (Jakarta: Yayasan HAK and FORTILOS, 2000) p. 250.

<sup>51</sup> *Ibid.*, p. 251. Other important organizations advocating the East Timorese interests were *Solidaritas Perjuangan Rakyat Indonesia untuk Rakyat Maubere* (SPRIM – Indonesian people solidarity for Maubere people), *Solidaritas Mahasiswa Indonesia untuk Demokrasi* (SMID – Indonesian Student Solidarity for Democracy), *Solidaritas Mahasiswa Timor Timur* (SOLIDAMOR – East Timor Student Solidarity). In addition, two political parties PRD (People Democratic Party) and PUDI (the Party of Indonesian Democracy Union) publicly supported the East Timorese right to self-determination.

<sup>52</sup> *Agence France Press*, 6 and 13 June 1998, 18 July 1998, 14 August 1998, 3 and 9 September 1999.

for East Timor was like putting the cart before the horse.<sup>53</sup> The situation became clearer on 27 January 1999 when Habibie announced that if the East Timorese rejected the special autonomy, East Timor would be considered to have seceded and become an independent state.

Habibie's policy was then followed by the resumption of tripartite talks between the Indonesian and Portuguese governments under the auspices of the UN on 28 January 1999.<sup>54</sup> The talks concluded on 5 May 1999. An agreement was reached that primarily stipulated that the three parties agreed on a popular consultation for the East Timorese people to decide whether to accept the special autonomy proposal within Indonesia or to reject it, leading to the separation of East Timor from Indonesia.<sup>55</sup>

The policy change in Jakarta and the tripartite agreement in New York significantly impacted the political landscape in East Timor. The issue of human rights and democratization in the region became irrelevant. The issue now was the choice between special autonomy and independence. While those advocating for human rights and democratization in East Timor had lost ground, the East Timorese people were divided into two groups: those accepting special autonomy and those rejecting it.

However, there were no clear criteria that could sharply define the social groupings in the lead up to the popular consultation scheduled on 30 August 1999.<sup>56</sup> Since the East Timorese displayed a single common ethnicity under Indonesian rule, the number of sub-ethnic groups did not function as a meaningful reference point for social divisions and disputes before the ballot. Religion was pointless too, because more than 90 per cent of East Timorese were Catholic adherents. Instead of ethnicity or religion, the East Timorese groupings were mainly based on their historical perceptions, political orientations, and economic interests.

The group supporting the special autonomy were those who had benefited economically and politically from East Timor's integration with Indonesia. But as characterized by the

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<sup>53</sup> *Agence France Press*, 14 July 1998. See also "East Timorese Rebels Welcome Offer," *Associated Press*, January 31, 1999.

<sup>54</sup> For the interest to have international recognition on Indonesian sovereignty over East Timor, the Indonesian government in 1982 agreed to hold a tripartite talk with the former administration power Portugal under the auspices of the UN. The talks stalled but were resurrected caused by the increasing international pressures after the Santa Cruz massacre on 12 November 1991. In 1997 the UN Secretary General, Kofi Annan made a breakthrough by assigning a Personal Representative on East Timor, Jamsheed Marker. See also "East Timor Talks Continue," *Associated Press*, February 3, 1999.

<sup>55</sup> See *Agreement between the Republic of Indonesia and the Portuguese Republic on the question of East Timor* 5 May 1999, Articles 1 – 6. This agreement was signed by Indonesian Foreign Minister Ali Alatas, the UN Secretary-General Kofi A. Annan and Portugal Foreign Minister Jaime Gama. Apart from the agreement on popular consultation, the three parties also agreed on the modalities (Modalities Agreement), set up the schedule, process, and criteria required for popular consultation, and the Security Agreement, stipulated that Indonesia hold the responsibility to ensure secure environment for popular consultation.

<sup>56</sup> The popular consultation was firstly scheduled on 8 August, but because of security problem it was rescheduled on 22 August, and was finally conducted on 30 August 1999.

authoritarian regime, they were only a small number of East Timorese. Most of them worked as government officials, political figures, public servants, military officers and traders.

In approaching the popular consultation, the pro-integration group organized public meetings and mobilizations of people. Around 14,000 East Timorese out of 30,000 civil servants (Korpri) were endorsed to use their influence to obtain support for the autonomy option. Those who were not willing to make personal pledges to support autonomy were automatically assumed to be members of the CNRT and were therefore at risk. Employees at the provincial level, *bupati* (heads) and employees of 13 districts, *camat* (heads) and local employees of 63 sub-districts, and *kepala desa* (heads) of the 442 villages were pressured to commit to voting for integration. In early April 1999, Governor Soares, accompanied by the regional military commander, Col. Tono Suratman, and the head of regional police, Col. Timbul Silaen, held a meeting with civil servants in Ermera District. He explained that since they were public servants and paid by the Indonesian government, they should support autonomy within NKRI. Failure to comply with this political direction would be punished by loss of job, cessation of salary, confiscation of government property (such as vehicles and housings), and other forms of threat and intimidation.<sup>57</sup>

On the other side, the group rejecting special autonomy and preferring the independence of East Timor were those who were mindful of East Timor's different historical and political background from that of Indonesia, and that Indonesian annexation in 1975/6 was illegal. They were also those who suffered from social discrimination, physical oppression, and political repression under Indonesian rule. A former pro-independence student activist described the situation as follows:

[B]ecause the Indonesians made a mistake right from the beginning, starting in 1975, by killing almost a third of the population, so that almost everyone in East Timor had lost family. Despite all the repression to stop the resistance, we were able to carry on. The idea of the right to self-determination and independence had been inculcated for many years. So when we spoke about the referendum in East Timor, the immediate reaction among Timorese was against Indonesia and for independence. The repression explains everything.<sup>58</sup>

On 9 September 1998 the old political groups such as Fretilin, UDT, Apodeti, Sons of Mountain Warriors (KOTA) and the Labour Party (Partido Trabalhista) met in Dili and joined

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<sup>57</sup> See Amnesty International, *East Timor: Seize the Moment*, 21 June 1999, AI Index: ASA 21/49/99.

<sup>58</sup> Constancio Pinto, "The Student Movement and the Independence Struggle in East Timor: An Interview," in Richard Tanter, et al., *Op.cit.*, p. 38.

together in the National Council of Resistance of the People of East Timor (CNRT).<sup>59</sup> They named Xanana Gusmao as their leader. They rejected the idea of autonomy or special status and demanded a referendum on self-determination. They established offices from the capital city of Dili down to district and village level. This was followed by student demonstrations in Dili demanding the release of Xanana Gusmao from prison and calling for East Timorese independence. Thousands of regional civil servants organized a silent but massive protest to condemn Governor Soares who threatened to fire those who disapproved of the autonomy proposal. Several demonstrations organized by East Timorese students and people took place in Dili, Jakarta and other cities demanding the withdrawal of all Indonesian troops and the deployment of the UN peace-keeping forces.

By looking at this political development, it can be seen that the parties to the conflict were a faction who wanted the East Timorese incorporation and another faction who fought for East Timor's independence. As it was promulgated in the 5 May 1999 Agreement that only the East Timorese were allowed to vote<sup>60</sup>, the competing parties were all East Timorese. In this context, the conflict took the form of horizontal or communal conflict.

Nonetheless, it must be noted that the conflict in East Timor was not in an isolated environment. From the time of East Timor's annexation, the conflict was widely perceived as a liberation or decolonization war, or a conflict against Indonesian occupation.<sup>61</sup> Although the armed resistance under Falintil had been relatively small in the last years of Indonesia's rule, the idea for independence was still alive.<sup>62</sup> Habibie's policy to run the popular consultation sought to highlight the vertical nature of the conflict which had triggered communal conflict.

What intensified the conflict surrounding the popular consultation to the level of a deadly conflict was the (re-)formation of militia or paramilitary groups. These groups were mostly affiliated to the pro-integration faction. In order to mobilize supporters for special autonomy, militia groups used or threatened to use violence. Intimidation, terror, torture and killing were also directed against pro-independence leaders and supporters. In short, the use of

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<sup>59</sup> CNRT was formed by resistance representatives in the diaspora in Portugal 23-27 April 1998.

<sup>60</sup> The agreement regarding the modalities gave the entitlement to vote to persons aged 17 years or above, born in East Timor, born outside East Timor but with at least one parent having been born in East Timor, or whose spouses fall under either of the two categories mentioned before.

<sup>61</sup> In this case one may argue that it was not an internal conflict or intra-state conflict of Indonesia. Rather, it was an inter-state conflict between a colonized people of East Timorese and Indonesian colonial power. See for example Gerry van Klinken, "Big States and Little Secessionist Movements", in Damien Kingsbury ed., *Op.cit.*, pp. 157-68.

<sup>62</sup> The Fretilin's armed struggle sustained for two to three years from the first time of Indonesian troop invasion. The massive attacks of Indonesian military personnel and arms and the killings of Fretilin's leaders, including Nicolao Lobato, in 1977 brought an end of Falintil offensive forces. Interview with ex Falintil member in Dili, 17 April 2004.

coercive acts had been the prime strategy of the pro-autonomy faction to win the popular consultation.

The most notorious militia groups were *Besi Merah Putih* (BMP – Iron Rod for the Red and White – the colour of Indonesian flag), *Mahidi* (*Mati atau Hidup demi Integrasi* – Live or Die for Integration [with Indonesia]), *Aitarak* (Thorn), and *Halilintar* (Thunderbolt). Approaching the ballot day there were more than twenty pro-integration militia groups formed with the aim of mobilizing supporters and eliminating opponents.<sup>63</sup>

In addition to the formation of militia or paramilitary groups whose links to ABRI were hard to show, the activation of *Hansip* (civilian defence), *Ratih* (trained civilians), *Wanra* (people's resistance), *Kamra* (people's security), and *pam-swakarsa* (voluntarily security forces) was clearly associated with ABRI, the national police (Polri) and government institutions.<sup>64</sup> All these groups that supposedly helped maintain security were in fact pro-autonomy supporters and part of the militias.

With around 30,000 members, the militia groups were involved in various incidents of violence that took place across the territory in the pre-ballot period, as well as in systematic destruction after the ballot day. Two youths were killed during a clash between pro-independence protestors and those who wanted to remain part of Indonesia in February 1999 in Liquica. Violence in Liquica reoccurred on 6 April 1999. Some 2,000 pro-independence people who sought shelter in a church compound were attacked by BMP militia supported by the district military command leaving 60 people killed and many more injured.<sup>65</sup>

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<sup>63</sup> *Human Rights Watch 1999; ETISC; Tapol, East Timor under the Indonesian Jackboot: An Analysis of Indonesian Army Documents*, written by Carmel Budiardjo and Liem Soei Liong; Peter Bartu, "The Militia, the Military, and the People of Bobonaro," in Richard Tanter et al., *Op.cit.*, pp. 73–90; *Amnesty International Report 1999*. Amnesty International divides paramilitary units (Halilintar, Makikit, Tim Alfa, Tim Saka, and Tim Sera) from militia groups.

<sup>64</sup> *Ratih* is an old idea and a broad term involving all forms and meanings of civilian engagement in People's Defence and Security System. *Ratih* is formed and trained by ABRI and is intended to assist ABRI in dealing with external invasion and internal rebellion. *Wanra* is particularly linked to the military and *Kamra* is the police (Polri) auxiliaries. Under national law *Wanra* is allowed access to ABRI weapons. HANSIP is under government control, specifically the Department of Home Affairs. Meanwhile, *pam-swakarsa* or voluntary militia does not have a clear position and link to certain institution and does not exist in the national security and defence structure. The legal basis for the formation of the involvement of civilians in security and defence affairs are Law No.20/1982 for RATIH and Presidential Decision (*Kepres*) No.55/1978 for *Kamra*.

<sup>65</sup> The number of deaths was unknown exactly. According to the Dili Diocesan Bishop 25 had died inside the priest's house but the number died outside in the churchyard was unknown. A nun who claimed to have accounted the bodies said it was 62 of death. From the ABRI version, the number was 5 dead and 25 injured. UNTAET investigation in October 2000 estimated the death toll was 60. Indonesian National Commission for Human Rights (Komnas HAM) in its investigation report January 2000 recorded approximately thirty people were killed, See Komnas HAM, *Report on Investigation of Human Rights Violations in East Timor: Executive Summary* (Jakarta, 31 January 2000).

In Dili, on 17 April 1999 around 20 to 30 trucks and 1,000 Aitarak militias convoyed and circled the town. They opened fire into the air and attacked the houses of pro-independence supporters and leaders. The Aitarak leader, Erico Guterres, instructed all pro-integration militia to conduct cleansing of all those who betrayed integration and also ordered them to kill if needed. The house of Manuel Carrascalao, the leader of the pro-independence Movement for Reconciliation and Unification of the East Timorese People (GRPRTT – *Gerakan Rekonsiliasi dan Persatuan Rakyat Timor Timur*), where some 150 unarmed refugees were sheltered, was attacked. The house of Leandro Isaac, the senior leader of CNRT, was also ransacked. In this event, the office of *Suara Timor Timur* (the Voice of East Timor) daily, the only newspaper in East Timor, was destroyed. Through the parade and attacks more than twenty people died, including Manuel Carrascalao's son.<sup>66</sup>

Violence in East Timor continued, although on 21 April 1999 a 'peace agreement' had been signed by pro-integration figures and pro-independence leaders. The agreement was endorsed by General Wiranto in his visit to Dili and witnessed by provincial Governor Abilio Soares, regional military commander Col. Tono Suratman, and regional police chief Timbul Silaen, and also the two bishops of Dili and Baucau. But on the day of and in the days after the signing of the agreement violent incidents occurred in Suai, Lospalos, Maliana, Viqueque, Ermera, Hera, and other places, resulting in a number of deaths.

Incidents of intimidation and violence were also directed at the UNAMET personnel assigned to conduct the popular consultation. Militia groups increasingly intensified their activities in nearly all districts after the 5 May Agreement. Almost every day violent clashes took place between the two conflicting parties, with a number of casualties. In the last day of a two-week campaign, 26 August, thousands of autonomy supporters rallied in Dili and Aitarak militia were involved in attacking and destroying houses, cars, and a CNRT office, and in threatening journalists. At least two East Timorese were killed during this rally.

Violence resumed after the ballot on 30 August 1999 (which took place in a relatively calm atmosphere). By 2 September pro-integration militia were continuing intimidation of and threats against the pro-independence group. Two people were reportedly murdered in Ermera and over a dozen were killed in the enclave of Oecussi in the first 48 hours after the polling day.

Violence in East Timor culminated on the days after the announcement of the ballot result, 4 September 1999; only 21.5 per cent (94,388) chose autonomy and the absolute majority 78.5 per cent (344,580) rejected it or chose independence. On the afternoon of that day a UN Civilian Policeman (CIVPOL) was shot. By the evening of 5 September houses, buildings, and

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<sup>66</sup> *Amnesty International Report 1999*. According to Komnas HAM the death toll was fifteen.

cars in Dili and other towns were attacked and burned to the ground. Warehouses, shops, and homes were looted. Thousands of people were forced to flee to the hills to avoid militia anger and attack. On 6 September militia attacked Bishop Belo's residence where some 5,000 East Timorese sheltered and the ICRC office was ransacked. On 7 September a large number of East Timorese were forcibly relocated to West Timor (Indonesia). According to the UN Office for Coordination of Humanitarian Affairs (OCHA) only around 200,000 of East Timor's 800,000 people were still living in their own homes in the days after the announcement of the results of the popular consultation. The widespread violence and destruction in the couple of days after the announcement of the ballot result had caused 1,093 deaths.<sup>67</sup>

## 2. *Violent Communal Conflict in Maluku*

The conflict in Maluku was multidimensional in nature. At the outset the conflict was perceived as a riot between the local Ambonese and non-Ambonese migrants. The security forces officers told the press that the indigenous Ambonese were disputing with people of other ethnic origins, including Bugis, Buton, and Makasar (the so-called BBM group) from the neighbouring provinces of Sulawesi. The cause of the conflict, according to the military officers, was economic.<sup>68</sup> Such identifications, however, changed quickly. Local and national media reported that the conflict was between the Christian and Muslim Ambon communities.<sup>69</sup> Whereas the "Christians" referred to local Ambonese, the "Muslim" society comprised the local Ambonese and other ethnic groups from Sulawesi and Java. The involvement of these different ethnic and religious adherents constituted this inter-ethno-religious conflict. In its development, the conflict was also described as a conflict between those who struggled for the national integration of NKRI and those who wanted to secede from NKRI and establish a Republic of the South Maluku (*Republik Maluku Selatan* – RMS).

The violent conflict started on 19 January 1999 and was triggered by a fight between a Christian Ambonese bus driver and a Muslim non-Ambonese passenger in Ambon, the

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<sup>67</sup> See reports from UNAMET, *The Destruction of East Timor Since 4 September 1999, Report*, 11 September 1999 and United Nations, *Report of the Security Council Mission to Jakarta and Dili*, S/1999/976, 14 September 1999. See also The UN Office for Coordination of Humanitarian Affairs, *Report*, 14 September 1999 and UN, *Consolidated Inter-Agency Appeal 2002 for Internally Displaced Persons in Indonesia*, New York and Geneva, 2002.

<sup>68</sup> "Jam Malam di Ambon", *Kompas*, 22 January 1999; "Ambon Mulai Tenang; Pangab: Tangkap and Adili Provokator," *Kompas*, 23 January 1999; "Presiden B.J. Habibie: Seyogianya Tidak Ada Kasus SARA," *Kompas*, 26 January 1999.

<sup>69</sup> See "Ichsan Malik: Maluku Tahu Makna Perdamaian" in <http://www.suarapembaruan.com/News/2004/05/23/Profil/pro01.htm>

provincial capital city. This common and seemingly trivial clash coincided with the time of Muslim Ambonese celebrating Idul Fitri. But it was also a time when rumours had been spreading that the Christians planned to attack Muslims and that the Muslims had a similar plan of attack against the Christians. The fighting on the street soon became a wide-ranging brawl and within hours it escalated into a mass violence.

Before the communal conflict erupted in Maluku<sup>70</sup> there had been a series of political riots outside Maluku which had involved the Ambonese and been partly motivated by religious issues. The first one was a conflict involving Ambonese Christians and Muslims in Jakarta in the early months of political reform. In the wake of the MPR Special Session in November 1998 the anti-reform leaders managed to form a new vigilante group to counter the pro-reform demonstrations.<sup>71</sup> Some members of the so-called *pam-swakarsa* group were Muslim Ambonese. In order to raise their militancy, certain politicians and generals told these groups that the pro-democratic activists, mostly students, were communists and were supported by Christian politicians and generals. They even insisted that the mission of *pam-swakarsa* was a jihad (holy war). A clash between pro-reform student activists and *pam-swakarsa* took place on 13 November 1998 in which four Muslim Ambonese were killed.<sup>72</sup>

The second fight erupted in Jakarta's Ketapang gambling district on 22 November 1998 and was viewed as a clash between Ambonese Christians and Muslims. This triggered an inter-religious conflict leading to killings and church-burning across Jakarta after rumours spread that Ambonese Christians had burnt a local mosque. The third case was a riot in Kupang, the capital of the province of Nusa Tenggara Timur, on 30 November 1998. This riot was triggered by the burning of churches in Jakarta and the murder of local Christian people.

According to an Ambonese source, he was told that the next riot would happen in Ambon and Maluku.<sup>73</sup> This seemed to be true, as all Moluccans in Jakarta who failed to show the proper card identity (KTP) were forced by the security forces to return to their province of origin, Maluku. This measure was coincident with the time that many Christian Ambonese were returning for Christmas and Muslim Ambonese were also about to observe the fasting month

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<sup>70</sup> The Maluku refers to the whole region of North Maluku and Maluku. In September 1999 the province of Maluku was divided into two provinces, province of North Maluku and province of Maluku. The North Maluku Province comprises the previous North Maluku district of province of Maluku and consists of main islands of Halmahera, Morotai Ternate, Todore, Bacan, and Sula archipelago. Maluku Province is still used instead of South Maluku and includes the major island of Ambon, Seram, Buru, Banda, Damar archipelago, and Kai islands. The term of North Maluku is particularly used to point out the specific region.

<sup>71</sup> As mentioned before according to Kivlan Zen, the formation of 'pam-swakarsa' was under the order of General Wiranto who was asked by President Habibie. See Kivlan Zen, *Op.cit.*, pp. 92–8.

<sup>72</sup> *Ibid.*, pp. 97 and 122–23.

<sup>73</sup> Interview in Ambon, 17 June 2004.

(Ramadhan) and to celebrate Idul Fitri with relatives in their homeland. One suggestion is that the killings of Muslim and Christian Ambonese gangsters in Jakarta provided them with a strong motivation to take revenge on each other in their homelands.<sup>74</sup> In Ambon itself there had been warnings to Javanese Muslims to leave Ambon before January 1999. BBM communities were warned not to attend Ied prayers in the central mosque of Ambon, Al Fatah, because there was going to be a massacre. It is also claimed that a Response Centre for the Bloody Idul Fitri Conflict – Legal Division was formed before the conflict started.<sup>75</sup>

Since the ‘bloody Idul Fitri’ tended to continue with no indication that it would stop immediately, social and political observers argued that local culture and social and economic conditions perpetuated the conflict. Dieter Bartels, for example, maintained that the purification of the traditional Ambonese belief system in Christian and Islamic terms led to its semantic depletion. He added that the placement of religion above the *adat pela*, the processes of Indonesization, and globalization as a part of modernization, together have gravely decreased the important role of *pela* as a force to bind different religious devotees.<sup>76</sup>

Social and economic factors also underlined the fundamental changes of community structure in Maluku under Suharto’s regime. Some of Sukarno’s development projects in the region, such as the Wayame shipyard and the Makariki sugar mill were relocated to Java, while the Oceanography Institute of Ambon was no longer supported by the New Order government.<sup>77</sup> Furthermore, Suharto’s transmigration programs since the 1970s had allowed people from Java and Sulawesi, who were mostly Muslims, to arrive and settle in Maluku and Ambon. Gradually, the demographic composition changed in terms of ethnicity and religion, with economic and political implications. In central Maluku, and specifically Ambon, Christians were no longer the majority. Suharto’s political interest in mobilizing support from Muslim elements gave the

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<sup>74</sup> See George J. Aditjondro, *Guns, Pamphlets and Handie-Talkies: How the military exploited local ethno-religious tensions in Maluku to preserve their political and economic privileges*, paper presented at the conference of “Conflicts and Violence in Indonesia” organized by the Institute of Southeast Asian Studies, Department of African and Asian Studies, Humboldt University in Berlin, July 3-5, 2000.

<sup>75</sup> *Analysis of the Sectarian Conflict in Maluku and Its Role in the Islamization of Indonesia*, A Report by Jubilee Campaign UK, December 1999 as revealed in <http://www.jubileecampaign.demon.co.uk/church/ind5.htm> accessed on 1 September 2005.

<sup>76</sup> See Dr. Dieter Bartels, “Your God Is No Longer Mine: Moslem-Christian Fratricide in the Central Moluccas (Indonesia) After a Half-Millennium of Tolerant Co-Existence and Ethnic Unity”, as accessed from Ambon Berdarah On-line <http://www.go.to/ambon>. See also in Sandra Pannell ed., *A State of Emergency: Violence, Society and the State in Eastern Indonesia* (Darwin: Northern Territory University Press, 2003) pp. 128–53.

<sup>77</sup> These projects were parts of political responses of Jakarta central government in resolving the rebellion of *Republik Maluku Selatan* (RMS) demanding separation from NKRI in 1950. All these local prestigious projects were then relocated by his successor President Suharto. See George J. Aditjondro, “The Tragedy of Maluku,” as accessed from Ambon Berdarah On-line, [http://www.geocities.com/ambon67/noframe/gja2k\\_1.htm](http://www.geocities.com/ambon67/noframe/gja2k_1.htm).

Muslim community a greater influence in bureaucratic and political realms. In 1992 for the first time a local Muslim Ambonese, M. Akib Latuconsina, was appointed as Maluku governor. He was then succeeded by M. Saleh Latuconsina in 1997, who governed the region during the eruption of violent conflict.<sup>78</sup> In this context an Indonesian scholar maintained that tension and latent conflict in Maluku changed into manifest conflict when the relatively equal configuration of ethnic and religious groups was achieved.<sup>79</sup>

Political factors that contributed to the eruption, escalation and perpetuation of the conflict were overwhelming. Both national and regional political elites and organizations played roles that substantially influenced the dynamics of the conflict.

Following the successful toppling of Suharto, the prime targets of reform were Habibie, ABRI and Golkar. Since these latter two New Order principal forces failed to show collective support to Habibie, Habibie sought political support from Islamic elements and the outer-islands. As the founder and former head of ICMI, he was widely seen as more Islamic than his predecessors, and managed to mobilize Muslim elements. It was said that he once asked the armed forces to mobilize people to secure the MPR Special Session in November 1998. The so-called *pam-swakarsa* comprised mostly Muslims from Banten and from Ambon.<sup>80</sup>

As the first non-Javanese president, Habibie also sought to mobilize political support from the eastern part of Indonesia. The *Iramasuka* (Irian, Maluku, Sulawesi, and Kalimantan) caucus became the main constituency. Maluku, with its majority Muslim population, became important. Habibie initiated a partition of the province into two separate provincial administrations in September 1999. By the formation of the new North Maluku province, where the Muslim population were the overwhelming majority, he could gain essential extra votes through the regional representatives (*Utusan Daerah*) in MPR for the next presidential election.

Despite its espoused objectives of improving public services and helping to resolve the current conflict, the partition sparked conflict in North Maluku. In the preparations for establishing the new province social tensions among people groups in North Maluku increased. The ethnic groups of the Makian and the Kao in Malifut were involved in violence. Decades-old disputes between the sultan and the people of Ternate and Tidore became violent when Ternate

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<sup>78</sup> Two former Christian governors of Maluku are J.Latuharhari (1950-1955) and G.J. Latumahina (1965-1968). Other governors are Muslims but are not Ambonese. The new governor elected in 2003 is a Christian, Karel Albert Ralahalu, and also as a retired army major general.

<sup>79</sup> See "Ambon Terbakar" in Zairin Salampey and Thamrin Husein eds., *Ketika Semerbak Cengkih Tergusur Asap Mesiu* (Jakarta: Sekretariat Tapak Ambon, 2001) pp. 22-23.

<sup>80</sup> See in Kivlan Zen, *Op.cit.*, p. 95.

was declared to be the provincial capital.<sup>81</sup> Fighting on 18 August and 24 October 1999, which caused twelve deaths and one hundred deaths respectively, and forced 4,000 survivors to flee, was caused by the inter mixture of factors including national and local elites' political interests.<sup>82</sup>

At the regional level and approaching the national general election scheduled for June 1999, competition among political parties and conflict among their respective supporters tended to escalate. Within the new freer party system PPP, Golkar, PDI-P and other newly formed political parties raced to win over voters. While PPP tended to campaign on the basis of its Islamic ideology, Golkar campaigned using nationalist-conservative programs, and PDIP promoted a reformist-nationalist platform for which most Christian voters were in favour.<sup>83</sup> According to International Crisis Group (ICG), Ambonese Christians attempted to win back influence particularly through PDIP. This prompted many Muslims to suspect that elements within PDIP had provoked the fighting for political interests.<sup>84</sup>

The struggle for power at the national and regional level was an important indication that the parties to the conflict were not limited to local Christian and Muslim communities. Political elites and organizations at both national and regional levels were in different ways contributing to the perpetuation of the conflict. One example was the 'politics of neglect' (*politik pembiaran*). It was so called by local NGO activists, indicating that the violence was allowed to continue because the government and political elites were occupied in a struggle for power.<sup>85</sup>

The June 1999 elections, which resulted in a slight victory for PDIP at the national level as well as at the Maluku provincial and Ambon district levels, did not bring the communal conflict to an end. The replacement of Habibie by Abdurrahman Wahid, and not by PDIP's leader, Megawati, apparently did not help to end the conflict. And apart from local communities and political elites, who were still difficult to identify accurately, there were new parties to the conflict: the security force personnel, Laskar Jihad, FKM/RMS and 'criminal gangs'.

As in East Timor where the security forces were backing pro-integration groups, in Maluku the security forces were also taking part in the conflict. They provoked, trained and armed the warring parties. Even further, they sided with the Muslims or Christians and killed

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<sup>81</sup> Ternate and Tidore are two traditional sultanates that have competed for supremacy for 500 years. Although they have been absorbed into the province of Maluku and then the North Maluku, rivalry to wield political influence remained to continue.

<sup>82</sup> About conflict in North Maluku see Mahmud Arifin Raimodya, "Kasus Maluku Utara: Mainan Elite Politik Lokal"; Smith Alhadar, "Anatomi Kerusuhan Sosial di Maluku Utara"; Tamrin Amal Tomagola, "Halmahera Berdarah" in Zairin Salampey and Thamrin Husain, eds., *Op.cit.*, pp. 65-8, 69-74, 75-92.

<sup>83</sup> The June 1999 election resulted in 53 percent of the votes in Ambon won by PDIP, 19 percent went to Golkar and 14 percent to PPP.

<sup>84</sup> CGI, *Indonesia: The Search for Peace in Maluku*, Asia Report No.31, 8 February 2002, p. 2.

<sup>85</sup> Interviews with NGOs activists in Ambon.

each other. Whereas the military troops tended to side with the Muslims, the police personnel assisted the Christians.<sup>86</sup> This kind of involvement was widely witnessed by local people and was also indicated by the use of modern weaponry.<sup>87</sup> Most murders since mid-1999 were caused by military-standard arms and only a few were caused by traditional weaponries. This evidence confirmed the allegations that, according to Gus Dur, “the provocateurs were some military elements who were loyal to Suharto,”<sup>88</sup> or those who provoked the conflict were living in Jakarta and had strong power. “They paid criminals and the unemployed to run the riots”, the secretary of Komnas HAM, Clementino dos Amaral said.<sup>89</sup>

Several army generals acknowledged that the security personnel had been “contaminated” by taking side the warring parties. General Wiranto and his successor as the TNI Commander, Admiral Widodo, said that some individual soldiers were influenced by the conflict or supported one side because members of their own families had been killed by the other side.<sup>90</sup>

The involvement of security apparatus in violence was not solely caused by psychological or ‘primordial’ reasons. After a short visit by President Wahid in December 1999 the chief commander of ABRI, Wiranto, sent 500 troops to Maluku. But it was reported that only 200 troops arrived at their military camp. The rest of 300 reportedly deserted and joined with the warring civilian groups.<sup>91</sup>

Political reasons and economic interests caused ABRI to allow and/or perpetuate the conflict. ABRI was condemned for failure to maintain security in East Timor and was even charged with massive violations of human rights. In this context, ABRI seemed to be hesitant to act decisively in Maluku. Another political reason was that ABRI needed this violent conflict to raise public opinion that ABRI’s dual-function remained relevant. “To justify the presence of fire fighters, the fire has to be created”, an Indonesian scholar illustrated.<sup>92</sup> As for economic

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<sup>86</sup> Since most of the troops were deployed from Kodam Wirabuana/Sulawesi and East Java, the soldiers mostly consisted of Muslims while the policemen were mostly (70%) locally recruited Christians. See ICG, *Op.cit.*, p. 4.

<sup>87</sup> Maj. Gen. Suaidi Marasabessy, Regional Military Commander VII/Wirabuana in a brief to the press mentioned that conflict in Maluku was intensifying shown by the number of casualties, the using of military standard weaponry, and the involvement of security forces personnel. See “Pangdam VII/Wirabuana: Kerusuhan Ambon Makin Parah”, *Kompas*, 20 Oktober 1999. Many local respondents told the similar story based on their experiences. Interviews in Ambon.

<sup>88</sup> See “Hantu Provokator yang Kebal Hukum”, *Kompas*, 28 January 1999.

<sup>89</sup> See “Makin Jelas, Keberpihakan Aparat di Ambon”, *Kompas*, 1 Desember 1999.

<sup>90</sup> “Makin Jelas, Keberpihakan Aparat di Ambon”, *Kompas*, 1 Desember 1999.

<sup>91</sup> George J. Aditjondro, “Gadjah Lawan Gajah Berlaga Orang Maluku Mati di Tengah-tengah”, in Zairin Salamessy and Thamrin Husain, eds., *Op.cit.* p. 44.

<sup>92</sup> See George J. Aditjondro, *Guns*, Pamphlet, *Op.cit.*, pp. 20–1.

interests, the protracted conflict would benefit ABRI in their security protection and other illegal businesses including selling weapons and ammunition to warring communal groups.<sup>93</sup>

Unlike the case of East Timor, the reports of Muslim Maluku being attacked and hundreds being killed by Christians provoked a national Muslim reaction. For example, a large Islamic rally (*tabligh akbar*) was held in Jakarta on 7 January 2000 and attended by Muslim politicians like Amien Rais, Fuad Bawazir, Hamzah Haz and Ahmad Sumargono. They supported Laskar Jihad, calling for a jihad (holy war) in Maluku. Some 22 Islamic radical groups including KISDI, FPI, and PPMI supported the war mission.

As a Muslim paramilitary group, Laskar Jihad was trained by military elements in Bogor (West Java) and Yogyakarta. Although it had been publicly announced that Laskar Jihad would dispatch to Maluku for a jihad, the security forces did not take any appropriate measures to prevent this. Worse, although President Wahid ordered the military and police officers not to allow Laskar Jihad to dispatch to Maluku, the security officers did not comply with this order. In April and May 2000 thousands of Laskar Jihad from Java and Sulawesi arrived in Maluku.

Undoubtedly, the influx of 10,000 fully militaril equipped *mujahidins* in Maluku intensified and prolonged the violence. Muslim Moluccans now had significant offensive capacity to halt the alleged Christianization process<sup>94</sup> and to destroy the Christians' influence in Maluku.<sup>95</sup> In his speech on 3 September 2000 the leader of Laskar Jihad, Jafar Umar Thalib, declared that all Christians with the potential to disturb Muslims had to be destroyed. "They have to be destroyed so that the Muslims can implement shariah law in Ambon".<sup>96</sup>

Although it was initially said that Laskar Jihad aimed to assist their Moluccans Muslim coreligionists, many Muslim leaders and security officers also held that the presence of Laskar Jihad in Maluku was to help the armed forces to protect NKRI from the RMS separatist movement. This seemed to confirm what was said by the head of the national intelligence agency, Hendropriyono, who claimed at the outset of the communal violent conflict that the idea and supporters of RMS had ignited the conflict.<sup>97</sup>

According to a local source, the issue of the RMS re-emerged when some local Ambonese formed a Forum for Maluku Sovereignty (FKM, *Forum Kedaulatan Maluku*) on 18 December 2000. FKM, led by Alex Manuputty, was initially formed as a moral movement

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<sup>93</sup> *Ibid*, p. 21 and Aditjondro, Gajah Lawan Gajah, *Op.cit.*, pp. 44–6.

<sup>94</sup> According to Abdul Aziz, an imam at Al Fatah mosque, the biggest mosque and is seen as the symbol of Islamic community in Maluku. See in LIPI, *Konflik di Maluku Tengah* (Conflict in Central Maluku) (LIPI: Jakarta, 2003) p. 99–100.

<sup>95</sup> CGI, Indonesia: Search for Peace in Maluku, *Op.cit.*, p. 15–6.

<sup>96</sup> As quoted in LIPI, *Op.cit.*, p. 105.

<sup>97</sup> "Hendropriyono: RMS Dibalik Kerusuhan Ambon," *Kompas*, 10 March 1999.

aimed at reconciling Ambonese Christians and Muslims. It was also said that FKM was inspired by the fact that the government acted insufficiently to resolve the conflict. But in its development, Manuputty used the issue of RMS to attract political attention. One local political activist argued:

Because the history of the 1950 RMS had disappeared from the memory of most Ambonese, the FKM/RMS political movement never became a big issue within the communal conflict. It was the security officers and Laskar Jihad who popularized FKM, the revival of RMS, and its apparent crucial role within the conflict.<sup>98</sup>

Besides the parties above, there was another group, which was identified as criminal gangs. The identification was synonymous with the terms provocateurs or thugs or unidentified persons. These terms were usually used by government officials, since no party would openly acknowledge responsibility for violent acts causing murder or physical destruction. The police were unable to identify or unwilling to publicly announce those responsible for such violent acts. Many incidents of violent acts were attributed to such criminal gangs or unidentified actors.<sup>99</sup>

For around three years (from January 1999 to February 2002) the violent communal conflict resulted in several thousands people being killed. Thousands of others were injured. The number of refugees tended to increase. The escalation of violence following the influx of Laskar Jihad forced hundreds of thousands of people to flee from their homes to seek refuge. In 2001 there were reportedly almost half a million Moluccans internally displaced persons (IDP). They sought safety around Maluku and other provinces in Sulawesi, Papua and Java. The town of Ambon and other district towns were devastated. Public facilities such as schools, governmental buildings, power and telecommunications infrastructure, houses and places of worship were set on fire or destroyed. As had been the case in East Timor in the aftermath of referendum, the condition was aptly described as a humanitarian disaster that needed an emergency exit.<sup>100</sup>

### 3. *The separatist movement in Aceh*

To the Indonesian public at large, the conflict in Aceh was widely known as a separatist conflict in which a number of Acehnese people organized into the Free Aceh Movement (GAM, *Gerakan Aceh Merdeka*) wanted to secede from NKRI. It was also called a decolonization or

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<sup>98</sup> Interviews in Ambon.

<sup>99</sup> Z. Larwuy, "Rakyat Terus Meninggal Dunia dan Cacat, Polisi Sulit Tangkap Teroris", *Sawalima*, 12 August 2002.

<sup>100</sup> See UN, *Consolidated Inter-Agency Appeal 2002 for Internally Displaced Persons in Indonesia*, New York and Geneva, 2002.

liberation war based on GAM's perception that Indonesia had illegally occupied the territory. The official GAM website stated:

On December 27, 1949, seven long years after their withdrawal from Aceh, the Dutch signed a treaty with the newly fabricated artificial entity called 'Republic of Indonesia' (on the island of Java) pretending to transfer their NON-EXISTENTE "SOVEREIGNTY" over Aceh to Indonesia, without referendum of the people of Aceh, and against all principles of decolonization of the UN. That was how Aceh was illegally made part of Indonesia.<sup>101</sup> (*Note: capital and spelling as written*)

Considering Indonesian sovereignty over Aceh to be illegal, GAM used international principles to justify its independence claim.

On the basis of all the above-mentioned UN Resolutions which have become parts of International Law and Conventions, especially UN Resolution 2711 (XXV), adopted on October 14, 1970, which recognised the legitimacy of liberation struggles, including armed struggle, waged by the colonised people to gain their rights of self-determination and to get rid of foreign, colonial domination, the Free Aceh Movement (GAM - Gerakan Aceh Merdeka) was established in 1976, and on December 4, 1976, the Re-declaration of Independence of Aceh was issued from the liberated territory.<sup>102</sup>

But the conflict could also be identified as an anti-regime conflict. In using this term, Acehese people primarily demanded a democratic regime that would be able to accommodate Acehese interests and values. This argument was suggested by GAM leader, Dr. Hasan di Tiro, who said that the people rebelled because the government repressed and had seized the people's rights.<sup>103</sup>

The ethno-nationalist depiction was also applied to the conflict. It was said that di Tiro rejected the Indonesian unitary state system (NKRI) because it brought about Javanese-ethnic domination. To strengthen his anti-Javanese feeling, he called on the people in Aceh, Sumatra, Kalimantan, Sulawesi and other regions to regain their rights which had been ignored and undermined by the Javanese-colonial power.<sup>104</sup> This ethno-nationalist conflict was fortified by social and economic reasons. Suharto's development policies had deprived the Acehese economy through the massive exploitation of local natural resources such as oil, gas, and forests

<sup>101</sup> "Why Aceh wants independence from the colonialism of the Republic of Indonesia?" in <http://acehnet.tripod.com/why.htm>. In this document "Aceh" is used instead of 'Aceh'

<sup>102</sup> *Ibid.*

<sup>103</sup> See Hasan di Tiro, *The Price of Freedom: The Unfinished Diary* as assessed from <http://acehnet.tripod.com/price.htm>. See also in Gerry van Klinken, "What is the Free Aceh Movement?" *Inside Indonesia*, Digest 89, 25 November, 1999.

<sup>104</sup> See in Moch. Nurhasim et al, *Konflik Aceh: Analisis Atas Sebab-sebab Konflik, Aktor Konflik, Kepentingan dan Upaya Penyelesaian* (Jakarta: LIPI, 2003) pp. 37-8.

without any revenue for local economic development. The arrival of Javanese people and non-Acehnese workers through the transmigration program and industrialization had engendered social tensions and ethnic sentiments. Further, merely by looking at the military operations and their effects, one may refer to a kind of mass-violence or genocide in the region.<sup>105</sup>

All these historical, legal, political, social and economic arguments concluded in the declaration of Aceh independence on 4 December 1976 by the leader of GAM, Hasan di Tiro.

According to the Staff Chief of Command for Security and Order Restoration (*Kas Kopkamtib*) Sudomo, GAM was a separatist-subversive activity against NKRI, *Pancasila*, and the central government.<sup>106</sup> And in responding to the GAM separatist movement, the government ran *Nenggala 16*, a series of military operations including intelligence operations, combat operations, and civic operations. This was re-enforced by *Nenggala 21* and *Nenggala 27* for the protection of foreign contractors and investment. In June 1979 *Nenggala 35* was deployed and concluded the military operations in Aceh.

Although the *Nenggala* operations could claim success in that many GAM leaders had been killed, captured, or forced to flee the region, the military operations inflicted grave human rights abuses upon the local population. Michael Ross said that GAM suspects were arrested and tortured; women and children were held as hostages; and thirty men were shot dead in public without due process. *Nenggala* operations had also mobilized civilian people on behalf of the “total people defence system” (*sishankamrata*) in the armed conflict.<sup>107</sup>

For some ten years after the 1979 *Nenggala 35* operation there was no military operation in Aceh. Industrialization and development programs continued in the region. However, violence re-erupted following the return from Libya of some 800 GAM members at the end of 1980s. The arrival of ‘Libyan graduates’ escalated attacks against military and police installations and schools, commercial properties, and public infrastructures. Civilians and non-Acehnese workers and transmigrants also became the targets of intimidation and they were asked to leave Aceh.

The deteriorating security led to strong reactions from the central and regional governments. The Aceh governor, Ibrahim Hassan, who feared for the disruption of development processes and industrialization, asked the central government to devise a military solution. In mid 1989 the government created *Operasi Jaring Merah* (OJM – Red Net Operation), a military operation that consisted of organic and non-organic troops, including the

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<sup>105</sup> Interviews in Banda Aceh. For theoretical considerations see Christian Scherrer, *Op.cit.*, pp. 62-3. See also Bjorn Moller, “The Faces of War”, in Hakan Wiberg and Christian P. Scherrer eds., *Op.cit.*, pp. 15-34.

<sup>106</sup> *Kompas*, 11 and 13 June 1977.

<sup>107</sup> Kirsten E. Schulze, *Insurgency and counter-insurgency: a strategic analysis of the Aceh conflict*, Working Paper, presented at Conference on the Historical Background of the Aceh Problem, Singapore, 28-29 May 2004.

special force (*Kopassus*) and marine task force to guard the coastline. By the end of 1991, OJM was replaced by OJM II, with the aim of restoring security and order and ensuring the regional administration could function. This second OJM lasted until 1998 and the collapse of Suharto regime.

To the public, *Operasi Jaring Merah* was known as a policy to make Aceh a military operation zone (DOM, *Daerah Operasi Militer*). The status of Aceh as a DOM marked the Aceh conflict with grave violence and massive violations of human rights. Apart from relying on a military offensive and military intelligence, the security forces engaged in a ‘shock therapy’, which meant a systematic campaign of terror and intimidation designed to spread fear in the population and make them distance themselves from GAM. The security forces carried out armed raids and sought out GAM members house-to-house. Villagers suspected of having connections with GAM, of providing sanctuary for GAM, supplying GAM with food, information and money were arrested, tortured, ‘disappeared’ and even killed. The wives and daughters of suspected rebels were detained as hostages, and some of them were raped. Houses and villages considered to be those of GAM relatives, supporters, or sympathizers were destroyed and burned to the ground.<sup>108</sup>

Recruiting of civilian people for the counter-insurgency was carried out through *Laskar Rakyat* (People Troops) in East Aceh and *Ksatria Unit Penegak Pancasila* (Noble Warriors for Upholding *Pancasila*) in North Aceh and these groups were established based on the *sishankamrata* doctrine. Some 60,000 people were mobilized. They were given basic training, armed with knives, machetes, and spears. Some of them were also used as shields or ‘fences of legs’ (*pagar betis*). Ordinary villagers were forced to sweep through an area ahead of armed troops. Refusal to participate in these military campaigns or failure to demonstrate sufficient commitment in identifying, capturing or killing alleged rebels often resulted in punishment including torture, arrest, and summary execution.<sup>109</sup>

The arrival of political reform in 1998 did not have any effect in ending the conflict. Although the DOM status was lifted on 7 August 1998 by Habibie and the post-Suharto presidents extended apologies for the past abuses of human rights, armed and bloody conflict continued in the region.

GAM immediately exploited the chaotic post-Suharto era, marked by weak governments, to re-establish its strength. Reorganization and reconsolidation was conducted by separating its political leadership based in Sweden from its operational structure in Aceh. The operational units

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<sup>108</sup> HRW, *Indonesia: The War in Aceh*, Vol. 13 No. 4 (C), August 2001, pp. 14–21.

<sup>109</sup> For further information about militia groups in Aceh, see *Ketakutan dalam Bayangan: Milisi di Aceh*, Eye on Aceh, July 2004.

were given the authority to conduct military attacks independently. GAM also recruited and developed some 5,000 – 6,000 troops. In addition to the longstanding members, the new recruits came from those returned from abroad (particularly Malaysia), prisoners released during the Habibie presidency, and the victims of DOM whose parents and relatives had been killed, tortured, or ‘disappeared’.<sup>110</sup>

The revival of GAM’s strength was shown by its increasing number of attacks against the Indonesian security forces. On 2 November 1998, led by Ahmad Kandang, GAM captured and tortured two Indonesian soldiers; in the next month 7 TNI personnel were killed. GAM expanded its military operation by intimidating international companies operating in Aceh. Exxon Mobil Oil Indonesia (EMOI) for instance was forced to pay taxes. When the demand was refused, GAM forced EMOI to shutdown, to stop production and to evacuate workers.

The transitional politics also gave rise to new parties to the conflict. People groups, primarily students and youth associations, and human rights activists organized political rallies in Banda Aceh. They demanded social and economic justice in Aceh. They also urged the government to pull out all non-organic troops from Aceh. They demanded a human rights tribunal for security forces who had committed human rights violations during the DOM era.

Above all, they vociferously called for a referendum in Aceh in order to give Acehnese the basic right to determine whether to be independent from or to remain an integral part of NKRI. Widely believed to have been inspired by the referendum precedence in East Timor, the idea of referendum in Aceh was quickly and widely welcomed by different Acehnese elements. People in urban and remote rural areas showed their enthusiasm for a referendum. In December 1999 some hundreds of thousands of Acehnese rallied in Banda Aceh at a rally organized by the Acehnese Centre for Referendum Information (SIRA, *Sentra Informasi Referendum Aceh*).<sup>111</sup>

Evidence was unavailable to conclude that SIRA with its claim for referendum was affiliated with GAM. Local sources maintained that students and human rights activists did not have any organizational link with GAM. A referendum was seen as a middle and peaceful way of reconciling GAM’s struggle for independence and Indonesia’s interest in NKRI.<sup>112</sup> Referendum, it was argued, was the best way to resolve the problem of Aceh, with the people of Aceh deciding their political future.

In responding to GAM’s resumed insurgency, Indonesian security forces began to launch a new cycle of violence through its counterinsurgency strategy. In 1999 TNI carried out

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<sup>110</sup> See Kirsten E. Schulze, *Op.cit.*

<sup>111</sup> “250,000 Warga Aceh Ikut Pawai Referendum,” *Kompas*, 5 November 1999; “Referendum di Aceh Harga Mati,” *Kompas*, 9 November 1999.

<sup>112</sup> Interviews with former students and SIRA activists in Banda Aceh.

*Operasi Wibawa* followed by *Operasi Sadar Rencong I, II, III* in 2000 and *Operasi Cinta Meunasah I and II* in 2001. On 11 April 2001, President Wahid issued a presidential instruction (Inpres No. 4) allowing the security forces to launch *Operasi Pemulihan Keamanan dan Penegakan Hukum* (OPKPH - Operation for the Restoration of Security and Upholding the Law).

OPKPH was similar to the previous counter-insurgency strategy. Although the police (*Polri*) now held a dominant role and the security forces seemed to be more aware about human rights issues, the operation could still claim success in military and political terms.<sup>113</sup> Militarily, GAM's strength was reduced from 3,000 to 2,000 fighters. Politically, OPKPH could restore government control from only 30 to 40 per cent to 60 to 70 per cent of the province. The public administration also recommended its functions. Security in the Lhokseumawe industrial area was restored and people could run their businesses.<sup>114</sup>

But, instead of merely targeting GAM members, the police and military operation also targeted students and human rights activists. Those supporting the idea of referendum were arbitrarily charged as supporting GAM. In this sense many human rights advocates were arrested, 'disappeared' or were summarily executed.

Under President Wahid, there had been dialogue processes to seek a solution to the conflict. However, the negotiations facilitated by a Swiss-based international organization, the Henry Dunant Centre, failed to bring an effective and permanent solution. From 2000 to 2003 the negotiation processes were continuingly followed by armed clashes between GAM and Indonesian security forces and also by human rights abuses.

On 19 May 2003 President Megawati Sukarnoputri issued a presidential decision (Kepres, *Keputusan Presiden* No.28) to place Aceh under martial law. This decision legalized an integrated operation (OT, *Operasi Terpadu*) comprising four aspects: the military operation, law enforcement, humanitarian assistance, and improving local government. It was taken because of the collapse of the peace process facilitated by the HDC. To bring the decision into effect around 30,000 military personnel and 15,000 police and paramilitary police (brigade mobile – *Brimob*) were deployed. They were equipped with complete weaponries such as Marine tanks, OV-10 Broncos, F-16 Falcons, and A-4 Skyhawks. Their chief objective was to break up GAM

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<sup>113</sup> However, OPKPH still had several weaknesses. The increasing professionalism of the security forces remained insufficient in distinguishing non-combatants from combatants and in treating civilians. Many of the casualties were non-combatants. The recruiting of civilians to help the security forces in pursuing OPKPH continued and was the cause of civilian victims and other human rights abuses. The deliberate and systematic deployment of 'shock therapy' including execution to deter villagers from supporting GAM still occurred. Rivalry between the police and military was also a source of OPKPH problems. Competition on command of the operation and disputes on economic interests including in the roadside extortions have undermined the operation and to some extent have maltreated the people.

<sup>114</sup> Tapol, "Aceh: Military Operations in Aceh Fail," *Tapol Bulletin* No. 176, August 2004.

concentrations and then to crush the rebels. Other objectives such as the restoration of economic activities, the recovery of security, and distribution of humanitarian aid were deemed to have been achieved if GAM rebels had been squashed.

The strategic importance of the military operation, according to the commander in chief of Integrated Operation, Major General Endang Suwarya, was to restrict the area under GAM's control, to reduce the strength of GAM, and to cut the organization's logistics. To support this operation the civilian defence system was again reorganized and reactivated. In Central and South Aceh the existing organizations of *Wanra* (People Resistance) were reformed under unified command, usually by the heads of the districts (*bupati*), and new groups were set up in other regions.

In addition to the interest of isolating GAM, the military ruler under the military emergency conducted 'loyalty tests' for regional civil servants. Those suspected of supporting GAM by providing information or government funds were asked to resign. Through this scheme, some thirteen *camat* (heads of sub-districts) were replaced by military officers. For the populace at large some 2.65 million new 'red and white' personal identity cards (KTP) were issued for Acehnese aged 17 or over and/or married. This new KTP had to be displayed at checkpoints and those unable to produce them fell under suspicion of being members of GAM.

After six months of Integrated Operations, it was claimed that GAM's strength had been reduced by 50 to 60 per cent and that 85 per cent of Acehnese had been separated from GAM. The Martial Law Administrator estimated that GAM's strength had been reduced from 5,517 to 1,509 personnel and from 2,137 to 1,300 weapons. In the run-up to the evaluation of the second period of the martial law, the TNI Commander Endriartono Sutarto revealed that during the first martial law period 1,165 GAM members had been killed, 1,403 captured, and 799 had surrendered. In the second six months, 798 GAM members were killed, 697 were captured, and 477 surrendered. These chilling figures added to the casualties caused by the DOM policy (1989–1998) where around 2,000 people were killed and 3,000 to 4,000 were tortured. The policy led to some 625 cases of the rape and tortures of women were recorded, an estimated 16,375 children were orphaned, and 3,000 women widowed.<sup>115</sup>

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<sup>115</sup> About the implementation of martial law in Aceh, see INFID, *Martial law in Aceh after Two Months: The Sufferings of Aceh, The Burdens of Indonesians*, Briefing Paper, July 2003; HRW, *Indonesia: Aceh Under Martial Law*, Vol. 15 No. 9 (C), November 2003; HRW, *Aceh under Martial Law: Inside The Secret War*, Vol. 15 No. 10 (C), December 2003; HRW, *Aceh at War*, Vol. 16 No. 11 (C), September 2004. UN, *Consolidated Inter-Agency Appeal 2002 for Internally Displaced Persons in Indonesia*, New York and Geneva, 2002.

## E. Concluding Notes

The term under which the weaknesses of the Indonesian nation-state sought to be resolved was *reformasi*. But since the weaknesses of the country involved many aspects of the nation-state, *reformasi* tended to cover almost all aspects of democratization. These included the replacement of Suharto, the political changes of Suharto's New Order main institutions, i.e. ABRI, Golkar and bureaucracy, the relationship between the regions and the central government within the NKRI and the relationship between religious communities with a state that had previously been based on the *Pancasila* ideology, and the existence of the newly reformed Indonesia within the new global system.

The replacement of the authoritarian Suharto led to a weakening government. The government institutions became ineffective in responding to the reform demands. ABRI, Golkar and bureaucracy, which were the principal institutions of the New Order regime in maintaining national security and integration, became fragmented and powerless. ABRI, in particular, was under severe criticism and pressure and as a result was unable and/or unwilling to maintain security and order. In the mean time, other political forces which in the past had called for political reform became more interested in acquiring power left by the collapse of Suharto's authoritarian system. Without an authoritative government and effective institutions to keep the political reform orderly, violent internal conflicts were highly likely, as shown by the eruption and re-escalation of violent internal conflicts in East Timor, Maluku and Aceh.

The ineffectiveness of the post-Suharto governments not only made possible these violent conflicts. Competing major political forces even exploited the local content of the regional conflicts that had existed during the New Order era. Power struggles among political elites and forces in Jakarta exacerbated the conflict conditions in the three regions. In the interests in holding or grabbing power, most political forces, including the security forces, perpetuated these violent regional conflicts.

The dynamics of the violent conflicts in East Timor, Maluku and Aceh had both their similarities and their differences. There were four general similarities. First, all the conflicts had their root causes in Suharto's regime. Social and economic injustice was prominent in the three regions, and each region had experienced political and military repression. Second, the violent conflicts in the three regions involved various parties, including local communities, local and national political elites and the security forces. Third, the violent conflicts had generated humanitarian crises in the three regions. Finally, the political reform era was vitally influencing

the dynamics of the conflicts. The differences among the three cases were clearly related to their local contents. In East Timor and Aceh there had been longstanding separatist movements, while in Maluku the issue of FKM/RMS separatism (re-)emerged when the inter-religious or communal violent conflict occurred. But, as will be elaborated upon in the next chapters, the separatist movements in East Timor and Aceh had significant differences.

One central issue related to the regional violent conflicts was the role of *reformasi* in seeking resolutions to the conflicts. The eruption, escalation and perpetuation of the violent conflicts took place in the post-Suharto period, when Indonesia was involved in a process of democratization. Thus, while it is the interest of this research to investigate how the conflicts were resolved, more importantly, as has been proposed, this research wants to investigate the extent to which the *reformasi* determined the role of the international community in resolving the conflicts. This problem will be discussed in the following chapters.

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## CHAPTER FIVE

### HUMANITARIAN CRISIS AND THE INTERNATIONAL FORCE IN EAST TIMOR (INTERFET)

#### A. Introduction

Having presented the violent conflict in East Timor, particularly with respect to the popular consultation on 30 August 1999 (See Chapter IV.D.1.), this chapter will discuss the response of the international community to the devastating conflict.

Theories of humanitarian intervention suggest that the use of foreign military force in another state is justified when it is intended to save or to protect people of the state concerned from a humanitarian crisis. Since a multinational force had been deployed in East Timor through the International Force in East Timor (INTERFET) after the referendum, it is reasonable to contend that a humanitarian crisis that shocked the international conscience had occurred in the region. The UN Security Council Resolution 1264 made it clear that the international community was deeply concerned about the deteriorating security and the worsening humanitarian situation in East Timor. The establishment of INTERFET through the Resolution was undoubtedly intended to solve such a shocking situation.<sup>1</sup>

The justification of INTERFET, however, was not solely based on the threshold criterion of a 'conscience shocking situation'. As has been presented and will be discussed further, the humanitarian crisis in East Timor had occurred before the referendum and culminated only after the announcement of its result. And, unfortunately, the international decision to send an Australian-led multinational force in East Timor was made only after other conditions for a justified military intervention were met. This situation seemed in line with the ICISS proposal that a humanitarian crisis, which is called the just cause or the threshold criterion, has to be complemented by other conditions in order to justify military intervention.<sup>2</sup>

The significance of these other conditions, which are categorized as precautionary criteria, seems to suggest that a military intervention for humanitarian purposes may not take place unless these precautionary criteria have been met. Overall, this means humanitarian intervention remains a controversial issue, as the ICISS and many scholars have admitted. It is

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<sup>1</sup> See the *UN Security Council Resolution 1264, S/RES/1264 (1999)*, 15 September 1999.

<sup>2</sup> ICISS, *The Responsibility to Protect*, Report of the International Commission on Intervention and State Sovereignty, December 2001, p. 35.

not international morality and ethics or the demands of the people at risk which make humanitarian intervention justified. What could make the intervention feasible, workable, and successful is also crucial. And all the conditions that lead to such characteristics demand vigilant calculations.

To a great degree, the applicability of the precautionary criteria of humanitarian intervention rests on the relationships between the international community, i.e. the UN and major countries, and the state concerned. This means the ultimate decision to take military intervention or not, as has been discussed in the theoretical chapter, is more of a political than a humanitarian matter. In the case of East Timor, the decision to send in INTERFET, as I have proposed, was greatly determined by the dynamics of Indonesian domestic politics at that time. This included the decision to hold a referendum, the eruption and escalation of violence, the failure of the Indonesian government to restore order and security and the decision to accept the UN-authorized military force in the region.

Prior to the explanation of Indonesian domestic politics, the first part of this chapter will examine the justification of INTERFET according to the international standards of humanitarian intervention. The examination will include the just cause or the threshold criterion and the precautionary criteria as suggested by ICISS.

The second part of this chapter will focus on the domestic justification of INTERFET. Central to this examination is the weakening situation of the Indonesian government. This situation not only made possible the unexpected decision to offer a referendum in East Timor, but also made the violence in the region intractable. And more importantly, the weakening state of Indonesia in such a disturbing regional situation had eliminated any kind of resistance from national political elements against the presence of a multinational force in East Timor.

In the third part of this chapter, the relation of the international principles of humanitarian intervention and the domestic conditions that had apparently justified INTERFET will be elaborated further. The decision to delay the deployment of the foreign force in the region is particularly challenging. Although a humanitarian crisis had emerged, the Indonesian state was weakening, and the call for international intervention had mounted, major foreign countries such as the US and Australia did not immediately send in an international military force. The democratization process brought about by the *reformasi* seemed to be one central reason for this.

## **B. International justification of INTERFET**

Up to the day Suharto had to step down from power no one could have imagined that the UN or any foreign democratic country would send military forces to East Timor. This does not mean that there were no human rights problems in the region. Since the incorporation of the territory, human rights activists had constantly sought to focus the international community's attention on the massive violations of human rights there and had sought to raise the possibility of meeting the right to self-determination of the East Timorese people. But, the downfall of Suharto made the unimagined happen.

President Habibie's policy of offering a referendum in the region undoubtedly surprised many national and international observers. Although the policy was widely appreciated, it also raised fears that a civil war would break out in the region. And as the decision to hold the popular consultation under the auspices of the UN had been made, tension mounted between those who wanted integration with Indonesia and those who wanted independence. Violent acts became more frequent. Realizing that the Indonesian security forces did not fully approve of Habibie's policy and thus were hesitant to maintain order in the region, many human rights NGOs and observers expressed the importance of international peacekeeping forces to enable the popular consultation to occur in an orderly situation.

What the appropriate time or situation for humanitarian intervention is, is a highly contentious issue. The difficulty is particularly related to the ambiguous term of humanitarian crisis. As has been discussed in Chapter One, humanitarian crisis is indicated by the "total or considerable breakdown of national authority and the requirement of an international response" and the "extensive violence or loss of life, massive displacement of people and widespread damage to societies and economies". While the later indicators could be found in the case of East Timor, it is debatable whether the Indonesian authority was unwilling or unable to prevent the conflicting East Timorese from committing violent acts and to halt such a humanitarian crisis. Consequently, when or in what situation the international community should have intervened militarily in order to prevent the East Timorese people from further suffering was not simple.

### *1. The conscience-shocking situation: the threshold criterion*

In many respects, the violence could have been predicted, since UNAMET and many political observers believed that most East Timorese people were likely to reject the proposed

special autonomy.<sup>3</sup> Human Rights Watch (HRW), for example, envisaged that the forty-eight hours after the announcement of the ballot result could bring widespread death and destruction in East Timor. Sidney Jones, HRW Asia director, asserted that the violence was predictable and preventable: “It’s not just a tragedy. It’s a betrayal of the East Timorese who braved everything to vote”.<sup>4</sup>

It cannot be doubted that in the period surrounding the popular consultation East Timor was in chaos. The political event that was meant to bring the region to a better future had initiated lawlessness.<sup>5</sup> Pro-integration supporters sought to hunt down pro-independence supporters to massacre them.<sup>6</sup> According to Amnesty International (AI), some 1,400 people had been killed in the months preceding and in the immediate aftermath of the ballot.<sup>7</sup> Without the Indonesian security forces being able to prevent pro-integration militias from rampages, almost all of the less than one million East Timorese people were forced to seek safe places in the hills, while around two hundred thousand were coercively relocated to West Timor.<sup>8</sup>

Pro-integration militias, with the involvement of large elements of the Indonesian military and police, were also reported to have ransacked, burnt and looted houses, shops, and

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<sup>3</sup> See Ian Martin, *Self-Determination in East Timor* (Colorado: Lynne Rienner, 2001) p. 125.

<sup>4</sup> HRW, *Indonesian Government Must Prevent East Timor Bloodbath*, Press Release, 3 September 1999. See also “East Timor and Kosovo are different”, *The Jakarta Post*, 11 September 1999.

<sup>5</sup> Anthony Smith, “Intervention and East Timor: A New Zealand Perspective,” in David Dickens and Guy Wilson-Roberts, *Non-Intervention and State Sovereignty in the Asia-Pacific* (Wellington: Centre for Strategic Studies, 2000) pp. 82–3.

<sup>6</sup> “Timor Timur Merdeka; Keharuan Berbaur Kecemasan”, *Kompas*, 5 September 1999.

<sup>7</sup> AI, *Amnesty International and Judicial System Monitoring Programme: Indonesia and Timor Leste; Justice for Timor Leste: The Way Forward*, AI Index ASA21/006/2004, 1 April 2004. The real number of murders during the popular consultation remains unclear. See, for example, Amnesty International, *Indonesia and East Timor: International Responsibility for Justice*, 14 April 2003. HRW reported that an estimated 1,000 to 2,000 East Timorese civilians lost their lives in the months before, and days immediately after, the voting. The report by the Special Rapporteur of the Commission on Human Rights mentioned that reports of extrajudicial killing up to 10 November 1999 had reached a total of 1,093 deaths. See General Assembly, *Situation of Human Rights in East Timor*, 54th Session, A/54/660, 10 December 1999. See also reports from UNAMET, *The Destruction of East Timor Since 4 September 1999*, Report, 11 September 1999 and United Nations, *Report of the Security Council Mission to Jakarta and Dili*, S/1999/976, 14 September 1999. Sources from Australian media such as *The Sydney Morning Herald*, 13 November 1999 and 2 December 1999 and *The Australian*, 8, 9 and 27 January 2000 also provided different figures. Quoting INTERFET’s report in January, *The Australian* reported an estimate of 1650 killed, an estimate based upon bodies recovered and reports of grave sites. *The Sydney Morning Herald*, cited the Australian Foreign Minister who said that the likely figure for the post-ballot death toll was between 500 and 1000. The estimate of Western diplomats saying that the death total would not go beyond 1200 was encountered by Sian Powell of *The Australian* who believed thousands were dead. These media reports are taken from Rodney Tiffen, *Diplomatic Deceits: Government, Media and East Timor* (Sydney: UNSW, 2001) p. 75. *Businessweek Online* 27 September 1999 edition reported that “in accordance with UN estimate rampaging militias and Indonesian soldiers have slaughtered at least 7,000 civilians”. See [http://www.businessweek.com/@@aaaaaaa/1999/99\\_39/b3648251.htm](http://www.businessweek.com/@@aaaaaaa/1999/99_39/b3648251.htm).

<sup>8</sup> The UN Office for Coordination of Humanitarian Affairs, *Report*, 14 September 1999.

buildings. About 60 to 80 per cent of houses and buildings in Dili and other towns were reportedly destroyed.<sup>9</sup>

Apart from reporting the violent acts, the analyses of international reporters, human rights NGOs and observers deemed that a humanitarian crisis had taken place in the region. UNAMET, for instance, said that the widespread destruction, forced displacement and selective executions were the first steps of a genocidal campaign. “It is clear that these crimes against humanity are part of a ‘scorched earth’ policy”, UNAMET added.<sup>10</sup> HRW also said that there were widespread, systematic crimes against a civilian population which included murder, extermination, deportation, forced expulsion, torture, rape, and deliberate denial of access to food.<sup>11</sup> Indonesian Komnas HAM also detailed the crimes against humanity including mass and systematic killings and gender-based violence.<sup>12</sup> Ethnic cleansing or mass killing was another term used to describe the situation. Sidney Jones from HRW said, “This is not a two-sided conflict. It’s a one-sided, well organized, premeditated rampage, led by fully armed militias and backed by local troops”.<sup>13</sup>

Statements from the UN Secretary-General and the Security Council members at a meeting on 11 September 1999 revealed similar allegations. Kofi Annan said that what was happening in East Timor might well fall into various categories of international crime. Antonio Monteiro from Portugal argued that massacres had been perpetrated in the territory. Richard Ryan from Ireland said that crimes against humanity and genocide had been committed in East Timor.<sup>14</sup> All these views were confirmed by the Security Council Mission to Jakarta and Dili (8-12 September 1999), who concluded that “there is strong *prima facie* evidence of abuses of international law committed since the announcement of the ballot result”.<sup>15</sup>

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<sup>9</sup> “Kebrutalan Ancam Perang Saudara: 145 Orang Lebih Tewas”, *Kompas* 6 September 1999. See also Komnas HAM, *Keterangan Pers Komisi Nasional Hak Asasi Manusia tentang Laporan Akhir Komisi Penyelidik Pelanggaran Hak Asasi Manusia di Timor Timur (KPP HAM)*, 31 January 2000.

<sup>10</sup> UNAMET, *The Destruction of East Timor Since 4 September 1999*, Report, *Op.cit.*

<sup>11</sup> See, for example, HRW, *Accountability for Crimes Against Humanity in East Timor*, Briefing: Questions and Answers, New York, 20 September 1999. See also Annemarie Devereux, “Accountability for human rights abuses in East Timor,” in Damien Kingsbury ed., ed., *Guns and Ballot Boxes: East Timor’s Vote for Independence* (Clayton: Monash Asia Institute, Monash University, 2000) pp. 140–42.

<sup>12</sup> Komnas HAM, *Ringkasan Eksekutif Laporan Penyelidikan Pelanggaran Hak Asasi Manusia Di Timor Timur*, Jakarta, 31 January 2000.

<sup>13</sup> HRW, *East Timor: Martial Law Will Make Things Worse*, Press Release, 7 September 1999. For detailed information about human rights violations in East Timor in 1999 see Geoffrey Robinson, *East Timor 1999: Crimes against Humanity*, A Report Commissioned by the United Nations Office of the High Commissioner for Human Rights (OHCHR), July 2003.

<sup>14</sup> United Nation, *Security Council Hears 52 Speakers in Open Debate on Situation in East Timor*, Press Release, SC/6724, 11 September 1999.

<sup>15</sup> United Nations, Report of the Security Council Mission, *Op.cit.*, point 21.

But, perhaps, the conscience shocking situation in East Timor did not solely rely on the fact that hundreds of East Timorese had lost their lives or that nearly all East Timorese people had suffered from crimes against humanity.<sup>16</sup> Several other factors or conditions contributed to such a shocking situation.

First, to some extent the suffering of the East Timorese around the time of the popular consultation was associated with East Timor's historical, political, geographical and demographic conditions. Historically, East Timor had for more than two decades been struggling for their right to self-determination, but "there was an international conspiracy that had for twenty four years denied our right to self-determination", Xanana Gusmao said.<sup>17</sup> During the same period the East Timorese had also been reported as suffering gross human rights violations,<sup>18</sup> but these were under only a kind of coercive non-military intervention, according to Ramsbotham and Woodhouse's typology,<sup>19</sup> or even a non-intervention policy, as suggested by Ian Martin<sup>20</sup> – or so the international community had demonstrated thus far. Demographically and territorially, the relatively small size of East Timor might have contributed to the 'conscience-shocking' perception. There was no part of the territory and population that could be seen to be secure.<sup>21</sup>

Second, media coverage of events in East Timor before and after the popular consultation was crucial. The territory was swamped with some 22 different television camera crews and hundreds of foreign reporters from international news agencies such as Reuters, AFP, BBC and ABC.<sup>22</sup> A large part of the media contingent was Australian journalists. About this

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<sup>16</sup> The Indonesian government fiercely countered the coverage suggesting mass killings or a genocidal campaign in East Timor. The Mission of Indonesia to the UN asserted that mass killing in East Timor was a myth. Quoting Reuters journalist, who was said to have information from the UN's Office for the Coordination of Humanitarian Assistance (OCHA), Indonesian representatives to the UN contended that no shred of evidence of mass killing or ethnic cleansing had been found. See, Mission of Indonesia – UN, *Mass killings? Myth or Realty*, Press Release, No. 47/X/99, 13 October 1999.

<sup>17</sup> As restated by Nug Katjasungkana from Yayasan HAK, *Interview* in Dili, 24 April 2004.

<sup>18</sup> HRW and AI were regularly reporting the practices of human rights violation in East Timor. About this issue see also John G. Taylor, *Indonesia's Forgotten War* (London: Zed, 1996) and Ian Robinson, "The East Timor Conflict (1975 –)," in Michael Cranna ed., *The True Cost of Conflict* (New York: The New Press, 1994) pp. 1–24.

<sup>19</sup> Oliver Ramsbotham and Tom Woodhouse, *Humanitarian Intervention in Contemporary Conflict* (Cambridge: Polity Press, 1996) p. 115. The typology particularly pointed to the suspension of international aid as a response to the Santa Cruz massacre in 1991.

<sup>20</sup> Ian Martin, "International Intervention in East Timor" in Jennifer Welsh ed., *Op.cit.*, pp. 143–4.

<sup>21</sup> The overwhelmingly Christian East Timorese, compared to the overwhelmingly Muslim Indonesian population, might have contributed to the international empathy, particularly from Western communities where the humanitarian intervention most likely came from. Although debatable, this demographic configuration had raised suspicions among domestic elements, primarily the Muslim groups, of a different kind of international conspiracy to separate East Timor from Indonesia. See *Jakarta Post*, 6 September 1999.

<sup>22</sup> Quoted in Rodney Tiffen, *Op.cit.*, p. 64.

media coverage, Rodney Tiffen wrote, “concentrated into the two months following the referendum on 30 August, East Timor may well have received almost as much media coverage as it had in the whole period since 1975 invasion”.<sup>23</sup>

Third, the international community was also concerned about the ballot result and its implementation. With nearly 80 per cent of East Timorese voting to reject the special autonomy proposal, which consequentially meant that East Timor had to be free from NKRI, it had to be an institutional responsibility of the UN to ensure its implementation. “The UN came here by using the language that they wanted to rescue the people of East Timor from the scorched earth catastrophe,” a pro-integration East Timorese asserted.<sup>24</sup> Another source argued that the UN and foreign agencies seemed to show their commitment to bring the right of East Timorese to self-determination into effect.<sup>25</sup>

Fourth, UNAMET staff, international observers and journalists, and other foreigners had been targeted in violent acts by militia groups supported by some elements within the Indonesian security forces.<sup>26</sup> There were reasons behind such expanded attacks,<sup>27</sup> but these acts of terror and intimidation rightly raised the issue that the situation in the region had threatened international peace and security. Although saving foreigners in a conflict area such as East Timor was likely motivated by domestic political considerations or was appropriately covered under Article 51 of the UN Charter, as suggested by ICISS, the threats against foreigners gave a rationale for seeing the situation as a threat against international peace and security.

Intimidation and terror against UNAMET staff and foreigners began on the night of ballot when pro-integration militiamen attacked UNAMET offices and opened fire on a UNAMET helicopter sent to collect ballot boxes,<sup>28</sup> forcing UNAMET staff, ICRC, UNHCR,

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<sup>23</sup> *Ibid.*

<sup>24</sup> Interview in Dili 30 April 2004.

<sup>25</sup> Interview in Dili 24 April 2004.

<sup>26</sup> They were 210 UNAMET international staff members, 422 UN Volunteers, 271 Civilian Police (CIVPOL) and 50 military liaison offices (MLOs). They came from various countries. They were assisted by around 4,000 locally recruited East Timorese. For the interest of popular consultation in August 1999, a large number of the Independent Electoral Commission also worked in the region to independently advise the Secretary-General on whether the registration and the consultation process were adequately carried out. Some 1,300 officially registered observers from abroad and elsewhere in Indonesia also arrived in Dili in the lead up to the ballot day.

<sup>27</sup> The expanded targeting of foreigners was particularly triggered by allegations that UNAMET staff and foreigners had been biased in conducting the popular consultation for the benefit of pro-independence groups. Another reason, according to analysts, was that militia groups and some elements of Indonesian security forces wanted to continue their contingency plan to devastate East Timor without the presence of foreigners. The plan titled “General Assessment If Option 1 Fails” was allegedly set up by a retired general H. R. Garnadi to the Coordinating Minister for Political and Security Affairs Faisal Tanjung. See Ian Martin, *Self-Determination in East Timor*, *Op.cit.*, p. 82.

<sup>28</sup> “Tintim Diblokade; 150 staf UNAMET Sempat Disandera”, *Kompas*, 1 September 1999.

other international NGOs and foreign journalists to leave the territory. This prompted OXFAM to call on the UN to send in international peacekeeping force.<sup>29</sup> On the afternoon of 4 September a UNAMET vehicle carrying Electoral Commissioners was shot at and a member of the UN CIVPOL was wounded by gunshot. By 5 September UNAMET international staff and other foreigners were forced to pull out from the towns of Ainaro, Los Palos, Same, Liquica and Maliana. In such a threatening situation the head of UNAMET Ian Martin asked the Australian government for the evacuation of UNAMET staff to Darwin.<sup>30</sup>

Finally, what most shocked the international conscience was the inability and/or unwillingness of the Indonesian security forces to act properly. Jose Olivera made the following analysis:

I think the INTERFET intervention was caused by the failure of Indonesian police (Polri), because according to the 5 May accord security was in the hands of Polri. The international community intervened because Polri failed to guarantee the people security. In our opinion, the arrival of INTERFET was too late. Yet they knew that TNI/Polri was unable to maintain security and that there was a scorched earth plan. However, they allowed the East Timorese people to die and after that they came in.<sup>31</sup>

Such a notion is in line with Komnas HAM, UNAMET, and the Security Council Mission's assessments, and the general perception about the role of Indonesian security forces. The SC Mission, for example, stated:

The involvement of large elements of the Indonesian military and police in East Timor in organizing and backing the unacceptably violent actions of the militias has become clear to any objective observer and was acknowledged publicly by the Minister of Defence on 11 September. The repeated failure of the defence forces, in spite of their undoubted capability, to carry out the Government's obligations and assurances to provide security to UNAMET, international organizations and the population as a whole meant that the Indonesian authorities were either unable or unwilling to provide the proper environment for the peaceful implementation of the 5 May Agreement.<sup>32</sup>

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<sup>29</sup> *Kompas*, 2 September 1999.

<sup>30</sup> On 7 September, 539 foreigners including UNAMET staff and 76 Australians departed East Timor to Darwin. Bishop Belo and a number of UNAMET local staff were also evacuated from Baucau to Darwin. From 6 to 14 September some 2,600 people were evacuated from Dili to Darwin. Nearly one-third were international personnel and most of them were Australians. DFAT, *East Timor in Transition 1998 – 2000: An Australian Policy Challenge* (Canberra, 2001), pp. 129–31.

<sup>31</sup> Interview, 24 April 2004.

<sup>32</sup> UN, *Report of the Security Council Mission to Jakarta and Dili*, S/1999/976, 14 September 1999.

The decision of the Indonesian government to place East Timor under a state of emergency did not improve the security situation.<sup>33</sup> Worse, the military emergency even restricted humanitarian operations. Human rights NGOs, such as PBHI, for example, argued that giving the military an unlimited authority in an emergency situation would have limited access for humanitarian workers to reach people in need. For security reason, the military authority would also close certain areas to national and international media reporters.<sup>34</sup> This fact made larger scale loss of life and destruction very likely. In this context a military intervention can be justified as an anticipatory action. “Without this possibility of anticipatory action, the international community would be placed in the morally untenable position of being required to wait until genocide begins, before being able to take action to stop it,” ICISS suggested.<sup>35</sup>

From the situation presented above, one may suggest that a humanitarian crisis had been existent in East Timor around the time of the popular consultation that could have justified immediate presence of international military intervention. However, up to 11 September 1999 the international community had not come to a political agreement that a military intervention was needed to protect East Timorese and foreigners in East Timor. Several countries such as New Zealand, Portugal, and Canada had called for the immediate presence of an international peacekeeping force in the region, but other major countries such as the USA, the UK, and Australia sought to have other conditions in place. This political stance was apparently in line with ICISS’s suggestion that “for a military intervention decision to be, and be seen to be, justified, there are four other substantial conditions that have to be met at the outset: right intention, last resort, proportional means and reasonable prospects.”<sup>36</sup>

## 2. *Precautionary criteria and right authority*

### Right intention and right authority

There is no doubt that the international community had the right intention to halt or avert human suffering in East Timor. The intention was clearly stated in the UN Security Council

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<sup>33</sup> HRW, *East Timor: Martial Law Will Make Things Worse*, Press Release, New York, 7 September 1999. See also “Penerapan Darurat Militer Landasan Hukum bagi ABRI untuk Lebih Keras dan Tegas”, *Kompas*, 8 September 1999; “Kekerasan Masih Berlangsung di Timtim; Komnas HAM: Cabut Status Darurat Militer”, *Kompas*, 9 September 1999.

<sup>34</sup> “PBHI Desak Darurat Militer Dicabut; Demi Misi Kemanusiaan”, *Kompas*, 11 September 1999.

<sup>35</sup> ICISS, *Op.cit.*, p. 33.

<sup>36</sup> *Ibid.*, p. 35.

Resolution 1264. Deeply concerned about the deterioration of the security situation in East Timor, the continuing violence against and large scale displacement and relocation of East Timorese, regular attacks on UNAMET staff and premises and on national and international humanitarian personnel, the international military force in East Timor (INTERFET) was mandated to restore peace and security and to facilitate humanitarian assistance operations in East Timor.<sup>37</sup>

The same Resolution also proved that the deployment of foreign forces to halt the human suffering in East Timor was justified because it was authorized by an internationally recognized institution, the UN. Of all the calls for a peacekeeping force in East Timor, the UN Security Council was overwhelmingly seen as the only institution able to authorize such a measure. There was no shred of evidence that an individual state or a group of states wanted to act without UN authorization. Not even Australia, whose troops in Darwin had been widely reported as being on high alert and ready to be deployed as quickly as possible, took military action independently. According to Australian Foreign Minister Alexander Downer, “It is only if there is a call from the UN and agreement from the Indonesian government, we will intervene”.<sup>38</sup> The Australian government explained further:

Public calls for the UN to take action in East Timor without waiting for Indonesian agreement had increased dramatically, but this was never a credible proposition. No country was prepared to contribute to an invading force and the UN made it abundantly clear that this would never be considered.<sup>39</sup>

The APEC (Asia-Pacific Economic Cooperation) summit in New Zealand, 9–12 September 1999, might have forced or generated ‘friendly’ but effective pressure on Indonesia to accept international assistance,<sup>40</sup> but the ultimate authority to decide to deploy a military force

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<sup>37</sup> *UN Security Council Resolution 1264*, S/RES/1264(1999), 15 September 1999, point 3.

<sup>38</sup> “Reaksi Atas Kerusuhan Timtim, Dunia Internasional Kecam Indonesia”, *Kompas*, 3 September 1999. See also “Downer faces search for answer to violence in East Timor”, *The World Today Archive* - Monday, 6 September, 1999 on <http://www.abc.net.au/worldtoday/stories/s49593.htm>.

<sup>39</sup> DFAT, *Op.cit.*, p. 133.

<sup>40</sup> Within APEC the ASEAN countries were the key members and Indonesia usually claimed ASEAN as the cornerstone (*sokoguru*) of its foreign policy. The important role of ASEAN in INTERFET was also made possible due to the growing regional opinion to review ASEAN’s conventional principle of non-intervention. Dr. Surin Pitsuwan, Thailand Foreign Minister and the 1999 Chairman of ASEAN Standing Committee, told the reporter that ASEAN country members “are ready to assist in whatever way is considered to be appropriate to ensure that Indonesia fulfills its responsibility to solve the problem.” The role of ASEAN was also shown by the appointment of Major General Songkitti Jaggabattara as the Deputy Commander of INTERFET. See “ASEAN Siap Bantu Indonesia”, *Kompas*, 11 September 1999. For further analysis about ASEAN’s political stance on the international intervention in East Timor see James Cotton, “Against the Grain: The East Timor Intervention”, *Survival*, Vol. 43, No. 1, Spring 2001, pp. 127–42; See also Ian Martin, Self-Determination in East Timor, *Op.cit.*, p.112–3.

in East Timor lay with the UN Security Council. Coincidental with the APEC meeting, the UN Security Council held a meeting in New York at which all of its member countries urged Indonesia to accept international assistance. And after gaining Indonesia's consent, the UN Security Council unanimously adopted Resolution 1264 establishing a multinational force in East Timor on 15 September 1999.<sup>41</sup> The head of UNAMET Ian Martin maintained that Indonesia's consent was critical in comparison to the case of Kosovo where NATO intervened without the consent of the Federal Republic of Yugoslavia.<sup>42</sup>

#### Proportional means and success in restoring security

From the beginning it had been clear to many observers that the central issue among the political developments in East Timor around the time of the popular consultation was security: the Indonesian government was unable and the security forces were unwilling to secure the ballot in peaceful and orderly ways.

There were two general theories explaining the unceasing violence in the region. The first suggested that the violence was the spontaneous seeking of vengeance by pro-integration supporters. Allegations of UNAMET's bias in conducting the ballot fuelled the disappointed pro-integration supporters who displayed their fury and anger by chasing pro-independence supporters and threatening foreigners. In this situation, Indonesian security forces were hindered by a psychological burden, a general nationalist sentiment, from preventing pro-integration supporters from unleashing their discontent.<sup>43</sup> While this argument was mostly held by Indonesian elements – notably the security commanders – the second theory was mostly adopted by foreign observers. The second theory argued that the violence had been planned and well organized long before the ballot. This theory was largely based on the fact that pro-integration militias were re-established, mobilized, armed, and directed by Indonesian security elements.<sup>44</sup>

Considering the two possibilities, the UN Secretary General, the Australian government and other concerned governments had engaged in intensive discussions about establishing a military intervention. In general, the discussions concluded that the military force had to have the impression of having huge strength, a robust mandate, and unquestionable legitimacy, so that it could operate effectively, including in the worst situation.<sup>45</sup> Australia considered that force had

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<sup>41</sup> See the *UN SC Resolution 1264*, S/RES/1264(1999), 15 September 1999, point 3.

<sup>42</sup> See Ian Martin, "International Intervention in East Timor" in Jennifer M. Welsh ed., *Op.cit.*

<sup>43</sup> "Wiranto Bantah, Prajurit Di Balik Kekacauan", *Kompas*, 7 September 1999.

<sup>44</sup> HRW, *East Timor: The World Must Act or Be Complicit In Killing*, Press Release, New York, 5 September 1999. See also in Damien Kingsbury ed., *Op.cit.*

<sup>45</sup> Alan Dupont from the Strategic and Defence Studies Centre (ANU) told *The Australian*, 9 September 1999, that the military operation in East Timor required huge logistical support, marine and air forces.

to be a “coalition of the willing”: co-ordinated and funded by concerned nations, but authorized by the UN SC and with a strong regional component. Australia also stressed that the military deployment “should be a short term measure aimed at stabilizing the security situation in advance of the deployment of a fully-fledged UN peacekeeping operation.”<sup>46</sup> These conditions were clearly adopted in Resolution 1264 stipulating that INTERFET was a multinational force under a unified command structure, supported by a trust fund, intended to restore security and that it would be replaced as soon as possible by a UN peacekeeping operation.<sup>47</sup> This was consistent with the principle of the proportionality of humanitarian intervention, as suggested by many experts including those within the ICISS.<sup>48</sup>

Led by Australia, which was ready and asked by the UN Secretary-General to lead the force, INTERFET was supported by 21 countries.<sup>49</sup> With 11,500 troops at its peak, 5,500 of which were Australian personnel, INTERFET seemed to have the strength needed to deal with the security problem in East Timor. Due to its qualifications it had, INTERFET had good prospects of success. Without these prospects a multinational security force in East Timor would have been unjustified, as ICISS had asserted.<sup>50</sup>

In restoring peace and security the first INTERFET troops landing in Dili began to secure access for forces and logistics support into the capital, such as air and sea entry points. This was accompanied by securing the UNAMET compound. Security operations against pro-integration militias were then carried out by detaining them and confiscating their weapons.<sup>51</sup>

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Because Australia did not have such support, Australian would face a bloodbath in operating in East Timor. His opinion was quoted in *Kompas*, “Australia Ibarat Menggali Kubur”, 10 September 1999.

<sup>46</sup> DFAT, *Op.cit.*, p. 133.

<sup>47</sup> *UN SC Resolution 1264* (1999), S/RES/1264 (1999), 15 September 1999, point 3, 9 and 10.

<sup>48</sup> The guidelines proposed by ICISS state: “The scale, duration and intensity of the planned military intervention should be the minimum necessary to secure the humanitarian objective in question. The means have to be commensurate with the ends, and in line with the magnitude of the original provocation.” See ICISS, *Op.cit.*, p. 37.

<sup>49</sup> The 22 countries were Australia, Canada, Denmark, France, Germany, Ireland, Italy, New Zealand, Norway, Portugal, the UK and the US, one from Latin America (Brazil), three from the Middle East and Africa (Egypt, Jordan and Kenya) and four ASEAN country members (Malaysia, the Philippines, Singapore and Thailand). Fiji and Republic of Korea made the coalition more multinational in character.

<sup>50</sup> The failure and ultimate withdrawal of the UN peacekeeping force in Somalia in 1992 – 1993 had been highly controversial and unjustified. The ICISS asserted that “military action can only be justified if it stands a reasonable chance of success, that is, halting or averting the atrocities or suffering that triggered the intervention in the first place”. It further stressed that “military intervention is not justified if actual protection cannot be achieved, or if the consequences of embarking upon the intervention are likely be worse than if there is no action at all.” See ICISS, *Ibid.* p. 37.

<sup>51</sup> These initial operations provoked several incidents of shooting during the first month of INTERFET deployment. The first incidents occurred on 22 and 25 September where three journalists and eight religious workers were found dead in Dili. The last incident of shooting took place on 16 October when around 20 militias reportedly attacked an INTERFET patrolling unit. Three militiamen were killed and another three were wounded. See DFAT, *Op.cit.*, pp. 147–8.

Within 48 hours INTERFET was able to secure Dili and in less than three weeks INTERFET had secured most of East Timor with the exception of some areas in the border region and the enclave of Oecussi. In one month INTERFET had established its presence across the region.<sup>52</sup>

INTERFET's success in restoring security made possible "the urgent need for coordinated humanitarian assistance and the importance of allowing full, safe and unimpeded access of humanitarian organizations" required by Resolution 1264. With security controlled by INTERFET, UN agencies such as the World Food Program (WFP) and the UN Office for Coordination of Humanitarian Affairs (OCHA), international NGOs like ICRC and World Vision, and many individual states generously contributed to efforts to cope with the humanitarian crisis. Improvement in security also made it possible for a large number of internally displaced persons (IDPs) return to their home towns and villages. OCHA also sought to coordinate the return process of East Timorese who were forced to move to West Timor and to ensure they had emergency aid. In mid-October some 64,000 people returned to Dili from the surrounding hills. By August 2000, the UNHCR had successfully returned nearly 170,000 refugees from West Timor, while an estimated 85,000 to 120,000 remained there.<sup>53</sup>

In supporting the UNAMET programs, one day after INTERFET troops arrived in Dili, the head and staff of UNAMET returned from Darwin to Dili. Due to the ballot result, as stipulated in the 5 May Agreement, UNAMET had to prepare for a peaceful and orderly transfer of authority in East Timor to the UN, enabling the process of the transition of East Timor to independence. On 28 September Foreign Ministers Ali Alatas and Jamie Gama and the UN Secretary-General Kofi Annan met in New York. The meeting concluded that there was a need to fill the vacuum of authority and to take early measures for the transfer of authority in East Timor. This then led to the need for close coordination among INTERFET, UNAMET, humanitarian agencies and the CNRT district network to carry out daily basic services. INTERFET was responsible for security, UNAMET worked on political affairs related to the transfer of authority, humanitarian agencies continued their humanitarian operations and the CNRT personnel ran local administration.

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<sup>52</sup> P.J. Cosgrove, "Complex Questions – A Commander's Perspective", *RUSI Journal*, London, February 2001, Vol. 146, Issue 1, pp. 31–35. According to Michael Smith and Moreen Dee, "the speed and success of INTERFET's tactical operations was due to the availability of the INTERFET Trust Fund ... and the capable air and maritime assets that were deployed quickly to East Timor". See Juan Federer, *The UN in East Timor: Building Timor Leste, A Fragile State* (Darwin: Charles Darwin University Press, 2005) p. 70.

<sup>53</sup> DFAT, *Op.cit.*, p. 170.

Following the MPR decision to accept and respect the ballot result,<sup>54</sup> the UN SC assembled and issued Resolution 1272 on 25 October 1999. The Resolution established the UN Transitional Administration in East Timor (UNTAET). Like INTERFET, UNTAET was also formed under the Chapter VII of the UN Charter.<sup>55</sup> This meant UNTAET had robust authority, with overall responsibility for the administration of East Timor. With the establishment of UNTAET, Indonesian authority over and responsibility for East Timor was officially transferred to the UN.

### Last Resort

Perhaps, the most controversial issue of the humanitarian intervention in East Timor was the process to decide when the military intervention could be seen as the last resort to bring the humanitarian crisis in the region to an end.

From February to the first week of September 1999, the Personal Representative of the Secretary-General, Jamsheed Marker,<sup>56</sup> the Director of the Asia and Pacific Division of the Department of Political Affairs (UN), Francesc Vendrell,<sup>57</sup> the UN High Commissioner for Human Rights, Mary Robinson,<sup>58</sup> the President of the SC,<sup>59</sup> and the UN Secretary-General<sup>60</sup> repeatedly asked the Indonesian authorities to take urgent and effective steps to guarantee the East Timorese and UNAMET's safety and security. Although these requests looked like a gamble, as a reporter proposed to the UN Secretary-General,<sup>61</sup> the international community seemed to see a military intervention as not yet the last resort.

Since security in the region had deteriorated, Indonesia's major donors, including the US, Australia and Japan, were urged "to pull out every stop they've got – and that includes

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<sup>54</sup> While UNAMET was preparing the process of transfer of authority in East Timor, the Indonesian People's Consultative Assembly (MPR) was convening in Jakarta from 19 to 25 October 1999. As expected, on 20 October MPR, as Indonesia's supreme legislative body, unanimously accepted the choice of the East Timorese to separate from NKRI. MPR also agreed to revoke the MPR decision (TAP VI/MPR/1978) incorporating East Timor into Indonesia. The Indonesian parliament (DPR) followed accordingly to revoke UU No.17/1976 declaring East Timor as the 27th province of Indonesia. A formal letter was then sent on 25 October by a newly elected President Abdurrahman Wahid to the UN Secretary General that MPR recognized the East Timorese separation from Indonesia. See DFAT, *Ibid*, p. 155.

<sup>55</sup> *UN Security Council Resolution 1272 (1999)*, S/RES/1272(1999), 25 October 1999.

<sup>56</sup> *Press Briefing*, 5 February 1999.

<sup>57</sup> *Press Briefing*, 10 May 1999

<sup>58</sup> *Press Briefing*, 7 and 9 September 1999.

<sup>59</sup> *Press Statement*, 8 and 9 September 1999.

<sup>60</sup> *Secretary-General's Statement to the Press*, 9 September 1999.

<sup>61</sup> *Ibid*. In his response, Kofi Annan said that "it was an expectation which was genuine. The Indonesians gave their word that they would do it".

suspending aid.”<sup>62</sup> Before leaving for Auckland for the APEC summit, President Bill Clinton said that military cooperation with Indonesia would be suspended, because, “now it is clear that Indonesian military support and are behind militia’s violence”. He also asserted the possibility of economic sanctions if the Indonesian government failed to stop the massive violation of human rights in East Timor. Similar pressure and economic threats also came from the IMF and the World Bank, whose roles were vital for Indonesia’s economic recovery. Hubert Neiss, the IMF’s director for Asia, reportedly said that “the events in East Timor are first of all a large human tragedy” and Indonesia would face a loss of financial aid if it was unable to solve the East Timor crisis. The World Bank had previously warned Indonesia that it was in danger of breaching its commitments and that it should allow a peaceful transition to independence in East Timor.<sup>63</sup>

Considering security in East Timor did not improve, although the Indonesian government had imposed emergency military law, the UN and major countries began to admit that the Indonesian government was unable to bring the region under control. At this stage, the Western donor countries and the APEC summit changed the conditions for economic sanctions. Now the condition was: if Indonesia did not allow an international peacekeeping force to enter the region, Indonesia would suffer the withdrawal of international economic aid and assistance.<sup>64</sup> Indonesia was also threatened with allegations of crimes against humanity. The UN Secretary-General said:

The time has clearly come for Indonesia to seek help from the international community in fulfilling its responsibility to bring order and security to the people of East Timor .... A number of Governments in the region... have assured me of their willingness to participate in an international force for this purpose.... I urge the Indonesian Government to accept their offer of help without delay. If it refuses to do so, it cannot escape the responsibility of what could amount – according to reports reaching us – to crimes against humanity.<sup>65</sup>

On 11 September the UN SC held an open debate on East Timor. Before the debate the Secretary General once again urged “Indonesia to agree without delay to the deployment of an international force. The international community is asking for Indonesia’s consent to the

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<sup>62</sup> HRW, *Indonesian Government Must Prevent East Timor Bloodbath*, Press Release, New York, 3 September 1999. See also HRW, *East Timor: Suspend Aid Until Militias Brought Under Control*, Press Release, 1 September 1999 and HRW, *East Timor: The World Must Act Or Be Complicit In The Killing*, Press Release, 5 September 1999.

<sup>63</sup> “Loans to Indonesia under threat” and “IMF suspends talks with Indonesia”, *BBC News*, 8 and 10 September 1999.

<sup>64</sup> “Sekjen PBB Kofi Annan Desak Indonesia Segera Terima Pasukan Internasional”, *Kompas*, 11 September 1999; “Jaminan PM Jepang Tak Akan Terapkan Sanksi Ekonomi”, *Kompas*, 12 September 1999. See also DFAT, *Op.cit.*, p. 137–8.

<sup>65</sup> As quoted in the DFAT, *Ibid.* pp. 134–5.

deployment of such force.”<sup>66</sup> On the next day, President Habibie at last sent a formal invitation to the UN to send an international peacekeeping force to East Timor. In its 4045th meeting on 15 September 1999, the UN SC authorized the establishment of a multinational force (INTERFET) “pursuant to the request of the Government of Indonesia conveyed to the Secretary-General on 12 September 1999.”<sup>67</sup> With the Indonesian government’s consent, the UN Security Council finally decided a military intervention in East Timor as the last resort for humanitarian purposes, which was made through the Resolution.

Theoretically, a military intervention for humanitarian purposes does not require the consent of the state concerned.<sup>68</sup> What the ICISS suggested was that a military intervention would be justified if there had been a reasonable ground for believing that, in all circumstances, the diplomatic and other peaceful measures had not succeeded and would not be successful.<sup>69</sup> The issues surrounding Indonesia’s consent will be discussed in the following sections.

### **C. Justifying INTERFET: Indonesia’s Domestic Context**

Several important questions can be raised about the international perspective in explaining the presence, role and success of INTERFET in halting the violence and averting a further humanitarian catastrophe in East Timor. The first challenging question is: would the international community, i.e. the UN and other major countries, have established and sent INTERFET to East Timor if the Indonesian government had not given its consent? Other questions are: (a) would a referendum having been carried out in East Timor if the president was not Habibie but someone with a military background (i.e. General Wiranto) or with a strong nationalistic ideology (i.e. Megawati)?; (b) would the UN, Australia, and other concerned states have sent their troops to the region if the Indonesian security forces and major national political forces had rejected the intervention?; and (c) would there have been military humanitarian intervention if the ballot result had been in favour of autonomy, even though large scale loss of life had taken place?

These questions are not meant to neglect the validity of the international principles in justifying INTERFET. Instead, they are intended to examine the extent of the role of Indonesian political dynamics in justifying the military intervention in East Timor. The “if” condition in

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<sup>66</sup> UN Secretary General Press Release SG/SM/7124, 10 September 1999.

<sup>67</sup> *UN SC Resolution 1264* (1999), S/RES/1264 (1999), 15 September 1999, point 3.

<sup>68</sup> See for example in AIV and CAVV, *Humanitarian Intervention*, No. 13, April 2000, p. 33.

<sup>69</sup> ICISS, *Op.cit.*, p. 36.

each question clearly points to Indonesian domestic politics. And with these questions, I wish to discuss the proposition that the problems in East Timor and the subsequent intervention by the international community primarily resulted from the ‘nearly failed’ state of Indonesia under President Habibie.

The near collapse of Indonesia was particularly characterized by (a) the weak transitional government of President Habibie, (b) the reluctance of the Indonesian security force to maintain order and security in East Timor, (c) the anxiety of political leaders and parties about the popular consultation in East Timor, and (d) the lack of cohesion among Indonesian people in dealing with political events in the region. Each of these political forces and its particular behaviour contributed to the emergence of a humanitarian crisis and made the presence of military intervention for humanitarian purposes in East Timor necessary.

### *1. The weak transitional government of President Habibie*

There are three important aspects of the weak transitional government of President Habibie in regard to the escalation of violence and the presence of INTERFET in the region. These are (a) the decision to offer the East Timorese a referendum, (b) the implementation of this decision, and (c) the domestic and international implications of the decision.

The change in Habibie’s East Timor policy from offering special autonomy within the unitary state of Indonesia (NKRI) (introduced on 9 June 1998) to the possibility of independence from NKRI through a referendum (announced on 27 January 1999) not only surprised many parties but also made irrelevant the previous progress in resolving the East Timor problem. In responding to the dramatic and unexpected policy, Jamsheed Marker, for example, who had been intensely involved in seeking a permanent solution to the territory problem, said:

I first got this astonishing news through the media, and although I had anticipated some positive movement on the matter of Xanana’s release, the announcement of the offer “to release East Timor from Indonesia” took me by complete surprise. I had been in regular telephonic communication with Alex (Ali Alatas) on a number of topics, and I got the feeling that there was some major rethinking going on in Jakarta, but I did not imagine that it would be anything quite so radical. Our attention had hitherto been entirely focused on the autonomy proposals, which had by now reached their final shape and were awaiting Ministerial approval.<sup>70</sup>

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<sup>70</sup> Jamsheed Marker, *East Timor: A Memoir of the Negotiations for Independence*, p. 122 as quoted from [http://books.google.com/books?vid=ISBN0786415711&id=4tWSU\\_F9WW8C&pg=PA121&lpg=PA121&dq=isbn:0786415711&sig=6getwZLfCxOV3ED2cnkn\\_4hhm6s#PPA122.M1](http://books.google.com/books?vid=ISBN0786415711&id=4tWSU_F9WW8C&pg=PA121&lpg=PA121&dq=isbn:0786415711&sig=6getwZLfCxOV3ED2cnkn_4hhm6s#PPA122.M1) on 4 March 2007.

Habibie's policy was very surprising since the previous government had been struggling for more than two decades to preserve its authority in East Timor. Despite the world's condemnation of human rights violations there, under Suharto there was no possibility the government would have considered the prospect of an independent East Timor. Public understanding of Habibie as Suharto's confidant made it harder to imagine that he would make such a dramatic policy change. In the meantime, the post-Suharto government had not made any kind of offer for regions such as in East Timor, Aceh, Maluku and Papua to secede from NKRI. In its common understanding, *reformasi* meant a significant reduction in the government's repressive control and, consequently, a larger space for the people to take part in public affairs without any intention of placing the unitary state of Indonesia in danger.

Habibie's policy on a referendum in East Timor was attractive in terms of its clear rationale.<sup>71</sup> However, what is more important to state here is that Habibie's policy on East Timor not only went against the grain but instantly provoked opposition among national major political forces. Many opposition leaders such as Megawati and Abdurrahman Wahid contended that Habibie could not and should not make such a vital decision because he was just an interim or transitional president.<sup>72</sup> While a senior politician called the offer a sloppy decision, many observers asserted that the decision was unconstitutional, illegal, a big mistake, and poorly

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<sup>71</sup> One notion suggested that it was influenced by his liberal background. Kwik Kian Gie, a PDIP politician, held this view. See *Kompas*, 22 May 1999. Habibie himself said that his decision was basically based on moral principles that "as a friend we will let them decide by themselves". See "Indonesia's Habibie wants East Timor problem fixed by 2000", *CNN*, 11 February 1999. Some eight years later, in his written testimony to the Commission of Truth and Friendship Indonesia – Timor Leste, he stressed that the policy was based on his deep reflection as a technocrat in carrying out political reform in Indonesia. See "Jajak Pendapat, Refleksi Mendalam Habibie", *Kompas - KCM*, 27 March 2007. Another notion suggested that the policy was intended to have a broader political support particularly from pro-democracy and human rights activists, as suggested by a respondent in Dili, 21 April 2004. See also *Kompas*, 25 June 1998. It was also suspected that he wanted political support from some Muslim elements who saw the incorporation of the predominantly Catholic East Timorese within the overwhelming Muslim population of Indonesia caused more trouble than benefit for the government. See *Gatra*, 21 September 1995; Dawam Rahardjo, "Hadiah Nobel and Diplomasi Indonesia", *Tempo*, 28 October 1996; Indria Samego, "Politisasi Timtim", *Republika*, 28 and 29 November 1999. There was also suggestion that the policy was more likely motivated by Habibie's interests to have international support for his power and economic recovery program. See Harold Crouch, "The TNI and East Timor policy" in James J. Fox and Dionisio Babo Soares eds., *Out of the Ashes: Destruction and Reconstruction of East Timor* (Canberra: ANU E Press, 2000) p. 147 and Richard Woolcott, "Howard's 'noble' act was folly", *The Age*, 7 March 2003. There was also suspicion that the policy was made because Habibie was badly agitated by a letter sent by Australian PM John Howard who suggested the model of Matignon Accord in New Caledonia to resolve East Timor problem. See Don Greenlees and Robert Garran, "First Steps – Timor Independence", *The Australian*, 20 May 2002, as downloaded from <http://www.etan.org/et2002b/may/19-25/20first.htm>. See also Ian Martin, Self-Determination in East Timor, *Op.cit.*; DFAT, *Op.cit.*; and Rodney Tiffen, *Op.cit.*, pp. 56–57. The text of Howard's letter and clarification and the response of the Indonesian government can be read in DFAT, *Ibid*, p. 181 (Annex 2) and pp. 29–37.

<sup>72</sup> *Kompas*, 22 May 1999.

timed.<sup>73</sup> All these criticisms contended that the decision was made without full consultation with major political institutions such as DPR/MPR and was made at a time when all national attention and energy were devoted to political reform and economic recovery.

Without political support from major national political forces, particularly the military and major political parties, it was hard to expect that the implementation of the policy would be effective. Although there was no evidence that the newly increasing role of opposition parties deliberately undermined Habibie's policy, they distanced themselves from the problem and presented the policy as Habibie's responsibility alone. The role of the security forces was more disturbing. Despite no public objection to the policy, some elements of the armed forces had engineered a kind of 'civil war' among East Timorese that led to a humanitarian disaster.

It is worth noting that since the new policy was announced, there is no evidence to suggest that his government was well prepared for its implementation. If it was true that Habibie wanted international support, the government should have been more prepared to run the ballot according to the 5 May agreement.<sup>74</sup> What the central government had done was just to allow the regional government and the security forces to persuade pro-autonomy supporters with money and mobilize them by terror and intimidation.<sup>75</sup> Habibie himself continually faced resistance from the reformist movement and was struggling to gain broader political support.<sup>76</sup> In the mean time, Habibie's government also had to deal with communal violence in Maluku and the revival of separatist movements in Aceh and Papua, a national economic crisis and all of its social effects.<sup>77</sup>

As violence continued to escalate in East Timor, it became clearer that Habibie's policy was not only opposed by major national leaders; further, Habibie himself seemed to have lost commitment from the security forces that order and security in the region could be restored and maintained. Although there was no doubt that the security forces were able to control the situation, their performance in the regional political conflict showed that the military did not support Habibie's policy and did not want East Timor to be separated from NKRI.

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<sup>73</sup> *Kompas*, 5 and 6 September 1999; *The Jakarta Post*, 6 and 7 September 1999.

<sup>74</sup> Institutionally, the government formed only the Task Force for the Implementation of the Popular Consultation (*Satgas P3TT*), which was formed in the first week of June with the main task as liaison between Indonesian government and UNAMET and was not assigned to make the popular consultation more attractive for East Timorese voters.

<sup>75</sup> Interviews with pro-integration supporters in Dili, 8 and 12 April 2004.

<sup>76</sup> The Bank Bali scandal, known as Baligate, was one case where Habibie was allegedly involved in using money from Bank Bali to finance Golkar campaign. See Kees van Dijk, *A Country in Despair: Indonesia Between 1997 and 2000* (Leiden: KITLV Press, 2001) pp. 417–30.

<sup>77</sup> See "Judging Habibie", *Asiaweek*, 4 September 1999.

Finally, the national political circumstances outlined above meant that the international pressures for Habibie's government to take all necessary actions to control the situation were practically ineffective. The exertion of economic sanctions or charges of crimes against humanity were useless, because the central government was no longer effective as an authoritative political institution. The only option available for Habibie, and for the international community as well, was to hand over the situation in East Timor to the international community. By 12 September 1999, as mentioned before, President Habibie invited the UN to send an international peacekeeping force into East Timor. To the media conference he explained that it was made after having reports and opinions from Wiranto, Ali Alatas and Faisal Tanjung. He went on, saying: "I expect all national components, primarily national leaders and DPR members, could understand the step I took, for the security and peace in East Timor in particular and Indonesia nationwide in general".<sup>78</sup>

## 2. *The reluctance of ABRI*

The role of the Indonesian security forces (ABRI) in the political processes during the popular consultation was central. As has been discussed, the key issue in the series of events in East Timor was security, whereby ABRI, according to Indonesian politics and in particular the 5 May agreement, was responsible to ensure the referendum was held in peaceful and orderly conditions. The problem was that ABRI was in fact reluctant to carry out Habibie's policy and to secure the referendum. This attitude gave the political event an anarchical character which was a sound reason for humanitarian intervention. Accordingly, it is reasonable to say that ABRI was a determining factor in the presence of INTERFET.

Given ABRI had an interest in retaining East Timor as part of NKRI, there had been significant questioning as to why the military leaders did not reject Habibie's policy of holding a referendum in the region. To this question there are two main explanations. The first suggests that there was confidence among the military that autonomy or integration would win out over independence. In Harold Crouch's words: "it seems that they [the military] did indeed accept the referendum but saw it as an opportunity to settle the East Timor issue once and for all by making sure that the vote would be in favour of continued integration with Indonesia". But he also added: "the military accepted the referendum with a political concession that there should not be any question on the correctness of the original intervention in East Timor in 1975 in view of the sacrifices made by the military personnel in the previous two decades".<sup>79</sup>

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<sup>78</sup> *Kompas*, 13 September 1999.

<sup>79</sup> Harold Crouch, *Op.cit.* p. 149.

The second explanation for the military not opposing Habibie's policy was that Wiranto played a political game in national transitional politics. This game was not limited to his rivalry with Prabowo Subianto for patronage from Habibie (who had just replaced Suharto); it was also in the interest of the ABRI institution. According to many analyses, as Stephen Sherlock proposed, ABRI leaders made little secret of their dislike of Habibie, because Habibie had no military background, had a power base mainly within the Islamic intellectual association (ICMI) – on which the military had been long suspicious with organizations with Islamic character, and had taken over almost all strategic industries that had traditionally been under the influence of ABRI.<sup>80</sup> And in regard to political reform, the military had an interest in maintaining its political role and socio-economic privileges.<sup>81</sup>

Given the military's political interests, it would be hard to imagine that the Indonesian security force would have desired to bring the new policy on East Timor into effect, let alone be committed to the 5 May Agreement in maintaining peace and security. "There is a strong feeling within the ranks of Indonesia's serving and former generals that no matter what Habibie has promised, the armed forces must not let East Timor go", Lindsay Murdoch wrote.<sup>82</sup> And this was part of Wiranto's diplomatic game, he went on, "calling for disarming and an end to the violence, while privately telling his men on the ground to do whatever they can do to ensure that vote was not a landslide for independence."

The intractability of the violence was also affected by the internal division within ABRI, particularly at the operational level.<sup>83</sup> Some key military units and officers on the ground were not fully controlled by Wiranto. The most important unit was *Kopassus* and its officers were close to Prabowo, who had just been sacked by Wiranto. It was widely known that *Kopassus* had a long history of a strong presence and role in East Timor and this was particularly so in the pre- and post-ballot period.<sup>84</sup> The officers were Adam Damiri, the *Udayana* Military Regional Commander (*Kodam IX*) based in Bali, Tono Suratman, the *Wiradharma* Military Resort Commander (*Korem 164*) based in Dili, Mahidin Simbolon, the staff chief of *Kodam IX*

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<sup>80</sup> Stephen Sherlock, *B.J. Habibie: Indonesia's Interim President?* (Foreign Affairs, Defence and Trade Group: Research Note No. 45, 1997–1998, 25 May 1998).

<sup>81</sup> Sukardi Rinakit, *Op.cit.*, p. 114.

<sup>82</sup> *The Sydney Morning Herald*, 11 May 1999.

<sup>83</sup> See "Former Commander Doubts TNI Neutrality in East Timor", *The Jakarta Post*, 8 September 1999.

<sup>84</sup> *Kopassus*, according to Kingsbury, actually ran a policy independently of Wiranto including in planning and running the scorched earth operations and organizing militia groups. See Damien Kingsbury, *Power Politics and The Indonesian Military* (London: RoutledgeCurzon, 2003), pp. 120–22 and 167. According to one source, the total number of military forces and the police in East Timor in late 1998 was 17,914 troops. See in Harold Crouch, *Op.cit.*, p. 150.

*Udayana* and had a link with *Mahidin* militia group, and Zacky Anwar Makarim, the chief Indonesian liaison officer to UNAMET.<sup>85</sup>

One unexpected consequence of such political circumstances and operational division was that security in the region continued to deteriorate. Pro-integration militias were allowed to go on the rampage and in many occasions, as revealed previously, the security force elements took part in the violent acts. Not only were the pro-independence supporters hunted to be massacred or were their premises destroyed, the UNAMET staff and other foreigners became the targets of violent acts.<sup>86</sup>

The deteriorating security highlighted the fact that President Habibie did not control the military commander Wiranto and/or Wiranto himself did not control the operational commanders on the ground. Although Habibie claimed to be a constitutional president and thus the supreme commander,<sup>87</sup> he did not in fact control the military.<sup>88</sup> On many occasions, Habibie told the international community that he had ordered Wiranto and all security apparatus to take all necessary measures to bring the situation there under control. To national and international publics, however, it was clear that security in the region had not been maintained and would not be restored.

That the military were not under Habibie's control was particularly shown by the case of the imposition of a state of military emergency in East Timor on 7 September 1999. It was reported that the DPR had rejected the initiative and that Habibie had declined to impose it. However, the decision to place East Timor under martial law was then announced, not by the president himself as it traditionally would have been, but by Faisal Tanjung.<sup>89</sup> Although Wiranto

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<sup>85</sup> Makarim was identified by UNAMET as having been the officer primarily responsible for coordinating the TNI – militia activity in East Timor. Another officer H. R. Garnadi, who signed the document “General Assessment If Option 1 Fails”, First Assistant to the Coordinating Minister of Political and Security Affairs Faisal Tanjung, the green faction. About the military factionalism and military operation in East Timor during the popular consultation, see Damien Kingsbury, *Ibid.* pp. 117–25 and 166–8. See also Rinakit, *Op.cit.* pp. 82–4 and 108–15.

<sup>86</sup> The failure of Indonesian security forces to maintain order was also partly caused by the 5 May Agreement which stated that “the police (*Indonesian police or Polri*) will be solely responsible for the maintenance of law and order” during the process of popular consultation. This led to structural and operational difficulty in the sense that Polri had been for decades subordinated to the military. See UN General Assembly, *Question of East Timor: Report of The Secretary General about The Agreement Between The Republic of Indonesia and The Portuguese Republic On The Question of East Timor, 5 May 1999*, Annex III, point 4.

<sup>87</sup> *Asiaweek*, 4 September 1999 as accessed from <http://www-cgi.cnn.com/ASIANOW/asiaweek/98/0904/index.html>

<sup>88</sup> For example, in dealing with students protesting President Habibie at DPR/MPR building in November 1998, Habibie asked Wiranto to send troops, but Wiranto refused to do. Susilo Bambang Yudhoyono, chief of territorial staff, refused too when Habibie returned to him and offered him the position of commander-in-chief. See D. Kingsbury, *Op.cit.*, p. 165–6.

<sup>89</sup> *Presidential Decision (Kepres 107/1999)*.

refuted the allegation that the military forced Habibie to impose martial law,<sup>90</sup> there were speculations about the TNI's interests in compelling the imposition of emergency military law. First, the TNI wanted to show its commitment and to meet its responsibility as stipulated in the 5 May agreement. Success in restoring security would help to refurbish its image, which had been widely seen as being awful. Second, TNI demanded one circumstance that could bring their contingency plans into effect, namely securing evacuation routes, as mentioned in a leaked document.<sup>91</sup> Finally, the military emergency was needed to raise nationalist sentiment in particular in dealing with the growing opinion for international intervention.<sup>92</sup>

What demonstrated which of the notions above was correct was that the security condition in East Timor continued to worsen. This fostered the calls for the urgent presence of international military forces in the region. Some government officials had foreseen the possibility of an international intervention in East Timor,<sup>93</sup> while other officials like Foreign Minister Ali Alatas disagreed and said there was no reason for the international community to send a peacekeeping force.<sup>94</sup> On another occasion Alatas said that any peacekeeping force not requested by Jakarta would have to shoot its way into East Timor; it would not help the situation and was not realistic.<sup>95</sup>

Until 10 September 1999 Wiranto remained resistant to any kind of international intervention in East Timor. On 2 September Wiranto promised Jamsheed Marker that he would take all actions needed to restore peace and security. In subsequent days he said that the idea of foreign intervention at a time of deteriorating security in East Timor was dangerous. He argued that Indonesia remained responsible for security until the MPR had ratified the ballot result; and it would be very dangerous for international peacekeeping forces to be deployed when pro-integration militias were in anguish and outrage.<sup>96</sup> However, since the condition in East Timor continued to worsen and the state of military emergency proved ineffective, Wiranto at last admitted that the situation had gotten out of control. By 11 September in Dili, Wiranto told the media that he would ask Habibie to consider the possibility of an international peacekeeping

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<sup>90</sup> *Kompas*, 13 September 1999.

<sup>91</sup> The document points to "General Assessment If Option 1 Fails". In the document the possibility of destroying facilities at vital assets as part of a contingency plan if the popular consultation was in favour of independence was mentioned. See Damien Kingsbury, *Op.cit.*, p. 120.

<sup>92</sup> See also Human Rights Watch, *Background Briefing: Questions and Answers on East Timor*, as uploaded in <http://www.hrw.org/backgrounder/asia/timor/timor-bck0908.htm>; Harold Crouch, *Op.cit.*

<sup>93</sup> "World Press Condemns Indonesia; UN Faces Challenge in East Timor", *BBC News*, 2 September 1999.

<sup>94</sup> *Kompas*, 3 September 1999 and 4 September 1999. See also "No UN peacekeepers to East Timor: Alatas", *The Jakarta Post*, 7 July 1999.

<sup>95</sup> "East Timor and Kosovo are different", *The Jakarta Post*, 11 September 1999.

<sup>96</sup> Wiranto's interview in *Kompas*, 13 September 1999.

force in East Timor as soon as possible.<sup>97</sup> And on the day after, President Habibie himself announced that Indonesia had accepted a UN peacekeeping force to restore order and security in East Timor.<sup>98</sup>

There is no single reason why ABRI finally accepted the international military intervention in East Timor. The military decision to ask Habibie to invite an international peacekeeping force resulted from a complicated mixture of international and domestic pressures.

First, from the international side, Indonesian security forces were facing increasing pressure. The international community had threatened to terminate all kinds of international assistance for Indonesian military and police. These threatened economic sanctions were also followed by the threat of the possibility of bringing those who had committed crimes against humanity and war crimes to an international tribunal court.<sup>99</sup> This issue not only threatened certain officers' future careers, but also jeopardized military cohesiveness and tarnished the military's reputation.<sup>100</sup>

Second, from a domestic point of view, pressures on the military to accept an international force in East Timor also mounted. Various political and social organizations believed that Indonesia's military presence in the region merely exacerbated the situation. Several retired generals had also suggested that it would be better for Indonesian security forces to leave the region as soon as possible and allow the UN peacekeeping force to take over the responsibility of security and order in the region. One of the reasons, according to Theo Syafei, a retired general and former commander in East Timor, was that it would be hard for TNI personnel to be neutral in handling pro-integration militias.<sup>101</sup>

The decision to accept an international peacekeeping force in East Timor was also based on an acknowledgment that the continuance of violence in the region would further harm the interests of TNI. Attempts to refurbish its reputation by imposing martial law in the region had been seen to be pointless. In this context, Wiranto apparently realized that he himself was unable

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<sup>97</sup> "RI Bahas Masuknya Pasukan Perdamaian", *Kompas*, 12 September 1999.

<sup>98</sup> *Republika*, 13 September 1999; *The Jakarta Post*, 13 September 1999; *Suara Pembaruan*, 20 September 1999.

<sup>99</sup> On 27 September 1999 a special session of the UN Commission on Human Rights passed a resolution calling on the Secretary-General to establish an international commission of inquiry to look into violations of international humanitarian law in East Timor. The Secretary-General entrusted the task to UN High Commissioner for Human rights Mary Robinson, and five commissioners were duly appointed on 15 October. But at the same time, Komnas HAM set up its own inquiry to avoid foreign intervention. The result of the KPP-HAM is mentioned and cited above.

<sup>100</sup> See Sukardi Rinakit, *Op.cit.*, pp. 141 and 148–9. See also ICG, *Indonesia: Impunity versus Accountability for Gross Human Rights Violations*, Asia Report No. 12, Jakarta/Brussels, 2 February 2001; and ICG, *Indonesia: Implications of the Timor Trials*, Indonesia Briefing, Jakarta/Brussels, 8 May 2002.

<sup>101</sup> *The Jakarta Post*, 8 September 1999.

to control officers at the operational level. As the commander-in-chief and with all the authority he supposedly had, he had to secure his personal interests and the interests of the military as an institution. The only alternative left was to allow a UN peacekeeping force in the region.

### *3. Political leaders and parties: fishing in troubled waters*

Two terms could be used to describe the attitude of national political leaders and parties regarding the political developments in East Timor and the presence of INTERFET in East Timor. From a domestic political point of view they were inconsistent and insignificant.

When in June 1998 Habibie offered the first option of special autonomy in East Timor, his political opponents had no objection because the offer was likely viewed as part of *reformasi*. When in January 1999 Habibie made the second offer of giving East Timor independence if special autonomy was rejected, the response of opposition leaders and parties primarily Megawati and her PDIP, Gus Dur and his PKB, and Amien Rais with his PAN, varied. Megawati and Gus Dur explicitly recommended rejecting the independence of East Timor from NKRI. Gus Dur argued that “in the short term it might be no advantage to retain East Timor. But, Indonesia had decided to incorporate East Timor and it has to be respected”. Megawati made a different argument, claiming that Habibie was just a transitional president and thus had no authority to change national laws which legally integrated East Timor with NKRI.<sup>102</sup> After the 5 May Agreement was signed, Megawati said to *Time* magazine that Habibie’s proposal was an erratic policy and that allowing the East Timorese to vote on independence was a risky policy.<sup>103</sup>

Gus Dur and Megawati’s response to Habibie’s decision was totally different to what they had said in July 1998. After a meeting with the Dili Bishop Mgr Belo, who underlined the importance of referendum to solve the problem of East Timor, they seemed to adopt the idea as part of a peaceful solution to the East Timor problem. According to a media report Gus Dur said, “I go with Mgr Belo”, while Megawati recommended accepting Belo’s suggestion as he was a credible representative of the East Timor people.<sup>104</sup>

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<sup>102</sup> “Gus Dur and Megawati Tolak Pelepasan Timtim”, *Kompas*, 30 January 1999. Many nationalist politicians and retired generals held the similar view. For instances, Siswono Yudohusodo, a declarator of National Movement for Justice and National Integration (GKPB), and Edi Sudrajat, a retired general and the chairman of Justice and Integration Party (PKP), said Habibie’s policy was timely wrong and irresponsible. *Kompas*, 30 January 1999 and 5 February 1999.

<sup>103</sup> As quoted in *The Jakarta Post*, 31 May 1999.

<sup>104</sup> *Kompas*, 18 July 1998.

Unlike Megawati, Gus Dur and other nationalist politicians, Amien Rais, who had brought the idea of federalism into the public debate and had once in 1996 proposed the possibility of a referendum and even East Timor's separation from NKRI,<sup>105</sup> appeared to be in line with Habibie's policy. After a meeting with Xanana Gusmao in Cipinang prison (Jakarta) on 20 November 1998, Amien Rais told the media that a referendum was the best way to resolve East Timor problem.<sup>106</sup> Political leaders and parties with an Islamic character also appeared to support Habibie's policy. Parties with a Christian-based ideology, such as *Krisna (Partai Kristen Indonesia)* and PDKB (*Partai Demokrasi Kasih Bangsa*), had no public objections against the holding of a popular consultation in East Timor.

But, the attitude of the major political leaders about East Timor was insignificant due to the power struggle leading up to the general election in June 1999. All political leaders and parties were more focused on getting voters than debating the referendum.<sup>107</sup> As with the central government, there is no evidence that nationalist leaders and parties made any efforts to persuade the East Timorese people to choose special autonomy within NKRI through the popular consultation. Although Megawati or Gus Dur did not expect the East Timorese to reject special autonomy, they most likely could see political benefits if Habibie failed to conduct the ballot or if East Timorese chose independence from NKRI.

The notion of fishing in troubled waters was also shown when violence continued to escalate in East Timor. Opposition leaders like Megawati continued to blame Habibie for being incapable, inadequately prepared and lacking the coordination to carry out such a vital event.<sup>108</sup> She went on to say that Habibie imposed a double-standard policy: "On one hand he offered a referendum, but on the other hand he exerted undercover efforts to maintain East Timor as part of NKRI through various means".<sup>109</sup> On another occasion she said that the violent conflict between pro- and anti- integration groups was "absolutely the responsibility of Habibie as the head of state, the head of government, the supreme commander of TNI and Polri."<sup>110</sup>

Interestingly, Megawati and Gus Dur refrained from condemning the military for the escalation of violence. While the international community tended to blame Wiranto and the security forces for the shocking situation, they tended to see the problems as Habibie's

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<sup>105</sup> Patrick Walters, "Let E Timor decide: Muslim chief", *The Australian*, 11 December 1996 as cited in Harold Crouch, *Op.cit.*, p. 143.

<sup>106</sup> "Amien Rais Bertemu Xanana Gusmao", *Kompas*, 21 November 1998.

<sup>107</sup> Gabriel da Costa, a member of East Timor DPRD, said, "The referendum will basically determine the future of East Timor, while the general election just shows the winning party, which is not a matter for East Timor people". *Kompas*, 10 June 1999.

<sup>108</sup> *The Jakarta Post*, 7 September 1999.

<sup>109</sup> "DPR Tolak Usul Habibie; Megawati Kecam Kebijakan Standar Ganda", *Kompas* 7 September 1999.

<sup>110</sup> *Kompas*, 7 September 1999.

responsibility. When Habibie asked for the DPR's approval to impose emergency law, the DPR rejected it by simply saying that Habibie was not competent to solve the crisis. A DPR member, Zarkasih Nur (PPP), argued that it had been self-evident that martial law was only bringing about misery, traumatizing the people and not solving the problem.<sup>111</sup> Another member, Muhammad Hikam (PKB), added that "insisting on martial law would give Indonesia a bad image in the international forum".<sup>112</sup> But, when the military emergency was imposed, allegedly endorsed by the military, the DPR said nothing.

The concept of fishing in troubled waters was demonstrated again in regard to the calls for an international peacekeeping force in East Timor. In line with their vested interests, it is likely that the political leaders saw external intervention as giving them additional bargaining power in contending with Habibie for the presidential contest. Megawati and her PDIP seemed to tacitly share the growing perception that an international intervention was needed to handle the humanitarian crisis in East Timor. *Golkar* had no clear stance about the issue. Islamic parties, which generally saw no benefit in maintaining East Timor's integration within Indonesia, were unlikely to oppose foreign intervention. Amien Rais had even said that Australia and the international community had to be responsible by taking part in handling the post-ballot East Timor.<sup>113</sup> On another occasion he said: "Why should we put too much attention and energy to handle East Timor? It is wasted. We just make ourselves a ridiculous spectacle for the international community". He went on to say that it was better if the problem of East Timor could be transferred to the UN as soon as possible, so that Indonesia could focus on other domestic problems which were equally complex and urgent.<sup>114</sup>

Gus Dur reacted differently. He reportedly asked the Indonesian government to make Indonesian–Australian bilateral relations as its lowest level. He also asked the UN Secretary General to investigate allegations of UNAMET bias in holding the ballot. But it must be noted that Gus Dur did not oppose foreign intervention in East Timor. He merely showed his dislike of the Australian government for being too intrusive and facilitating the separation of East Timor from NKRI.<sup>115</sup>

The responses of national political leaders to the issue of humanitarian intervention could be described as rational or pragmatic. They were rational because these leaders had declared that they would accept the ballot result and they had promised to respect the East

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<sup>111</sup> *Kompas*, 8 September 1999.

<sup>112</sup> *The Jakarta Post*, 8 September 1999.

<sup>113</sup> *Kompas*, 11 and 13 September 1999.

<sup>114</sup> "Imbauan Amien Rais: Jangan Tersinggung Jika PBB Ambil Alih Timtim", *Kompas* 13 September 1999.

<sup>115</sup> "Gus Dur Kecam Australia", *Kompas*, 4 September 1999 and in *Kompas*, 5 September 1999.

Timorese vote on independence from NKRI.<sup>116</sup> Their responses were also rational because the problem of East Timor had been legally in the hands of the UN according to the terms of the 5 May Agreement, except for the security matter.

Allowing an international peacekeeping force in East Timor was also a pragmatic political stance. With the separation of East Timor, opposition leaders and parties looked at the MPR session in October 1999 as the main forum by which to judge Habibie. The presence of an international force in East Timor would be a strong reason to force Habibie to resign for having harmed national sovereignty.<sup>117</sup> In addition, national political leaders seemed to realize that the international role was vital in either resolving domestic problems or supporting national political stability, whoever would govern the state.

Once Habibie had officially invited the UN peacekeeping force to East Timor, all political parties expected the end of violence in the region. Two major nationalist parties (PDIP and Golkar), which were the top two from the June election, supported the decision. Dimiyati Hartono (PDIP) and Marzuki Darusman (Golkar) reportedly said that peace and security would be restored by the presence of the international force.<sup>118</sup> While Amien Rais (PAN) had agreed with the necessity of the UN peacekeeping force, other Islamic political parties did not show any signs of rejection. On the whole, the political stances showed that the international military presence in East Timor faced no resistance from major political parties.

#### *4. Popular politics: the silent majority*

At the ground level of the Indonesian state, the society showed much similarity to the government, the military and political forces in its different views of and indecisiveness in responding to political developments in East Timor. Severely affected by a national economic crisis and perplexed by reform uncertainty, the people's main interest was surviving the multiple crises. Three decades of repressive politics under the New Order authoritarian regime also certainly contributed to the people refraining from being involved. They likely saw the problems in East Timor as the government's affairs or as a political commodity for major political forces.

Media observation showed, however, that a number of Indonesians were unhappy, fed up, angry, and disappointed with the independence of East Timor from NKRI. "What exactly had the government done, so that East Timorese chose independence?" a former army sergeant questioned. "I can not blame Xanana or Carrascalao, but I am really fed up with Habibie!"

<sup>116</sup> "Megawati dan Gus Dur Prihatian; Golkar Dapat Menerima Kenyataan", *Kompas*, 6 September 1999.

<sup>117</sup> "Timtim Merdeka, Nasib Habbie Habis", *Kompas* 6 September 1999.

<sup>118</sup> "Keputusan Habibie Diharapkan Akhiri Rentetan Kekerasan", *Kompas*, 13 September 1999.

another former mariner added. Feeling neglected, those who had once been involved in military operations in East Timor requested the DPR/MPR revoke the popular consultation.<sup>119</sup> By contrast, a lot of people appreciated the people of East Timor who bravely chose to free themselves from NKRI. They had the opinion that “East Timor’s people have the right to be independent” or “East Timor, which has been annexed by Indonesia, benefits only the military”, or “It is a big loser if we retain East Timor”, or “We have to respect that East Timor wants to be independent.”<sup>120</sup>

In responding to the mounting violence in the territory, Indonesians’ views also varied. In judging the role of the TNI/Polri, some groups saw that TNI/Polri members were incapable because of their lack of resource and professionalism and the psychological burden to control militia members. Other groups, however, believed that the TNI/Polri was institutionally and deliberately allowing the violence and destruction either by omitting the violence or commissioning pro-integration groups to launch destructive attacks.<sup>121</sup> Direct and severe criticisms against the security forces came mostly from pro-democracy and human rights activists. PBHI for example contended that the military was likely to exploit the violence for its own political interests.<sup>122</sup>

Not only were his political opponents blaming Habibie for the political events in East Timor, parts of Indonesian society were doing likewise. National media headlines following the announcement of ballot result reflected this. *Kompas*’s editorial on 6 September 1999 raised the question of whether Habibie’s transitional government was qualified to offer a referendum.<sup>123</sup> Its headline, “*Timtim Merdeka, Nasib Habibie Habis*” (East Timor Frees, Habibie is Finished), presented scholars and social organizations’ perceptions that the decision to hold a referendum in East Timor was a constitutional and legal offence and that Habibie had to be made to be responsible.<sup>124</sup> Other media such as *Tajuk*<sup>125</sup>, *Gatra*<sup>126</sup>, and *Forum*<sup>127</sup> ran similar headlines. They

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<sup>119</sup> “Setengah Tiang untuk Timtim”, *Kompas*, 6 September 1999; “Putra-putri Tentara Minta Pertanggungjawaban Habibie”, *Kompas*, 17 September 1999.

<sup>120</sup> See “Indonesians have their say on East Timor”, *The Jakarta Post*, 29 August 1999; “East Timor Separation Good for Indonesia”, *The Jakarta Post*, 6 September 1999. The different views were fairly reflecting polling result conducted by Solidamor in November 1998. Some 66.5 percent of 480 respondents said that giving East Timor people opportunity to decide their future would help to solve the problem and around 32.2 percent respondents were uncertain with referendum. Interestingly, some 54.4 percent did not believe that Habibie’s government could solve appropriately the East Timor problem. See, “Referendum, Solusi Terbaik Bagi Timtim”, *Kompas*, 28 November 1998

<sup>121</sup> *Jakarta Post*, 29 August 1999 and 8 September 1999.

<sup>122</sup> “PBHI Desak Darurat Militer Dicabut”, *Kompas* 11 September.

<sup>123</sup> “Pilihan Rakyat Timtim Berimplikasi Tiga Faktor: Timtim, PBB, dan Domestik”; Tajuk Rencana, *Kompas*, 6 September 1999.

<sup>124</sup> “Timtim Merdeka, Nasib Habibie Habis”, *Kompas*, 6 September 1999.

<sup>125</sup> “Habibie Menghitung Hari”, *Tajuk*, 16 September 1999.

tended to focus on Habibie's mistake rather than inquiring as to how the violence and humanitarian crisis in East Timor should be handled, including the possibility of foreign intervention.

Calls for international intervention in East Timor mostly came from human rights NGOs and individuals. Considering martial law was worsening the situation, PBHI publicly urged the Indonesian government to give consent to the UN for the sending of foreign forces into East Timor.<sup>128</sup> That the presence of UN peacekeeping force would benefit Indonesia was also expressed by some university analysts.<sup>129</sup> Various popular organizations urged *Komnas HAM* to call on the UN to send an international peacekeeping force.<sup>130</sup> When Habibie finally invited the UN to send an international peacekeeping force in East Timor, the public's reaction was positive. Fajrul Falaakh, a deputy chairman of NU, said that due to the worsening situation in East Timor and the increasing international pressures, "the government has no choice except accepting the UN peacekeeping force".<sup>131</sup>

Instead of opposing the presence of an international peacekeeping force in East Timor, popular groups in Indonesia more actively debated the issue of which country would likely lead the peacekeeping force. Many in Indonesia believed that the international peacekeeping force should not be led by Australia, New Zealand, Portugal, Canada, or the USA, because they viewed these countries as arrogant, intrusive, insensitive to Indonesia's condition, or having narrow interests. Among others, Australia was disliked very much. Indonesian media such as *Kompas*, *Tempo*, *Gatra*, and *Gamma* sought to investigate Australian motives for leading a military intervention in East Timor.<sup>132</sup> They tended to conclude that Australia was motivated by its interests in economic, security, and regional leadership, and by domestic political constituencies. The Young Generation of Nahdlatul Ulama (GM NU), composed of a number of Islamic youth groups, was reportedly ready to fight against Australia or New Zealand.<sup>133</sup>

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<sup>126</sup> "Habibie Berburu Singa, Ditelan Singa", *Gatra*, 18 September 1999.

<sup>127</sup> "Dua Wajah Habibie", *Forum*, 19 September 1999.

<sup>128</sup> *Kompas*, 11 September 1999

<sup>129</sup> "Kehadiran Pasukan PBB Justru Untungkan Indonesia", *Kompas*, 11 September 1999.

<sup>130</sup> The organizations included PIJAR (*Aliansi Pusat Informasi Jaringan Aksi dan Reformasi*), Solidamor, Uni Sosial Demokrat, Satu Merah Pangung, AJI (*Aliansi Jurnalis Independen*) dan PRD (*Partai Rakyat Demokratik*). See "Komnas HAM Didesak Minta Pasukan Perdamaian", *Kompas*, 8 September 1999.

<sup>131</sup> *Kompas*, 13 September 1999.

<sup>132</sup> For example, *Kompas*, "Sangat Wajar, Pemutusan Hubungan Dengan Australia", 19 September 1999; *Tempo*, "Timtim Kacau, Australia yang Sibuk", 19 September 1999; *Gatra*, "Tawar-Menawar Tentara Asing: Berlebihan, Reaksi Australia dalam Masalah Timtim", 18 September 1999; and *Gamma*, "Aksi Kanguru Ancam Indonesia", 19 September 1999.

<sup>133</sup> *Kompas*, 11 September 1999. Rejection of the Australian leading role also came from the Muslim Youth Movement (GPI, *Gerakan Pemuda Islam*) who demanded that the Indonesian government end its

Criticism, protest and complaints about Australia and then the UN, the USA and European countries did not have any effect on the presence, the role and the justification of INTERFET. According to political observers and pro-democratic activists, the anti-international intervention and certainly anti-Australian sentiments were triggered by only a few politicians and military officers who tried to exploit narrow nationalist sentiment.<sup>134</sup>

From the discussion above, three main points highlight the correlation between the weakening state of Indonesia and the presence of multinational forces in East Timor (INTERFET).

First, Habibie's policy to hold a referendum in East Timor had exacerbated domestic politics. Habibie might have claimed his policy was for the national interest and that he himself was a risk-acceptant foreign policy maker.<sup>135</sup> But for a policy to be well implemented and for the leader to be able to act on behalf of the state interest a strong domestic position is required and the policy must be implemented in a unified, coherent and strategic manner.<sup>136</sup> Far from such ideal conditions, Habibie's policy was in fact widening the gaps and making major political forces more fragmented. At an international level, such a domestic political condition had reduced the state's capacity to meet its obligations under the 5 May Agreement. Instead of restoring Indonesia's international image or attracting international assistance, the failure of the government to fulfil its international commitment was provoking international criticisms and economic sanctions.

Second, the escalation of violence in East Timor surrounding the popular consultation showed the loss of effective authority of the state institutions. The deteriorating security might foremost have reflected the reluctance of the security forces to carry out Habibie's policy. Nevertheless, the situation, in which the lives of East Timorese people, UNAMET staff and foreigners were at risk, demonstrated that President Habibie had lost his political power over the

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diplomatic relationship with Australia. See "GPI: Putuskan Hubungan Diplomatik dengan Australia", *Kompas*, 16 September 1999.

<sup>134</sup> *Kompas*, 8 and 14 September 1999.

<sup>135</sup> A risk-acceptant leader in foreign policy making simply means the leader who likely takes the risk to loss his domestic power position for foreign potential gains. The usual context of this kind of foreign policy making is the lack of policy option and the level of uncertainty in domestic and international arena. See Douglas Van Belle, "The Imperatives and Rational Models of Foreign Decision Making" in David Skidmore and Valerie M. Hudson eds., *The Limits of State Autonomy: Society Groups and Foreign Policy Formulation* (Boulder: Westview Press, 1993) pp. 151–83. See also David Mitchell, *Making Foreign Policy: Presidential Management of the Decision-Making Process* (Hants: Ashgate, 2005) pp. 1–32.

<sup>136</sup> David Skidmore and Valerie Hudson, "Establishing the Limits of State Autonomy: Contending Approaches to the Study of State-Society Relations and Foreign Policy-Making", in David Skidmore and Valerie M. Hudson eds., *Ibid.*, p. 13.

military, the military had failed to restore the security, and national political forces were likely to fish in the troubled waters by blaming Habibie for the policy and distancing themselves from the problems.

Third, in regard to the calls for the international intervention, the government, the military and major national political forces eventually viewed a multinational peacekeeping force to restore peace and security in East Timor as important. Such views did not necessarily reflect a common interest in improving Indonesia's international image, in defending national territorial integrity or in securing the democratization process (*reformasi*). Quite the opposite, the discussion above has shown that the acceptance of an international peacekeeping force was heavily influenced by the need to avert further harm to different political interests, personal or institutional. The government, the military and other political forces accepted the international military force in East Timor (INTERFET) not because they approved it, but because they did not see any political benefit in rejecting it.

#### **D. Humanitarian intervention without jeopardizing Indonesia's democratization**

In general terms, the humanitarian crisis or conscience shocking situation in East Timor, as discussed in part B above, was a just cause for an immediate international military intervention. Moreover, the UN and foreign governments had met the precautionary conditions for a military intervention. Part C has also demonstrated Indonesia's domestic condition which not only justified the international military intervention but also made it highly likely that it would be a great success. Indonesia in the early post-Suharto era was nearly a collapsed state. President Habibie had lost authoritative power over the military, the military had been deliberately involved in exacerbating the violence, and national political forces tended to be fishing in these troubled waters. This national condition on the one hand had led to the humanitarian crisis and on the other hand showed no resistance to the possibility of foreign military intervention in the region. These two conditions suggest that an immediate military intervention in East Timor was justified, feasible and in fact very likely.

Nevertheless, as has been mentioned, the UN Security Council issued Resolution 1264 authorizing the establishment of a multinational force in East Timor after President Habibie had made a formal invitation. This raises the question: why did the UN and major foreign countries have to wait for Indonesia's agreement before they made the decision to send a military force into East Timor?

A general answer to the question is that the major countries such as the USA, the UK, Australia and Japan did not want the military intervention in East Timor to bring the democratization process in Indonesia into trouble. This answer needs elaboration from two points of view, internationally and nationally.

From the international point of view, it was widely reported that the Western democratic countries not only welcomed the new era of reform, but also had significantly contributed to bringing down Suharto from power. The interests of the USA, Japan, and the IMF that Indonesia should be based on liberal political and social principles, and operate in a more transparent and efficient manner were seen as a triggering factor for those international major actors to remove Suharto.<sup>137</sup> The US and its western allies had long been active in developing democratization and promoting human rights in Indonesia. According to HRW, the Clinton Administration provided \$US 31 million to assist democratization in Indonesia, particularly during the June parliamentary election. Stanley Roth, the Assistant Secretary of State for East Asia and the Pacific, also played a key role in mobilizing international support for the elections.<sup>138</sup>

In responding to the growing demands for international military intervention in East Timor, the US government seemed to act with great caution. Apart from insisting on Indonesia's responsibility to control the situation, President Clinton tried to use economic and military sanctions in order to force the Indonesian government to be more decisive. Up to 10 September 1999, the Clinton administration continued to dismiss the military option. His Defence Minister William Cohen told the press that the US would not involve its troops with the multinational peacekeeping force in East Timor, but might supply logistical, intelligence, communication and transportation supports.<sup>139</sup> In a more explicit statement Samuel Berger, a US security advisor, said that "the USA would not sacrifice 200 million Indonesian people for 800 thousand East Timorese." He went on to say that, "the American government are not only concerned with the East Timorese people but also with the future of Indonesia".<sup>140</sup>

Apart from respecting the democratization process, the international community apparently paid similar due attention to the territorial integration of Indonesia. Although there were analyses that the destruction of East Timor by pro-integration groups supported by Indonesian security forces "was intended as a deliberate warning to other restive provinces

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<sup>137</sup> See Rinakit, *Op.cit.*, pp. 63–5.

<sup>138</sup> HRW, *Indonesia and East Timor: Human Rights Watch Report 1999*.

<sup>139</sup> *Kompas*, 10 September 1999.

<sup>140</sup> As quoted in *Kompas*, 10 September 1999.

which might seek independence, particularly Aceh and Irian Jaya,”<sup>141</sup> it is reasonable to say that major countries like the US, the UK, Australia and Japan and neighbouring ASEAN member countries favoured an integrated Indonesia. The APEC summit (9–12 September 1999) and the UN Security Council meeting (11 September 1999) made it clear that an international force was needed in East Timor and that its authorization from the Security Council was achievable.<sup>142</sup> What was needed was to convince the Indonesian government that a multinational peacekeeping force in East Timor was necessary; for this, Indonesian agreement was required.<sup>143</sup> Indonesia’s consent was needed in order to eliminate resistance against international intervention in East Timor and to eliminate accusations of seeking to disintegrate Indonesia.

From an Indonesian domestic point of view, there were concerns that the escalating violent internal conflicts and the intractability of violence in East Timor might not be merely seen by the international community as being generated by the nearly failed state or the ineffective transitional government. Instead, the conflicts could be seen as resulting from a condition where state power, which had been centralized in the hands of the central government and its repressive institutions, was now distributed among a number of political forces, including the previously oppressed oppositions, coopted social organizations and repressed regional communities. In other words, the eruption of the conflicts could have been perceived as being part of a broader transition, the so-called *reformasi* or democratization process as has been discussed in Chapter Four.

The main reason for western democratic countries to be worried about Indonesian democratization was the possibility of Indonesian armed forces using political developments in East Timor to seize national power, which could have halted the ongoing democratization. The ballot result for the independence of East Timor was seen as an overwhelmingly humiliating defeat that tarnished the armed force’s image as the guardian of NKRI. “The unity of the state was challenged, the concept of nationalism was slapped in the face, the guardians of the state were made to look foolish”, Damien Kingsbury wrote.<sup>144</sup> The problem was that not only the people of East Timor were made to pay, but Habibie was also made to pay for such a humiliating defeat. The military discontent against Habibie became worse when many military

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<sup>141</sup> See in Harold Crouch, *Op.cit.*, p.163. Harold Crouch himself believed that the destruction was more likely driven by the developing situation in East Timor than possible consequences in other provinces and the impact was a secondary consideration.

<sup>142</sup> “APEC countries defer to UN on East Timor”, *International Herald Tribune*, 10 September 1999.

<sup>143</sup> “AS dan Inggris: Semua Di Tangan Indonesia”, *Kompas*, 10 September 1999. See previous discussion under the subheading of *right authority*.

<sup>144</sup> Damien Kingsbury, “The TNI and the militias”, in *Guns and Ballot Boxes*, *Op.cit.* p. 78.

officers, particularly those assigned in East Timor, were accused of commissioning massive violations of human rights.<sup>145</sup>

It is also worth noting that all major national political forces including the government and the military appeared to believe that cooperation with the international community was crucial for the future of Indonesian democratization and integration. More specifically, due to the power politics within the *reformasi*, there was a growing understanding that no one could be in presidential power without support from major countries like the US and its major allies. Or, even if he/she came to power, he/she could do nothing without approval and support from major foreign donor countries and international institutions. A personal agreement by Megawati to international intervention in East Timor, as will be revealed below, clearly reflected such an understanding. That Wiranto also finally asked Habibie to accept a foreign security force in East Timor was also in this context. In these political circumstances, Megawati and Wiranto wanted to be seen as good international citizens, as ICISS persuasively suggests. “The interest in being seen to be a good international citizen is simply the reputational benefits... There is much direct reciprocal benefit to be gained in an interdependent, globalized world where nobody can solve all their own problems.”<sup>146</sup>

The international concern about Indonesian integration and democratization was shown by international efforts to convince major national political leaders that a referendum in East Timor was good for Indonesia, East Timor and the international community, and that whatever its result, this had to be respected. As UNAMET had begun to work in East Timor in June 1999 a core group of five of the most concerned governments – Australia, Japan, New Zealand, the UK and the US – made regular contact with major political figures such as Megawati and Gus Dur. For example, on a visit to Jakarta on 28 to 29 July 1999 Australian Foreign Minister Alexander Downer talked with Megawati and Gus Dur to convey Australia’s position on East Timor and the advantages of holding a popular consultation.<sup>147</sup> Regular dialogue between them continued following the conclusion of the Indonesian parliamentary election and the announcement of the referendum result.

From 8 to 12 September 1999 a Security Council Mission dispatched to Jakarta and Dili “with the task of discussing with the Government of Indonesia concrete steps for the peaceful

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<sup>145</sup> See Rinakit, *Op.cit.*, p. 114. According to Rinakit, several nationalist retired generals had asked Wiranto to stage a coup against Habibie soon after he was handed power from Suharto.

<sup>146</sup> ICISS, *Op.cit.*, p. 72.

<sup>147</sup> DFAT, *Op.cit.*, p. 109.

implementation of the 5 May Agreement”.<sup>148</sup> In Jakarta the SC Mission held a meeting with Megawati on 8 September to ask her “to refrain from treating any emerging willingness of the Government of Indonesia to accept an international security presence as a stick with which to beat the government”. In the Mission’s report it was said that Megawati agreed “but declined to make a public statement in support of the idea of international intervention”.<sup>149</sup> On the day after, the Mission also met with Wiranto. The Mission seemed to be trying to convince him that the presence of UN troops in East Timor would not deteriorate security there and would not threaten Indonesian national integration, which Wiranto was worried about. The Mission argued that the lack of political will on the part of the government meant that the situation was deteriorating and thus a UN peacekeeping force was necessary. When the Mission visited Dili accompanied by Wiranto on 11 September and after witnessing the real situation, Wiranto seemed to change his mind and agreed that an international peacekeeping force was needed.<sup>150</sup> A similar meeting was also conducted with a group of NGO representatives in Jakarta. Not surprisingly, the group conveyed to the Mission a 15-NGOs joint-statement calling for the presence of a peacekeeping force in East Timor.<sup>151</sup>

The necessity of Indonesia’s consent for the UN peacekeeping force in East Timor should not be understood as the need for legalization of a military intervention. Rather, major foreign countries in APEC and the UN Security Council seemed to be trying to help Indonesian government to see that failure to cooperate with the international community would harm Indonesia severely. The potential damage to Indonesia was not limited to economic and military sanctions, but included the possibility of the disruption of national democratization and integration. APEC member countries had a significant interest in ensuring that a foreign military measure in East Timor would not undermine Indonesia’s fragile democracy. They asserted that they gave support for a strong and united Indonesia and stressed the vital importance of the democratic process in Indonesia being pursued to its proper conclusion.<sup>152</sup> Such considerations were clearly stated in Resolution 1264, with the UN Security Council “reaffirming respect for the sovereignty and territorial integrity of Indonesia”.<sup>153</sup>

Concern about *reformasi* was growing due to the failure of the Indonesian security force to win pro-autonomy supporters and the increasing international and national pressure on the

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<sup>148</sup> UN, *Report of the Security Council Mission to Jakarta and Dili 8 to 12 September 1999*, S/1999/976, 14 September 1999.

<sup>149</sup> *Ibid.*, point 6.

<sup>150</sup> *Ibid.*, point 9 and 15.

<sup>151</sup> *Ibid.*, point 10.

<sup>152</sup> Statement by New Zealand Foreign Minister Don McKinnon, 9 September 1999, at a media conference at the conclusion of the foreign ministers’ meeting on East Timor. See DFAT, *Op.cit.*, p. 136.

<sup>153</sup> *UN SC Resolution 1264*, S/RES/1264(1999), 15 September 1999.

military for its failure to control the situation. Many analysts said that such pressure could spark a nationalist backlash or even a military takeover of power. Barnaby Mason in BBC News wrote that “to force Indonesian government to accept an international intervention is very likely to push the military to use the nationalist card and to re-enter, at however low a level, the political stage”.<sup>154</sup> Gerry van Klinken and Harold Crouch, quoted by the *International Herald Tribune*, said that fears within the Indonesian elite grew due to the international economic sanctions. Therefore, “international diplomacy”, Crouch warned, “should avoid public demands that make it difficult for the government to assert its authority over the military”.<sup>155</sup>

Since, theoretically, to be legitimated, a humanitarian intervention does not need an agreement from the state concerned, the international efforts before 12 September were mostly to ensure major political forces in Indonesia on the one hand and the international community on the other understand that an international military presence was purely intended to restore order and security in East Timor. The USA, the UK, Australia and other major democratic countries were apparently very aware that such humanitarian intervention must not have negative effects for Indonesian democratization and territorial integration.

Discussion about the moral, legal and political reasons for the major countries’ delayed military intervention for humanitarian purposes in East Timor is daunting.<sup>156</sup> However, for the present discussion, it is enough to say that the early democratization processes in Indonesia enabled the international community to find a feasible condition to deploy an international force in the territory. The humanitarian interest of the international community in saving the lives of civilians in East Timor, the institutional interest of the UN in bringing into effect the ballot result, and the national and international interest in the continuance of democratization in Indonesia together made INTERFET an extremely justified intervention which was carried out with great success. The significance of INTERFET was not that it didn’t create controversy (Gareth Evans called the case for intervention in East Timor marginal)<sup>157</sup>, but that it brought benefits to East Timorese, Indonesians and the international community at the same time.

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<sup>154</sup> As quoted in *Kompas*, 10 September 1999.

<sup>155</sup> “Sanctions for Indonesia could spark a nationalist backlash, Analysts say”, *International Herald Tribune*, 8 September 1999.

<sup>156</sup> Criticisms for belated response and moral responsibility of major international countries to East Timor by comparing the similar reaction to Kosovo and Iraq can be seen in Scott Burchill, “East Timor: Towards Rwanda”, in <http://www.zmag.org/timorburchill.htm> lodged on 6 September 1999 and Edward Herman, “Inhumanitarian NonIntervention in East Timor”, in <http://www.zmag.org/hermantimor.htm> posted on 8 September 1999.

<sup>157</sup> Gareth Evans, *The Responsibility to Protect: Rethinking Humanitarian Intervention*, Paper addressed before the American Society of International Law, 98<sup>th</sup> Meeting, Washington DC, 1 April 2004.

## E. Concluding Notes

INTERFET provided an extreme case of how the international community fulfils its responsibility to protect the basic rights of people from grave violation. The UN, Australia and other concerned countries and international organizations maintained that the international community had a sound rationale and the right intention in preventing East Timorese people from suffering. Authorized by the UN through Security Council Resolution 1264 under Chapter VII of the UN Charter, the coalition of willing states established and deployed a multinational force in East Timor (INTERFET). Equipped with a robust mandate and a strong force, INTERFET, led by Australia, could claim complete justification for its success in restoring peace and security, supporting UNAMET tasks and facilitating humanitarian operations.

For the further interest of this research I would like to highlight several preliminary conclusions.

First, the humanitarian crisis or the conscience shocking situation in East Timor justified the presence of the international force in East Timor (INTERFET). In addition to the threshold criterion, the set of precautionary criteria for a justified military intervention in East Timor were also met.

Second, this chapter has revealed, however, that the conscience shocking situation was firstly and chiefly caused by the weakening state of Indonesia. The decisions to offer a referendum and the possibility of East Timor's independence from NKRI were made without the necessary conditions within Indonesia to hold the popular consultation in a peaceful and orderly means. Since the central government failed to control the security forces, the security force elements on the ground failed to maintain and restore security, and other major political forces were preoccupied by their own political interests, the popular consultation in East Timor was surrounded by massive violence and destruction. The security condition in East Timor in the post-popular consultation period was one that the Indonesian government alone was unable to cope with and for which an international intervention was needed.

Third, INTERFET was not only justified by the authorization of the UN Security Council, even less so by Indonesian government's consent, or by strong internationally military force and support. The indisputable justification of INTERFET was the fragmentation among national political forces. This fragmentation was clearly shown by the absence of the rejection of an international peacekeeping force in East Timor. The absence of rejection was basically driven by the interest in avoiding personal or institutional harm due to political reform (*reformasi*).

And, in a situation in which there was no meaningful domestic resistance, INTERFET could operate to restore order and security in East Timor. Its success in completing its mandates in a relatively short time and without casualty demonstrated INTERFET's indisputable justification.

Fourth, the political reform (democratization) in Indonesia, however, apparently forced the Western democratic and major countries to delay the immediate deployment of an international military force to halt or avert the likelihood of large-scale loss of life and destruction in East Timor. There was political agreement among the leading members of the international community that humanitarian intervention in East Timor should not jeopardize Indonesian democratization and integration.

How the international community responded to the internal violent conflicts and humanitarian crises in Maluku and Aceh on the one hand and the ongoing democratization in Indonesia on the other will be discussed in the following chapters.

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## CHAPTER SIX

### HUMANITARIAN CRISIS IN MALUKU AND ACEH: DIFFERENT CIRCUMSTANCES

#### A. Introduction

The International Force in East Timor (INTERFET) was seen by the international community to have been completely justified. It was justified by the humanitarian crisis or conscience shocking situation. It was justified because it was aimed at halting the possibility of larger scale killing and destruction and was proportionally assigned to restore security for the completion of UNAMET tasks and the facilitation of humanitarian operations. It was justified by the authorization of the UN Security Council. It had Indonesian government consent. And finally it was justified since INTERFET had great success in fulfilling its objectives in a short period without meaningful armed clashes with pro-Indonesian militias and/or Indonesian security forces.

However, the intervention in East Timor provided one important lesson, namely the deployment of INTERFET was decided after the international community made it clear that such a military intervention would not jeopardize the democratization process in Indonesia. This decision suggested that securing political reforms towards a democratic state of Indonesia was no less significant than rescuing the East Timorese people from further suffering.

For politicians in Jakarta, however, the issue after the event was not whether INTERFET had justification or not. The key issue now that the case of East Timor in both senses of its separation from NKRI and international intervention should not happen in other conflicting regions within the country – for example Maluku, Aceh, and Papua. Since the problem of East Timor had been in the hands of UNAMET under the protection of INTERFET and then transferred to UNTAET, political debates focused on spelling out how “the case of East Timor should not happen again” in national political programs.

This chapter, focusing on the violent conflicts in Maluku and Aceh, will investigate why an East-Timor-type intervention did not take place in the two regions. To answer this question, this chapter is divided into three main parts.

The first part will discuss the humanitarian crises in Maluku and Aceh which, by comparison with East Timor, might *prima facie* have justified military intervention similar to that in East Timor.

However, as the second part will show, the international community, both the humanitarian NGOs and foreign governments, tended to see the violent conflicts and humanitarian crises in Maluku and Aceh as being totally different to those in East Timor. There were two major sets of reasons for this. First, the international community tended to see the violent conflicts and humanitarian crises in Maluku and Aceh as matters falling within Indonesia's domestic jurisdiction. Second, the international community saw that it had important interests at stake in Indonesia, including political reform and democratization. They were reluctant to intervene in Maluku and Aceh if this would jeopardize the progress being made on those issues. The result of these factors was that no international intervention took place in either case.

The third part of this chapter will explore Indonesian political developments in regard to political reform that made military intervention for humanitarian purposes in Maluku and Aceh unreasonable. Like most major national political forces, the international community were inclined to see the conflicts in the two regions as Indonesian domestic affairs and thus the solutions to the conflicts rested on Indonesian political dynamics.

## **B. Factors encouraging international intervention**

In the violent conflicts that took place in East Timor, Maluku and Aceh, there were many similarities. One example is that all these conflicts erupted and escalated at the outset of the reform era following the forced resignation of Suharto. There are at least three other aspects of the conflicts in Maluku and Aceh that created conditions similar to those which enveloped East Timor. These were the existence of humanitarian crises caused by the conflicts, the number of fatalities and the intensity of the conflicts. Another aspect of intrastate conflict, that is the strategic environment of the conflict with regards to the international community, is also crucial.<sup>1</sup> This fourth aspect will be discussed in Part C.

These three aspects of the conflicts were pull factors that could have made military intervention for humanitarian purposes in Maluku and Aceh possible, as the case of East Timor had demonstrated. For practical reasons the three aspects are presented by explaining the causes, the intensity and the effects of the conflicts.

Looking firstly at the causes of the conflicts in East Timor, Maluku and Aceh, it is clear that the three cases had roots in one or more of the following: ethnic, religious, social, economic and political issues. From the "insider" point of view these issues were likely to

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<sup>1</sup> The dimensions of the intrastate conflict refer to Patrick M. Regan, *Civil Wars and Foreign Power: Outside Intervention in Intrastate Conflict* (Ann Arbor: The University of Michigan, 2000) pp. 21–24, as presented in Chapter Two of this research.

confirm the internal, intra-state or domestic nature of the three conflicts. As noted in Chapter Three, the issue of Javanization and/or Islamization had been a political issue under the New Order regime.<sup>2</sup> But it only moved to the political stage when the old regime collapsed. Christian Malukuans claimed a privileged position in the regional bureaucracy and political positions. The East Timorese demanded more vociferously their right to self-determination. GAM members found more space to call for freedom from Indonesia.

The political content of these regional conflicts, however, was not limited to the relationship between the centre and the regions or the relationships among different societal groups. As will be explained, the competition for power in Jakarta among national political forces and elites contributed greatly to the eruption and perpetuation of the violent conflicts.

The separatist issue also needs to be mentioned. All of the regions raised the idea of separatism in different ways. There is no need to repeat the case of East Timor here. In Maluku the establishment of *Front Kedaulatan Maluku* (FKM) in December 2000 was seen by some military officers<sup>3</sup> and Muslim elements<sup>4</sup> as raising the idea of separatism. Although the Front was initially intended to unite local leaders in Maluku in order to urge the central government to take firmer measures to end the inter-religious conflict, it later took on the agenda of reviving the Republic of the South Moluccas (RMS), an agenda which had been abandoned in 1950. Despite lacking meaningful membership, political strength or armed force, FKM/RMS was portrayed by security officers as a serious threat to national integration.

There was no doubt that GAM was a separatist organization who wanted Aceh independent from NKRI. It organized and recruited armed forces and established a government in exile. In 1976 GAM had launched a military rebellion and was involved in many guerrilla attacks on Indonesian military forces. Following the collapse of the New Order military regime, GAM intensified its armed attacks and expanded its political influence in the region. However, many analyses suggest that the GAM was heavily motivated by economic and political interests rather than historical or legal ones.<sup>5</sup>

Considering the overlapping issues contributing to the conflicts, the conflicts were not easy to be resolved. Further, the intensity of the conflicts was greatly affected by the fact

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<sup>2</sup> See Gerry van Klinken, "Big states and little secessionist movements", in Damien Kingsbury ed., *Guns and Ballot Boxes* (Victoria: Monash Asia Institute, 2000) pp. 157–68.

<sup>3</sup> Interviews with Brig. Gen. (Pol.) Adityawarman, *Kapolda Maluku*, Ambon, 8 June 2004 and Major Agus Renaldi and Major Rudy Syamsir, *Assintel Kodam Pattimura*, Ambon 16 June 2004. Agus Renaldi made FKM equal to PRD (Democratic People Party) in the sense that both were serious threat to NKRI. FKM brought the idea of separatism and PRD with anti-Pancasila ideology.

<sup>4</sup> Interviews with Muslim leaders in Abon, 11 and 14 June 2004.

<sup>5</sup> Interviews in Banda Aceh with human rights activists, 2 and 10 July 2004. See also Moch. Nurhasim et al, *Konflik Aceh: Analisis atas Sebab-sebab Konflik, Aktor Konflik, Kepentingan dan Upaya Penyelesaian* (Jakarta: LIPI, 2003); Kirsten Schulze, *The Free Aceh Movement (GAM): Anatomy of a Separatist Organization* (Washington: East-West Center, 2004).

that the parties to the conflicts were not limited to different local communal or societal groups. The Indonesian security forces were also involved in the conflicts. Instead of attempting to stop the fighting, the security force elements intensified and perpetuated the violent conflicts.

Many people in Indonesia believed, as mentioned in the previous chapter, that the Indonesian security forces were behind the humanitarian catastrophe in East Timor. The same condition prevailed in Maluku and Aceh. Despite the communal or horizontal nature of violent conflict in Maluku, commonly viewed as a conflict between the Christian and Muslim Malukans, the involvement of TNI/Polri personnel cannot be overlooked. Objective political observers and many local, national, and international human rights activists asserted that ABRI or TNI and Polri elements had engineered the inter-ethnic and then inter-religious conflict. On many occasions they were involved in armed clashes.<sup>6</sup>

The separatist character of the Aceh conflict clearly showed that the main parties in the armed conflict were a group of Acehnese people organized in GAM and the Indonesian security forces. But, since GAM was directly contesting Indonesia's sovereignty over the region, the government of Indonesia became a key player to the conflict.

However, what would have been the reason for the international community to have militarily intervened was that the conflicts in Maluku and Aceh had caused humanitarian crises in the regions. The conflicts had generated a large scale loss of life and destruction. The conflict in Maluku had caused between 5,000 and 10,000 casualties.<sup>7</sup> In Aceh the number was also shocking. Three years after the DOM policy was lifted there were 1,531 deaths.<sup>8</sup> This number increased following the imposition of martial law in the region (2003–2004) during which time some 1,963 GAM members were killed.<sup>9</sup>

Another shocking effect of the conflicts was the large number of people that had been forced to flee their homes and villages.<sup>10</sup> More than 500,000 people in Maluku sought safety within or outside the province, whereas some 200,000 people became refugees in

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<sup>6</sup> ICG, *Indonesia's Maluku Crisis: The Issues, Indonesia Briefing*, Jakarta/Brussels, 19 July 2000; and *Indonesia: Overcoming Murder and Chaos in Maluku*, Asia Report No. 10, Jakarta/Brussels, 19 December 2000.

<sup>7</sup> ICG, *Indonesia: Overcoming Murder, Ibid.*. See also Sandra Pannell ed., *A State of Emergency: Violence, Society and the State in Eastern Indonesia* (Darwin: NTU Press, 2003) p.1. One source reported that since violent internal conflict erupted in January 1999 at least 4,000 people in Maluku had lost their lives by March 2002. See U.S. Agency for International Development (USAID), *Indonesia – Complex Emergency, Situation Report*, FY 2002. The Amboina Diocese Crisis Centre assessed that the number could reach up to 13,000 deaths. Interviews in Ambon, May and June 2004.

<sup>8</sup> Koalisi NGO-HAM Aceh, *Position Paper tentang Pembentukan Pengadilan HAM Ad-Hoc Bagi Kasus DOM Aceh and Ada Korban Dibalik Perundingan*. Both are Series of Human Rights Reports and no year of publication. See also HRW, *Human Rights Watch World Report: Asia: Indonesia, 2002*.

<sup>9</sup> "TNI: Operasi di Aceh Tetap Diteruskan", *Koran Tempo*, 15 July 2003.

<sup>10</sup> General Assembly, *Situation of Human Rights in East Timor*, 54<sup>th</sup> Session, A/54/660, 10 December 1999. See also U.S. Agency for International Development (USAID), *Indonesia – Complex Emergency, Situation Report*, 5 June 2003.

Aceh following the intensifying military operations in the region in 2003.<sup>11</sup> Just as Dili had been gravely devastated, in Aceh thousands of houses, schools, shops and other buildings were burnt or destroyed in 1998–2004.<sup>12</sup> This scale of physical destruction also occurred in Maluku where almost a half of the city of Ambon was burnt to the ground and towns and villages on the outskirts of Ambon were also devastated.<sup>13</sup>

The facts clearly showed that gross violations of human rights and international humanitarian law took place in all three regions, including widespread violations and abuses of the right to life, personal security, physical integrity and the right to property.<sup>14</sup> As the international community had deep concern about the killings, arbitrary arrests, tortures, rapes and widespread forced removal and displacement of people in East Timor, *prima facie* the humanitarian crises in Maluku and Aceh deserved a similar response in the sense of humanitarian interventions.

In addition, what had shocked the conscience of the international community in the case of East Timor was also found in the cases of Maluku and Aceh, namely the failure of the Indonesian government to perform its basic function of providing protection to its populations in those regions. In East Timor, as discussed in the previous chapter, Habibie's government was unable to obtain commitment from the security forces to maintain and restore security in the region. Striking evidence of the breakdown of the central government's authority with respect to Maluku could be seen in the case of the Laskar Jihad influx. Although President Wahid had ordered the TNI/Polri commanders to prevent the Java-based Muslim militias from leaving for Maluku, the TNI/Polri commanders were unwilling to do so. In this sense, the central government had apparently lost its authority over the security forces and become ineffective in making and implementing decisions.

Evidence of failure of the central government in Aceh was also remarkable. Not only had the government failed to meet its promises to bring justice to the region; the continuing military operations had in fact deprived the Acehnese people of their basic rights. The initiative of President Wahid to solve the Aceh problem through peaceful means was continually undermined by the TNI/Polri who consistently held their traditional view that the problem in Aceh was the GAM separatist movement, which hence had to be dealt with

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<sup>11</sup> See United Nations, *Consolidated Inter-Agency Appeal 2002 for Internally Displaced Persons in Indonesia*, New York and Geneva, 2002, pp. 39–40.

<sup>12</sup> Koalisi NGO-HAM Aceh, "Position Paper tentang Pembentukan Pengadilan HAM Ad-Hoc Bagi Kasus DOM Aceh", *Op.cit.*. See also Koalisi NGO-HAM Aceh, "Ada Korban Dibalik Perundingan", *Op.cit.*

<sup>13</sup> C. J. Bohm MSC, *Brief Chronicle of the Unrest in the Moluccas 1999 – 2003* (Ambon: Crisis Centre Diocese of Amboina)

<sup>14</sup> A report by Komnas HAM about the issue of human rights violations in Maluku, see *Laporan Kerja KPMM*, 18 December 2000. See also HRW, *Aceh under Martial Law: Inside the Secret War*, Vol. 15, No. 10(C), December 2003.

through military means. The economic interest of TNI/Polri in the province was also seen by political observers as being to water down the peace solution.<sup>15</sup>

The conditions presented above would have been likely to have met the threshold criterion of military intervention for humanitarian purposes. The large scale loss of life and destruction caused by the violent conflicts in Maluku and Aceh were arguably not the product of deliberate state action. But it was also very clear that such humanitarian crises were the products of the state's inability to end the violence. These situations had encouraged the Muslim and Christian leaders in Maluku to send appeals to the international community. A letter sent to the international world stated:

We, signing this appeal as the leaders of the Christian and Muslim communities in Maluku, ask the international community to assist and take part in handling this tragic conflict, which has caused around 8,000 deaths and 500,000 refugees, so that the conflict could end soon.

We believe this conflict is not a religious conflict. Religion has been exploited to serve the political agenda of certain groups in Indonesia. Malukan people are seen as meaningless and have to pay with their lives for such a political game.

Because the violence is carried out by provocateurs and militant extremists, including those in the highest level of the government and the military, we believe that this conflict could not end without international assistance.<sup>16</sup>

Having deep concern about the humanitarian problems and showing support for the call for international intervention, the Bishop of Amboina Diocese added,

Every day a number of innocent people were murdered and there had been hundreds of thousands of people forced to flee their homes and villages and to seek safe places. It was a human tragedy. And it was really depressing since the military and police who always claimed to be the guardian of national stability and security did nothing. Even worse, some military and police personnel directly or indirectly took part in violent acts. The regional and national governments were also incompetent. They allowed Malukans to become involved in a bloody war. Malukan people were left without security protection. For this we expected the international community to do something.<sup>17</sup>

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<sup>15</sup> According to KontraS, for example, the Indonesian military security force get US\$ 529,000 per month for military and security operations plus US\$ 4 a day 'pocket money' per person from Exxon Mobil. See Human Rights News online <http://www.hrw.org/press/2002/08/exxon080702.htm> accessed on 17 October 2003. See also "Freeport dan Arun Sumber Keuangan Utama Bagi TNP", *Tempo News Room*, 19 March 2003 and "Kecuali "Itikad Baik", Tidak ada Kewajiban Setor "Uang Keamanan" kepada TNI", *Gatra*, 20 March 2003.

<sup>16</sup> *Seruan Bersama kepada Dunia Internasional dari Wakil-wakil Umat Kristen dan Muslim di Maluku*, signed by Uztad Hadji Abd. Wahab Popoke (the chairperson of MUI-Maluku), Mgr. P.C. Mandagi MSC (Bishop of Diocese of Amboina) and Pdt.Dr. I.W.J. Hendriks (the chairperson of GPM), no date, A copy of the document was obtained from the Secretary of the GPM.

<sup>17</sup> Interview in Ambon, 9 May 2004

The arrival of thousands of Laskar Jihad in Maluku in May 2000, which caused much damage to the Christian side, seemed to push dozens of Malukans to demonstrate outside the US embassy in Jakarta on 25 June, “urging Washington to lead a Kosovo-style military intervention in the region.”<sup>18</sup> Komnas HAM was even reported to call for a UN force in Maluku.<sup>19</sup>

In Aceh, the participation of the international community in solving the conflict and in coping with humanitarian problems was also expected. Having grave concerns for the people who lived in fear and insecurity, human rights activists in the region said that international assistance was needed to protect the basic rights of Acehnese people.<sup>20</sup> The call for international pressure was also triggered by the behaviour of Indonesian security forces that had been excessively involved in massive human rights abuses. In regard to the idea of holding a referendum in Aceh, in a petition sent to President Wahid, SIRA asserted that the “independence option must be included in the referendum, and must be held under the international community’s control.”<sup>21</sup>

Although the religious leaders in Ambon did not expect a military intervention in Maluku<sup>22</sup> and human rights activists in Aceh were unsure about the presence of military forces for humanitarian purposes in the provinces,<sup>23</sup> the objective conditions of the people’s sufferings in the two regions would have been just causes for international intervention. The government’s failure to provide order and security and the involvement of the state apparatus, notably the military and police elements, in perpetuating the violent conflicts made the call for humanitarian intervention more reasonable. These calls were consistent with the ICISS’s suggestion that “in a failed state or collapsed state situation, with no government effectively able to exercise the sovereign responsibility of protecting its people, the principle of non-intervention might seem to have less force.”<sup>24</sup> The calls were also in line with the notion that “the situations that trigger humanitarian intervention are instances of severe tyranny such as crimes against humanity, mass murder and widespread torture and instances of anarchy caused by the collapse of social order.”<sup>25</sup>

<sup>18</sup> “Moluccas emergency declared”, *BBC News*, 26 June 2000.

<sup>19</sup> “Call for UN force for Moluccas”, *BBC News*, 4 August 2000.

<sup>20</sup> Interviews with human rights and former student activists, Banda Aceh, 2, 11 and 15 July 2004.

<sup>21</sup> *Petition and Political Ultimatum of Aceh Nation* was made after a peaceful rally of more than 3,000 Acehnese organized by SIRA in Jakarta on 25 July 2000. The petition is accessed from [apakabar@saltmine.radix.net](mailto:apakabar@saltmine.radix.net) posted on 5 August 2000.

<sup>22</sup> Interview with Rev. W. Hendrik, the chairman of GPM, in Ambon, 7 June 2004.

<sup>23</sup> Interviews on 2 July 2004, and with the chairman of Koalisi NGO-HAM Aceh, 17 July 2004.

<sup>24</sup> See ICISS, *Op.cit.*, p. 33.

<sup>25</sup> See William Zartman, *Collapsed States: The Disintegration and Restoration of Legitimate Authority* (Boulder: Lynne Reiner, 1995); Michael Ignatieff, “State failure and nation-building,” in J.L. Hozgrefe & R. O. Keohane eds., *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*

Nonetheless, the problem of humanitarian intervention is complex. Just as the conditions for a humanitarian crisis in terms of the scale of killing and destruction remain inconclusive, so the factors that generate the humanitarian crisis are also widely debated. ICISS did not draw a distinction between situations where the large scale loss of life “is caused by the action – or deliberate inaction – of the state, and those where the state in question has failed or collapsed”, and said that it made “no basic moral difference whether it is state or non-state actors who are putting people at risk”. But ICISS also argued that the international community would be placed in a morally untenable position if they failed to take military action as an anticipatory measure in such a condition.<sup>26</sup>

The condition that had generated humanitarian crises in Maluku and Aceh is thus central in this analysis. And this was open to the perceptions of the international community. In the case of East Timor, as discussed previously, the international community generally perceived that the condition that had put the East Timorese people at risk, and many foreigners as well, was the inability of the central government and the unwillingness of Indonesian security forces to maintain order and security in the region. How the international community perceived the conditions that had caused large-scale killings and destruction in Maluku and Aceh will be discussed in the following section.

### **C. Conflicts in Maluku and Aceh were different**

In the case of East Timor, deep international concern for people suffering and the deteriorating security condition was generally followed by statements that the international community had to do something to rescue the East Timorese people. A similar expression was not found in the case of Maluku and Aceh. To a great extent foreign governments, international governmental and non-governmental organizations tended to perceive that (1) violence in Maluku and Aceh was exacerbated by political reform, (2) the violence and humanitarian crises in the regions were Indonesia’s domestic affairs, and (3) solutions to the problems had to be sought domestically.

#### *1. Violence as triggered by democratization*

Initially, it must be said that none of the international NGOs such as Amnesty International and Human Rights Watch had defined the situations in Maluku and Aceh as humanitarian crises. Or, even when they used this terminology in their reports and press

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(Cambridge: Cambridge University Press, 2003). See also Fernando R. Teson, “Eight principles for humanitarian intervention,” *Journal of Military Ethics*, Vol. 5, No. 2, 2006, p. 97.

<sup>26</sup> ICISS, *Op.cit.*

releases, it was not as the criteria that could justify a military intervention. In its 1999 press release, for example, HRW called for “urgent international attention to the escalating communal conflict in and around Ambon in Indonesia’s Moluccan islands”, but it did not call for military intervention for humanitarian purposes.<sup>27</sup> The ICG’s first briefing about the Maluku conflict carried the title “Indonesia’s Maluku Crisis”<sup>28</sup> and reports about the chaotic situation, the offensive by Laskar Jihad, the demoralized security force members and the inability of the government to act properly<sup>29</sup> also showed no indication that ICG wanted to encourage foreign countries to send in their military forces. Similar expressions were applied to the situation in Aceh.

Although expressing deep concern about the humanitarian problems in Maluku and Aceh,<sup>30</sup> the international NGOs and foreign governments tended to see that the protracted violence in Maluku and the re-escalation of armed conflict in Aceh were related to the political reform in Indonesia. This view was expressed in two different ways. First, the international NGOs and observers persistently argued that the unceasing violence in Maluku and Aceh were heavily influenced by political conflict in Jakarta. Second, foreign governments showed more interest in supporting the democratization process in Indonesia than seeking international military roles in these conflicts.

Looking at the case of Maluku, all accessed publications provided by HRW, Amnesty International and ICG argued that the violent conflict in Maluku was sparked by a dispute between a Christian and a Muslim, fuelled by the recent economic crisis, unequal distribution of wealth, the decline of traditional authority structures, the perceived Islamization of the Indonesian government and civil service, the outbreak of communal violence in other parts of the country following the fall of Suharto and misinformation and conspiracy theories.<sup>31</sup> As the violent communal conflict continued, with some brief interruptions, these organizations began to investigate the role of political elites and the military. ICG, for example, contended that the emergence and mobilization of political

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<sup>27</sup> HRW, *Indonesia: International Attention Needed on Ambon Violence*, Press Release, 25 February 1999. See also HRW, *The Violence in Ambon*, Press Release, 17 March 1999.

<sup>28</sup> ICG, *Indonesia’s Maluku Crisis*, *Op.cit.*

<sup>29</sup> ICG, *Indonesia: Overcoming Murder*, *Op.cit.* Other reports and briefings are *The Search for Peace in Maluku* (8 February 2002) and *Violence Erupts again in Maluku* (17 May 2004).

<sup>30</sup> One source said the international community provided humanitarian assistance to Maluku and Aceh. The EU and the US was reported to say their willingness to provide humanitarian relief. The Dutch government had allocated 35 billion rupiah as emergency aid for people affected by the conflict. States from the Middle East such as United Arab Emirates (UAE) was also reported to supply US\$ 3-4 million for humanitarian assistance. And the UN planned to allocate US\$ 12.3 million for Maluku. The UN Office for Coordination of Humanitarian Affairs in Jakarta said that the UN involvement in Maluku was not to conduct intervention but to provide humanitarian assistance and support reconciliation and peace process in the region. “We would not be directly involved in political mediations”, Michael Elmquist the OCHA’s head of representative said. See *Kompas*, 15 January, 20 February, 24 April and 30 November 2000.

<sup>31</sup> HRW, *Indonesia: Investigation of Bias Needed in Maluku*, 7 January 2000.

parties along religious lines had exacerbated the situation. ICG also stressed the rise of political pressures from Muslim hardline opposition and the military upon the democratically elected President Wahid. ICG wrote, “There are powerful resource and political constraints limiting the government’s room for manoeuvre”.<sup>32</sup> In December 2000 ICG reported:

A number of prominent political figures in Jakarta are suspected of encouraging the disruption in Maluku, as in other parts of Indonesia, as part of a strategy to discredit and destabilize the Abdurrahman Wahid administration. Other national political leaders seem more preoccupied with political manoeuvring in Jakarta than with the Maluku crisis, a disaster in a distant region with less than one percent of the national population.<sup>33</sup>

Joe Saunders from HRW also wrote the following in the *International Herald Tribune*:

The upsurge of fighting between Christians and Muslims in the Moluccan islands in Indonesia is a direct challenge to the authority of the civilian government in Jakarta. A critical question is whether President Abdurrahman Wahid can subject the military to basic discipline and bring wayward troops under control. This is a precondition of peace in the Moluccas. It is essential if Mr. Wahid is to regain the public confidence necessary for economic recovery and continued political reform.<sup>34</sup>

The two excerpts indicate that the perpetuation of the violent conflicts was closely related to the fact that the two early years of democratization were marked by deep political fragmentation among major national political forces, which made an effective policy to handle these conflicts very difficult. More importantly, the state apparatuses such as the security forces and regional governments had been involved in the violent conflicts for their own ends.

It is fair to say that foreign governments did not expect such political fragmentation or its negative consequences. What they had clearly expected since the beginning of *reformasi* was that the political reforms would lead to a democratic state that could resolve the conflicts through peaceful means. When Habibie took over power from Suharto for example, it was reported that President Bill Clinton asked President Habibie to maintain political dialogue and openness and that the US government would support Habibie’s

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<sup>32</sup> ICG, Indonesia’s Maluku Crisis, *Op.cit.*

<sup>33</sup> ICG, Indonesia: Overcoming Murder, *Op.cit.*, p. 1.

<sup>34</sup> Joe Saunders, “Indonesian Forces Are Part of the Problems in the Moluccas”, *International Herald Tribune*, 4 July 2000. About the conflict between Gus Dur and the military see Sukardi Rinakit, *The Indonesian Military after the New Order* (Copenhagen: NIAS Press, 2005) pp. 197–204. Rinakit wrote that certain military elements attempted to destabilize the political situation and tarnish the Gus Dur government by sparking off nationwide violence and intensifying ethnic conflict in Ambon.

initiatives to meet the people's demands for political reform. Japan, Australia, Germany and ASEAN member countries were said to support democratization in Indonesia.<sup>35</sup>

The interest of foreign governments in the democratization process in Indonesia was demonstrated through their support for the holding of the 1999 general elections. As mentioned before, the US government provided financial support for the election preparation and appointed Stanley Roth, the Assistant Secretary of State for East Asia and the Pacific, to mobilize support from other donors and Asian governments.<sup>36</sup> Another source also reported that the EU alone supplied US\$20 million to ensure the election was conducted in a fair and free manner. International NGOs such as the Carter Center, the National Democratic Institute (NDI), International Republican Institute (IRI) and International Foundation for Election System (IFES) supported the first ever democratic election according to international principles.<sup>37</sup>

The holding of the 1999 election and the election of Abdurahman Wahid as a new president were widely welcomed by the international community. Australia welcomed the results and promised to support the democratization process. Other countries such as Japan, the US, Malaysia, Singapore and Thailand hoped the election of Mr Wahid would restore political stability to Indonesia.<sup>38</sup> The Australian Department of Foreign Affairs and Trade (DFAT) said, "Australia welcomes the prospect of a more democratic Indonesia and encourages the Indonesian authorities to take effective measures to resolve the problems".<sup>39</sup> Foreign support continued even though Wahid was apparently unsuccessful in bringing the violent conflicts in Maluku and Aceh to an end. As Wahid was facing strong opposition, the international community attempted to help him in securing democratization and in particular

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<sup>35</sup> "Clinton Minta Habibie Laksanakan Dialog dan Keterbukaan", *Kompas*, 28 May 1998; "Jepang Dukung Pemilu Indonesia," *Kompas* 25 May 1999.

<sup>36</sup> This financial support was mainly allocated for "training, public education, and various election-monitoring operations under the auspices of Indonesian NGOs and American organizations". HRW, *Human Rights Report 1999: Indonesia and East Timor*.

<sup>37</sup> "Suara International Terhadap Pemilu 1999", *Kompas*, 13 June 1999. Around 600 international journalists operated in Jakarta and travelled across the country to cover the election process. International broadcasts such as CNN, Reuters, AFP, AP, and Australian ABC sent their reporters and television crews to Indonesia. See "Demokrasi Indonesia di Mata Pers Dunia," *Kompas*, 14 June 1999. Similar to the case of popular consultation in East Timor, thousands of international observers also spread to see how the democratic event was carried out across the nation. Asia Foundation ran the largest and most comprehensive civil society voter education campaign. The Foundation trained and deployed 117,000 community-based voter education volunteers, printed and distributed more than 23 million voter education books, leaflet, posters and stickers, produced 2,000 voter education television and radio broadcasts and sponsored over 250 conferences, debates and workshops. See The Asia Foundation, *2004 Indonesia Election Program*, February 2004.

<sup>38</sup> International praise for Wahid, *BBC News*, 20 October 1999.

<sup>39</sup> DFAT, Media Release, 3 October 2000, as accessed from <http://www.foreignminister.gov.au/releases/index.html>.

in dealing with his political opponents, mostly in the military but also particularly in Islamic extremist camps.<sup>40</sup>

International support for democratization in Indonesia continued when Megawati Sukarnoputri was elected to replace Wahid. The US President George W Bush was reported as saying:

We look forward to working with President Megawati and her team to address Indonesia's challenges of economic reform, peaceful resolution to separatist challenges and maintaining territorial integrity.<sup>41</sup>

Other foreign governments from Australia, Japan, the European Union and ASEAN also reportedly supported reform in Indonesia. "The more stable Indonesia is, the more the whole region will benefit", Thai PM Thaksin Shinawatra said.<sup>42</sup> Ralph L. Boyce, the US Deputy Assistant Secretary of State for East Asian and Pacific affairs, said, "...events are moving rapidly in Indonesia. Despite the crises that fill the headlines there are many signs of progress. But the historic transition to democracy is fragile, reversible and of vital importance to the United States."<sup>43</sup>

Foreign support for democratization continued in the 2004 elections.<sup>44</sup> The UNDP ran a project *Support to Indonesia Elections 2004* which cost nearly US\$24 million. These funds were provided by Australia, Canada, South Korea and the EU.<sup>45</sup>

## 2. The conflicts as Indonesia's domestic affairs

The international tendency to see violent conflicts in Maluku and Aceh as Indonesia's domestic affairs can be explained in three different ways.

First, the international community persistently perceived the conflict in Maluku as an inter-communal conflict. As mentioned, international NGOs such as Amnesty International, HRW and ICG continued to describe the conflict as being between the Christian and Muslim community. This depiction seemed to be effective in keeping the conflict as an Indonesian domestic affair.

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<sup>40</sup>See Adam Schwarz, "Wahid Is in Trouble, and He Must Make Some Basic Changes," *International Herald Tribune*, 5 August 2000. See also Stanley A. Weiss, "In Indonesia, Help Wahid's Military to Stop Being the Problem," *International Herald Tribune*, 24 August 2000.

<sup>41</sup> "World reaches out to Megawati," *BBC News*, 23 July 2001.

<sup>42</sup> *Ibid.*

<sup>43</sup> The statement was part of his testimony on 18 July 2001 before a congressional panel and was adapted by *International Herald Tribune*, 23 July 2001, "The Bush Administration Will Be Taking Indonesia Seriously".

<sup>44</sup> For example, Asia Foundation trained some 140,000 volunteers to monitor the election process and provide community-level voter education. See The Asia Foundation, *2004 Indonesia Election Program*, February 2004.

<sup>45</sup> UNDP, *Voting for the Future: Support to the 2004 Indonesian Elections*, January 2004, as accessed from [www.undp.or.id](http://www.undp.or.id).

Second, the association of the conflicts in Maluku and Aceh with the democratization process in Indonesia signified that the conflicts were part of the Indonesian domestic political system. From an Australian perspective, this was relevant to a notion suggested that:

It is constructive for the Australian Government to reiterate Australian support for Indonesian territorial integrity, while stating a desire to see a peaceful resolution to the current internal conflicts. Australian support for the granting of meaningful autonomy to Aceh and Irian Jaya, along with other non-military approaches to conflict resolution to communal conflict in Maluku and Kalimantan, has been and should be presented as non-threatening to Indonesia by being accompanied by strong support for Indonesian territorial integrity.<sup>46</sup>

Third, the violent conflicts in Maluku and Aceh had no connections with any foreign parties or international interests. The suspicion that conflict in Maluku was triggered by RMS members in the Netherlands was baseless.<sup>47</sup> Another suspicion proposed by Hussein Umar from KISDI that “conflict in Maluku was part of an international conspiracy for a Muslim-cleansing policy in eastern part of Indonesia”<sup>48</sup> was also irrelevant. Although Iran and Libya were alleged to have supplied material support for GAM in the past, this did not have any significant effect in raising its international support.<sup>49</sup>

A few NGO activists suggested that multinational corporations (MNCs) played a role in igniting and perpetuating violent conflict in Maluku,<sup>50</sup> such as Exxon Mobil in Aceh. They argued that foreign companies were competing for the vast natural resources in Maluku such as timber, spices, fisheries and mining. For such interests, they added, foreign companies used the Indonesian security forces to spark violent conflict and evict people from their targeted areas. This notion, however, was not supported by sufficient evidence.

The domestic nature of the Maluku conflict could also be seen in the matter of security. All displaced persons (IDPs) sought safe places either within the province of Maluku and North Maluku or outside the two provinces but still in Indonesia. Many IDPs

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<sup>46</sup> In Chris Wilson, *Internal Conflict in Indonesia: Causes, Symptoms and Sustainable Resolution*, (Foreign Affairs, Defence and Trade Group, 7 August 2001).

<sup>47</sup> *Kompas*, 11 March 1999. President Gus Dur was also said to have suspicion of the Dutch-based RMS exile independence movement supplied arms through a charitable foundation Help Ambon in Need (HAIN) created by both Christian and Islamic organizations of Malukans in the Netherlands. See Peter Bartels, *Op.cit.*, p. 129.

<sup>48</sup> *Kompas*, 19 July 2000.

<sup>49</sup> Most of GAM arms reportedly came from southern Thailand. See Larry Nicksch, *Indonesian Separatist Movement of Aceh*, A Congressional Research Service (CSR) Report for Congress, 25 September 2002 as accessed from <http://www.fas.org/irp/crs/RS20572.pdf>. See also Kirsten Schulze, *Op.cit.*, pp. 25–9.

<sup>50</sup> Interviews with a staff of INSIST (the Institute for Social Transformation) in Jakarta, and with activists of Tim Relawan Kemanusiaan/Himpunan Maluku untuk Kemanusiaan (TRK/Humanum) in Ambon and Tim Advokasi Penyelesaian Kasus Ambon (TAPAK, Advocacy Team for the resolution of the Ambon Case) in Jakarta and Ambon.

sought shelter in Sulawesi, Irian Jaya (Papua) and Java. In this sense, violent conflict in Maluku did not have any impact for regional and international security.

The general perception that the problems of Maluku and Aceh were related to democratization and were Indonesia's domestic affairs had two further implications.

First, by seeing the conflicts in Maluku and Aceh as Indonesian domestic problems, the issue of separatism or the call for the right to self-determination in the regions lost its potential support. No foreign governments gave any sign of supporting FKM/RMS in Maluku and GAM in Aceh. The Dutch government continued to recognize Maluku as an integral part of Indonesia, even though thousands of its citizens of Ambon origins were reportedly supporting the independence of the Republic of South Maluku.<sup>51</sup> The claim of FKM/RMS members that Vanuatu and other countries in the Pacific supported RMS<sup>52</sup> seemed to have no significant effect in elevating the political status of RMS's claim to the right to self-determination. Sweden, where GAM's political leaders lived, Malaysia and Singapore, where many GAM members found safe haven, never made public statements to support Aceh's separation from NKRI.<sup>53</sup>

Second, by stating that the violence and humanitarian problems were related to *reformasi*, there was an explicit indication that the international community recognized the need for the Indonesian state to establish its capacity to cope with the problems. This clearly did not point to any questioning of the de jure or formal aspect of Indonesian sovereignty over territory including the Maluku and Aceh regions, but pointed to the de facto or material aspect of sovereignty that the state had to have the capacity to bring the conflicts to an end and to handle the humanitarian problems domestically.

### *3. Solutions to the conflicts had to be sought domestically*

The international perception of the conflicts in Maluku and Aceh as being exacerbated by the political conflict in Jakarta reflected a condition that if the political conflict could have been resolved, the conflicts in the regions would have been brought to an end. This was clearly stated by Ralph Boyce:

Although the United States follows the politics in Jakarta closely, we firmly believe that the current leadership crisis is a purely domestic matter. We do hope to see the crisis end in a way that promotes reconciliation and effective governance. The Bush administration is prepared to support any resolution that can be achieved through peaceful and constitutional means.<sup>54</sup>

<sup>51</sup> "Dutch Moluccans appeal for solidarity", *BBC News*, 8 March 2001.

<sup>52</sup> Interview with a member of RMS in Ambon, 26 May 2004.

<sup>53</sup> "PM Mahathir Muhammad: Malaysia Tidak Ingin Aceh Lepas dari Indonesia", *Kompas*, 20 March 2000.

<sup>54</sup> "The Bush Administration Will Be Taking Indonesia Seriously," *International Herald Tribune*, 23 July 2001.

Ralph Boyce also said that the US wanted to see a united, stable and prosperous Indonesia. Realizing the size and the complexity of the problems in Indonesia, he suggested that the ability of any outsider to influence events there was limited. The US government wanted to maintain a long-term strategic approach that could withstand inevitable shocks and crises without losing sight of overarching objectives. The top priorities of the US were to continue to invigorate civil society, to strengthen Indonesian national institutions particularly the judicial institutions, to develop a trained, developed and capable police force which could handle most civil problems.<sup>55</sup>

In regard to the US policy on Aceh, a Congressional paper stated that the US policy had been developed within the context of three broader policy objectives towards Indonesia:

The first was to support political evolution in Indonesia towards democracy. The second was to support Indonesia's territorial integrity – to assure post-Suharto leaders that the United States would not repeat its East Timor policy of 1999 towards other parts of Indonesia where there were separatist movements. The third, advocated by the Pentagon and the US Pacific Command, was to restore links between the US and Indonesian militaries.<sup>56</sup>

Within this political context, the Clinton Administration urged GAM to negotiate a settlement within a united Indonesia. The paper also said that in 2002, Assistant Secretary of State, Matt Daley, met with Hasan di Tiro in Sweden and urged him to accept special autonomy.<sup>57</sup>

Gareth Evans also asserted that the Indonesian government should be more determined in seeking resolutions to its domestic problems including the conflicts in Maluku and Aceh:

Indonesia should be attracting more attention than it is getting from Washington and Europe... Private messages should convey that international understanding and material support will be forthcoming if Indonesia does more to help itself – gets serious about corruption, brings the military leadership under effective civilian control, brings major human rights violators to justice, delivers even handed security protection to communities in conflict, devises a sensitive and workable political solution to the problems in Aceh and Irian Jaya, and generally behaves like a halfway competent government.<sup>58</sup>

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<sup>55</sup> *Ibid.*

<sup>56</sup> See also in Larry Niksch, *Indonesian Separatist Movement of Aceh*, A Congressional Research Service (CSR) Report for Congress, 25 September 2002 as accessed from <http://www.fas.org/irp/crs/RS20572.pdf>.

<sup>57</sup> *Ibid.*

<sup>58</sup> Gareth Evans, "A Wake-up Call to Jakarta: Governance, Please", *International Herald Tribune*, 7 February 2001.

The likelihood of a domestic solution to the conflict in Maluku was clearly underlined by Dan Murphy. He said, “there is little that foreign governments can do other than urge Indonesia to enforce its laws and protect its citizens. Stronger intervention would undermine the struggling civilian government of President Abdurrahman Wahid.”<sup>59</sup>

When on 6 July 2000 the European Parliament was reported by Indonesian media to be preparing to call for the international community to intervene in Maluku since violence in the region had escalated, this was clearly in contrast to the opinions mentioned above that resolution to the humanitarian problems in Maluku and Aceh had to be carried out according to national political dynamics. HRW and ICG, for example, emphasized the need to restrain the political elites and particularly the security forces from exacerbating the conflict.<sup>60</sup>

ICG and HRW suggested some positive steps that foreign governments and the international community ought to take.<sup>61</sup>

First, they strongly requested that the international community to be sensitive to local conditions and be objective in its response to the situations. Since both Muslim and Christian Malukans had experienced terrible losses, statements relying on sources from only one side of the conflict tended to fuel one side’s anger against the other.

Second, in response to the humanitarian problems caused by the conflict, HRW and ICG underlined that international humanitarian workers should be allowed full access to assist wounded and displaced people. Foreign donors were also expected to assist international humanitarian organizations and the UN agencies in their activities to provide humanitarian assistance for people in need. In addition, they also asked foreign governments to remind the Indonesian government that gross violation of human rights in Maluku could prompt calls for international action.

Third, although suggesting the possible presence of foreign observers, ICG declined to suggest that an international force be sent to Maluku. ICG asserted, “Whatever the attractions might be thought to be, foreign military intervention in Maluku would be counter-productive, could easily lead to further destabilization in Indonesia, and should not be sought”. Instead, “foreign donors should consider the provision of special funding for the two Maluku provinces conditional on the progress toward reducing the level of violence, and the international community should be ready to assist Indonesia with money and investigate resources to re-establish the rule of law.”<sup>62</sup>

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<sup>59</sup> Dan Murphy, “Indonesian Crime in the Moluccas,” *International Herald Tribune*, 12 January 2001.

<sup>60</sup> HRW, Indonesia: The Violence in Ambon, *Op.cit.* and Indonesia: Investigation of Bias Needed in Maluku, *Op.cit.*; See also ICG, Indonesia: Overcoming Murder, *Op.cit.*, p. 24.

<sup>61</sup> ICG, *Ibid*, p. 26.

<sup>62</sup> *Ibid*.

The emphasis on democratization as the underlying factor of violence in Maluku and Aceh and the perception that these violent conflicts were within Indonesia's domestic jurisdiction were likely to scale down the assessment of the grade of humanitarian crises and eliminate the possibility of military intervention. But, as I have argued in Chapter Five, the justification of INTERFET was not simply that the lives of East Timorese were at risk or almost all the regions had been devastated. There were several factors or reasons that had forced the international community to send in a military force to East Timor, but those factors were not existent in the case of Maluku and Aceh.

The first, as mentioned, was that there were no significant numbers of foreigners in Maluku and Aceh under threat that could force foreign governments to take coercive measures to save their lives. The second was that there was not any kind of ballot or popular consultation held in the two regions, the results of which had to be internationally implemented.

In addition to these two factors, it has to be mentioned that the historical, demographical and geographical aspects of Maluku and Aceh conflicts made them different to the East Timorese conflict. Historically, the UN, foreign governments and international NGOs had viewed Maluku and Aceh as legal parts of NKRI. Looking at the proportions of total populations that suffered, in East Timor almost all of the 800,000 citizens were desperately affected by the violent conflict; by contrast, two million Malukans and four million Acehnese out of 220 million Indonesians seemed relatively less significant. Geographically, the regions of Maluku and Aceh that had been torn by the violent conflicts were also likely insignificant compared to the most parts of Indonesian territory which were relatively calm or under control of the central government.

Taking into account the factors above and considering the international opinions about the conflicts in the two regions, a military intervention for humanitarian purposes in either Maluku or Aceh was very unlikely. This low likelihood was supported by some political changes within Indonesia about which the international community showed a high level of interest and support.

#### **D. The Changing Political Environment in Indonesia**

There were two different conditions within the Indonesian political context which apparently influenced foreign governments and international organizations to refrain from reacting similarly in Maluku and Aceh as they had in the case of East Timor. The first condition was the growing sentiment of anti-international intervention that could be defined as a negative factor. The second factor was more positive. It included the acceleration of

democratization, the assurance of national integration (NKRI), and the growing demand for reconciliation among the nation's elites. These two groups of factors could be defined as parts of the pull factors which made military intervention for humanitarian purposes in Maluku and Aceh unlikely.

### *1. Anti-international intervention sentiment*

In contrast to the case of East Timor, where there was no meaningful objection to foreign intervention, as shown in Chapter Five, a national response at both governmental and nongovernmental levels against the possibility of international intervention in Maluku and Aceh was discernible. In general, the response was to reject any form of foreign intervention including for humanitarian purposes. The calls for international involvement, mainly by religious leaders in Maluku and human rights activists in Aceh, were fiercely refuted by other social groups and particularly the government officials and military officers.<sup>63</sup> Their rejection was expressed in official and public statements, but also through mass demonstrations. Politicians and political observers also often asked the government and the media to avoid the internationalization of the conflict.

Amien Rais was an exception to this rule. In March 1999 he was reported to have asked the Clinton administration to place moral pressure on the Habibie government so that the latter would be more determined to solve the conflict in Maluku. He said, "If Jakarta was unable to stop the unceasingly bloody conflict in Ambon, we may ask for help from America to press the government so that the dreadful conflict could be put to an end".<sup>64</sup> Amien Rais was also reported to have asked the US State Secretary Madeline Albright in Jakarta for a kind of moral intervention by Washington in Indonesia.<sup>65</sup>

For this request Amien Rais was furiously criticized. Critics accused him of having betrayed national sovereignty, insulted the dignity of Indonesian Muslims and he was even called as a Zionist agent.<sup>66</sup> Ahmad Sumargono, the chairman of KISDI, condemned Amien Rais for making a political manoeuvre in order to get support from the USA. He contended, "Perhaps, Amien thinks that realistically in order to be Indonesian president he has to have approval from the international world. And in the recent unipolar international system, the US is the king".

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<sup>63</sup> See for example Arief Budiman, "Catatan Seorang Indonesia di Australia", *Kompas*, 28 September 1999. See also Stanley A. Weiss, "In Indonesia, Help Wahid's Military to Stop Being the Problem," *International Herald Tribune*, 24 August 2000, and, Michael Richardson, "Wahid and the Military Struggle for Supremacy", *International Herald Tribune*, 10 October 2000.

<sup>64</sup> "Untuk Hentikan Berbagai Kerusuhan Amien Minta AS Tekan Pemerintah RI," *Kompas*, 5 March 1999. See also "Albright Temui Amien, Megawati, Tokoh HAM," *Kompas*, 6 March 1999.

<sup>65</sup> *Merdeka*, 7 March 1999

<sup>66</sup> HA Sumargono, "Perlukan Intervensi AS? Catatan untuk Dr. Amien Rais," *Kompas*, 12 September 1999. See also Abd Rohim Ghazali, "Kasus Ambon dan Ijtihad Politik Amien Rais," *Kompas*, 30 March 1999; "Intervensi Moral Amien Rais," *Kompas*, 26 March 1999.

But, in general the government officials and major political forces rejected any appeal for international humanitarian intervention in Maluku and Aceh. For example, when Marzuki Darusman, the Attorney General, was asked about the possibility of foreign intervention in Maluku, he strongly rejected the idea. Because, he said, “the core problem of the Ambon conflict is a conflict of interest with political and military nuances”. Considering the appeal to have been influenced by religious sentiment, he asserted that the political content of the conflict was more influential and, thereby, what had to be done was to send in a national peacekeeping mission and instigate effective policing measures through which arms could be confiscated, a curfew put in place and provocateurs arrested.<sup>67</sup>

In responding to the media report, which said that the European Union Parliament was drafting a resolution for military intervention in Maluku,<sup>68</sup> Indonesian Foreign Minister Alwi Shihab briefed 83 international representatives in Jakarta and said, “The Indonesian government strongly rejects foreign intervention in the Maluku conflict, but will welcome humanitarian assistance for people in need caused by the conflict”. He was also reported as saying, “It is expected that the international community shows their understanding and support for the government efforts to restore law and order in Maluku and North Maluku provinces and to build peaceful relations among society there”.<sup>69</sup>

Surjadi Soedirdja, the Coordinating Minister for Politics and Security, was reported as saying that the government policy about the conflict in Maluku was very clear that the problems in Maluku and North Maluku were Indonesian domestic affairs. Therefore, “any kind of foreign intervention has to be avoided”.<sup>70</sup> To national media, Hasan Wirajuda, then the General Director of Political Affairs of the Foreign Ministry, explained that the case of Maluku should not be treated as being equal to the case of East Timor because the latter had been since its beginning an international affair: “The Maluku conflict is an internal problem. In addition, Maluku is under an effective administration. In that way, foreign intervention though in the kind of humanitarianism could be carried out if only there is a formal invitation from the Indonesian government”.<sup>71</sup>

In the case of Aceh, when President Wahid initiated negotiations with GAM in order to seek solutions to the problems by inviting the Switzerland-based NGO Henry Dunant Centre (HDC), many politicians and political observers in Jakarta warned the government that such an initiative helped internationalize the conflict. Dewi Fortuna Anwar, for example, proposed that although the international community apparently did not support separatist

<sup>67</sup> “Ketua MPR tentang Pertikaian di Maluku: Hentikan Pembunuhan,” *Kompas*, 5 January 2000.

<sup>68</sup> “Soal Pertikaian di Maluku, Parlemen Eropa Serukan Intervensi Internasional,” *Kompas*, 8 July 2000.

<sup>69</sup> *Ibid.*

<sup>70</sup> “Koflik di Maluku; Banyak Senjata Beredar,” *Kompas*, 13 July 2000. See also “Sekjen PBB Berusaha Tak Agendakan Maluku; Menlu: RI Tak Terima Intervensi Negatif,” *Kompas*, 18 July 2000.

<sup>71</sup> *Ibid.*

movements in Indonesia, the likelihood of internationalization of the movements was existent. She went on, “mobilization of public opinion by NGOs and the media or politicians could make the domestic affairs as international issues”.<sup>72</sup>

Critics of the possibility of the involvement of foreign parties in resolving the conflicts in Maluku and Aceh included DPR members. They argued that involving foreign entities in seeking solutions to domestic problems such as Aceh was a big mistake. Others were concerned about the internationalization of the conflicts.<sup>73</sup> DPR members from PDIP like Sabam Sirait, Sutardjo Surjoguritno and Permadi were also critical about the participation of foreign parties in finding solutions to Indonesian domestic problems. “The conflict in Aceh is an Indonesian domestic problem. If the government was united and took the problem seriously, it could be easily resolved and the international involvement would be unnecessary”, Sabam Sirait suggested.<sup>74</sup>

The anti-international intervention feeling and the anti-internationalization of domestic policy regarding conflicts was also reflected in efforts to prohibit all kinds of activities which were perceived as attempts to bring the conflict in Maluku and Aceh into international attention. In the case of Maluku, the security forces attempted to close the region from outsiders who were suspected of not having a valid reason for entering the region.<sup>75</sup> A number of seminars and publications on Aceh were prohibited or censored. A Komnas HAM-organized seminar in Banda Aceh in October 2003 was even dissolved by the security apparatus.<sup>76</sup> Relevant to this policy was the ban on national and international reporters and humanitarian workers entering Aceh as it was feared they might help the internationalization of the conflict.<sup>77</sup>

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<sup>72</sup> “Catatan Akhir Tahun CIDES: Pemerintah Tak Efektif Dalam Buat Keputusan,” *Kompas*, 29 December 1999. See also Omar Halim, “Internasionalisasi Aceh dan Agenda GAM,” *Kompas*, 7 June 2005; and M. Dimiyati Hartono, “Internasionalisasi Gerakan Aceh Merdeka,” *Kompas*, 7 June 2005.

<sup>73</sup> “Pemerintah Terperangkap Dalam Internasionalisasi Aceh,” *Kompas*, 2 June 2005. “Keliru Mengajak Negara Lain Dalam Menyelesaikan Masalah Dalam Negeri,” *Kompas*, 5 June 2005.

<sup>74</sup> Interviews in Jakarta, 7, 14, 15 January 2005.

<sup>75</sup> The policy was particularly based on President Decree placing Maluku under a civil emergency law on 26 June 2000. See HRW, *Moluccan Islands: Communal Violence in Indonesia*, June 2000. See also ICG, Indonesia: Overcoming Murder, *Op.cit.*, p. 11 and ICG, *Indonesia: The Search for Peace in Maluku*, Report No. 31, 8 February 2002, p. 18–9.

<sup>76</sup> *Media Indonesia*, 20 October 1999. See also “Indonesian police break up rights commission session in Aceh province”, *AFP*, 21 October 2003.

<sup>77</sup> Following the President Decree No. 28/2003 authorizing the emergency law in Aceh, President Megawati issued Decree No. 43/2003 which forbade foreign tourists from going to Aceh and required other foreigners to get permission from the state authority. All humanitarian activities had to be coordinated by the Coordinating Minister for Social Affairs. The arrest of a US journalist William Nessen on 24 June 2003 was an example of how Indonesian authorities in Aceh attempted to confine the region from national and international access. A year before a Scottish academic and an American nurse were also arrested based on an allegation of supporting GAM rebels. See “Indonesian press alarm on Aceh,” *BBC News*, 5 June 2003. See also *BBC News*, 3, 6 August 2003 and 17 March 2004. See also HRW, *Aceh under Martial Law: Unnecessary and Dangerous Restrictions on International humanitarian Access*, A Briefing Paper, September 2003; Teuku Samsul Bahri, *Aceh Province: Dirty*

Rejection of foreign intervention in Maluku was also demonstrated by popular groups such as KISDI and FKAWJ. Ja'far Umar, the Forum leader, contended that the call for international assistance or the UN to solve the Maluku conflict was insulting the national dignity since the problem was Indonesian national affair. Hussein Umar, the KISDI leader, urged the government and DPR to be determined to resist foreign intervention and asked the international community not to intervene in Indonesia's domestic affairs. He argued, "conflict in Maluku was part of the scenario of a Muslim cleansing policy in eastern parts of Indonesia by the international community. The next step is to make easy the separation of Irian Jaya (Papua) from NKRI."<sup>78</sup>

Rallies to reject international intervention in Indonesia's domestic affairs were also conducted by student groups. In Yogyakarta, for example, tens of students demonstrated to support the deportation of Sidney Jones, the former director of HRW-Asia and then ICG director. Before the rally, the head of the National Intelligence Agency (BIN) pointed the finger at Jones that she had undermined national security. The students blamed Jones and her "black" NGOs network for provoking domestic conflicts: "We will not let go of any of our territory, as was the case with East Timor".<sup>79</sup>

The growing sentiment against international intervention should not be seen as a sign of the restrengthening of feelings of nationalism in any broad or meaningful sense. Such sentiments and the internationalization debates were largely related to the political conflict in Jakarta. The military and some politicians in DPR criticized Wahid's initiative in negotiating with GAM, while politicians from PKB supported it. Politicians from PKB and PAN later criticized Megawati and then S.B. Yudhoyono for continually involving foreign parties to find solutions to the Aceh conflict. The use of arguments that international intervention would harm national dignity and sovereignty or that internationalization of a domestic conflict would complicate the domestic solution showed that nationalism was just a political game. It depended on the speaker's particular political position. Religious leaders in Maluku and human rights activists in Aceh also contended that nationalism was meaningless when the government officials, military officers and politicians had in fact failed to provide protection and security to the people.<sup>80</sup>

Up until this point there had been no evidence that the international community had attempted to mobilize Indonesian domestic support or even to neutralize domestic opposition

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*War Uncovered, Report* by KontraS (The Commission for Involuntary Disappearances and Victims of Violence) – Aceh, 30 September 2003.

<sup>78</sup> "KISDI and Forum Komunikasi Ahlul-sunnah Wal Jama'ah Tolak Campur Tangan Asing di Maluku," *Kompas*, 19 July 2000.

<sup>79</sup> "Aksi Mendukung Deportasi Sidney Jones di DPRD," *Kompas*, 23 June 2004.

<sup>80</sup> Interviews in Ambon and Banda Aceh, May – July 2004.

for an international military intervention, as ICISS had theoretically suggested<sup>81</sup> and as occurred in the case of East Timor. As anti-intervention sentiment grew in Indonesia, it would have been very unlikely for foreign governments to have taken the risk of carrying out intervention. As has already been mentioned, “a military action for limited human protection purposes cannot be justified if in the process it triggers a larger conflict”.<sup>82</sup>

## 2. *Ongoing process of democratization*

The growing feeling against foreign intervention in Maluku and Aceh was also accompanied by some political gains. These included the institutionalization of democratic processes, the assertion of national territorial integration and an increased awareness of the need for a consolidated government. At the heart of all these processes was the state’s capacity to resolve Maluku and Aceh’s problems through domestic and democratic measures.

### a. Institutionalizing democracy

The post-Suharto years gradually showed that *reformasi* was not simply a matter of changing the authoritarian ruler. As discussed in Chapter Four, the reform movement contained a large number of issues. These included the expectations of having a more democratic government, a more accountable security force, more autonomy for the regions, a growing respect for human rights and an emerging role for civil society.

#### *The general elections*

As mentioned, the international community showed strong support for the holding of the June 1999 parliamentary election followed by the October 1999 presidential election. Based on the newly revised regulations for general elections and the party system endorsed by the reform movement, most Indonesian political elements demonstrated enthusiasm for and a commitment to bringing the nation into a democratic system.

The election results also received positive responses from the international community, particularly the Western democratic countries. With PDIP and *Golkar* in the top two positions, winning 34 and 22 per cent of national votes respectively, the nationalist-secularist ideology of the country would be likely to continue. This kind of ideology had brought about constructive relationships between Suharto’s Indonesia and foreign governments. A different response would have very likely emerged if the democratic election resulted in the victory of parties founded upon Islamic ideology.

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<sup>81</sup> ICISS, *Op.cit.*, p. 70

<sup>82</sup> *Ibid.*, p. 37. See also Michael Ignatieff, “Human Rights, Intervention and Sovereignty,” in Nicholas Owen ed., *Human Rights, Human Wrongs* (Oxford: Oxford University Press, 2003) p. 81.

The presidential election in October 1999 brought Abdurrahman Wahid to the presidency.<sup>83</sup> His accession to presidential power highlighted another principle of the democratic system, that is the supremacy of the civilian voice over that of the military. This was one of the vital political points which the reform movement had sought.<sup>84</sup>

The parliamentary and presidential elections in 2004 showed further progress in the sense of institutionalizing democratization. The Indonesian people again demonstrated enthusiasm and displayed an expectation that the democratic institution of elections would guide the country to a more mature democratic state.<sup>85</sup> Conducted in a fair and peaceful atmosphere, the parliamentary election was not merely a formality or a contest for political parties and politicians, but it was viewed as an institution that recognized the basic rights of the people to freely choose their representatives in a national political decision-making process.

The presidential elections in July and September 2004 underlined the principle that the people were central to democracy. For the first time in Indonesian history, the people had the right to choose the president and vice-president through a direct, free, and fair election, which was previously the privilege of the MPR. Representing the Democrat Party (PD), Susilo Bambang Yudhoyono (SBY) won the presidential election. It may be that the popularity of the candidate was the most decisive factor influencing how people cast their votes, but it is also true that “politics is never perfect and in democracies the candidates for the top executive are seldom ideal. It has been mainly a choice based on the principle of *minus malum* or the ‘lesser evils’ among the candidates,” as one scholar asserted.<sup>86</sup>

#### *Reform within the national security force*

Civilizing state authority in the sense of making state institutions more accountable took place within the Indonesian security force. In April 1999 the Indonesian police (Polri) were separated from the armed forces (ABRI), with the latter being re-named the Indonesian National Army (TNI). In accordance with national demands for a revised role of the TNI, the TNI leaders introduced the new paradigm within which the military was to be focused on national defence affairs while Polri held the responsibility for domestic security matters. The MPR Decree (TAP MPR) 7/2000 laid down the formal guidelines for further regulation of

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<sup>83</sup> “New Hope for Indonesia”, *BBC News*, 21 October 1999. See also “International praise for Wahid,” *BBC News*, 20 October 1999. See also R. William Liddle, “Indonesia in 1999: Democracy Restored,” *Asian Survey XL* (January/February 2000) pp. 32–42.

<sup>84</sup> Although Habibie was a civilian, his rise to presidential power was not through election but merely based on the constitution. For a discussion about the civilian supremacy, see E. Shobirin Nadj ed., *Supremasi Sipil, Pelembagaan Politik dan Masalah Integrasi Nasional* (Jakarta: LP3ES, 2004).

<sup>85</sup> The Asia Foundation, *Democracy in Indonesia: A Survey of the Indonesian Electorate 2003*, November 2003.

<sup>86</sup> Jusuf Wanandi, “The Indonesia General Elections 2004,” *Asia-Pacific Review*, Vol. 11, No.2, 2004 p. 127.

the roles of TNI and Polri. The decree also asserted that TNI should be subject to policy direction by the government and that it had to support democracy, the rule of law and human rights. On the other hand, Polri was defined as the state instrument to maintain security and public order, law enforcement and protection of and service to the public.<sup>87</sup>

Also very significant was that the decree obliged TNI and Polri to be neutral in political affairs. By this regulation TNI and Polri had to withdraw from daily political activities such as holding offices in parliament and executive posts. Although the decree mandated that the latest date for the withdrawal of TNI/Polri from DPR/MPR was 2009, the military/police faction in DPR and MPR was in fact withdrawn in 2004. Active military and police personnel in government and other political posts had the option to return to, or to seek release from, their military jobs.

Reform within Indonesian security forces was in the first instance a response to the democratization demanded by the reform movement as discussed in Chapter Four. More than this, related to allegations that the military had undermined Wahid's civilian government in seeking a peaceful solution to the conflicts in Maluku and Aceh,<sup>88</sup> foreign major governments wanted to see further development of the TNI/Polri within Indonesian democratization. Ralph Boyce claimed that the US government

will also carefully modulate our broader contacts with the Indonesian military as a part of any coordinated effort to strengthen Indonesia's institutions. The military remains a central, truly national institution, with enormous potential to support or subvert democratization.<sup>89</sup>

Foreign governments also began to revise their military ties with the Indonesian military. On this issue Gareth Evans suggested:

The United States and other donors should insist that providing any future assistance or training be predicated on the Indonesian government making the military's entire budget and expenditures a matter of public record. Such transparency is a bare minimum to be expected from any modern military operating in a democratic system. Most importantly, international military ties with Indonesia must be viewed through the wider optic of reform facing the central government in Jakarta as a whole. The Indonesian military does not operate in a vacuum.<sup>90</sup>

Several governments were interested in providing information or other assistance that would enable the Indonesian government and military to determine the objectives and

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<sup>87</sup> See ICG, *Indonesia: Next Steps in Military Reform*, Report No. 24, 11 October 2001.

<sup>88</sup> ICG, *Indonesia's Presidential Crisis*, Indonesia Briefing, 21 February 2001 and *Indonesia's Presidential Crisis: the Second Round*, Indonesia Briefing, 21 May 2001.

<sup>89</sup> "The Bush Administration Will Be Taking Indonesia Seriously," *International Herald Tribune*, 23 July 2001.

<sup>90</sup> Gareth Evans, "Indonesia's Military Culture Has to Be Reformed," *International Herald Tribune*, 24 July 2001.

direction of reform as well as formulate detailed plans.<sup>91</sup> HRW 2001 reported that the UK resumed sales of Hawk jet fighters and the US lifted a ban on commercial military sales and increased its bilateral assistance to US\$125 million, which was to be allocated to judicial reform, improving civil-military relations and police training.<sup>92</sup>

#### *The introduction of regional autonomy*

Indonesia also showed further progress by the introduction of laws on regional autonomy. UU No. 22 and No. 25/1999 were widely regarded as being in accordance with democratic demands and likely to help find solutions to the conflicts in Maluku and Aceh. By extending more power and financial resources to the regions, there was a growing belief that some of the root causes of the regional conflicts could be addressed.

In the case of Aceh, it was reported that

the US and other governments are said to be willing to support the implementation of autonomy in Aceh with funds, expertise and training for Acehese officials and NGOs. Foreign governments have a vested interest in seeing autonomy succeed because of their desire that Aceh remain part of Indonesia and their unease about attempts to solve the problem by force.<sup>93</sup>

As a matter of fact, the leading members of the international community believed that serious separatist movements were limited to Aceh and Papua, aside from the rather different case of East Timor. The separatist movement of the RMS in Maluku was seen as insignificant. But, it was also clear that social and economic injustices largely triggered the separatist groups. The implementation of regional autonomy could theoretically increase respect for regional identities and interests as a basis of a pluralist and democratic state. Keeping the vast ethnic, cultural and regional groups united within the Indonesian state would contribute to Southeast Asian regional security.<sup>94</sup>

#### *The growing respect for human rights*

Another important part of the democratization process that impressed the international community was the respect for the promotion of human rights. The fall of Suharto paved the way for the realization of various human rights such as civil and political rights, economic and cultural rights, minority rights and even the right to self-determination. Although their prospects were deeply affected by the processes of democratic transition,

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<sup>91</sup> ICG, *Indonesia: Next Steps in Military Reform*, Asia Report No.24, 11 October 2001.

<sup>92</sup> HRW World Report 2001, "Indonesia: the Role of the International Community" accessed online at <http://www.hrw/wr2k1/asia/indonesia3.html> on 16 June 2005.

<sup>93</sup> See ICG, *Aceh: Can Autonomy Stem the Conflict*, Asia Report No. 18, 27 June 2001.

<sup>94</sup> See Robert S. Gelbard, "U.S. and Indonesia: Common Goals," *International Herald Tribune*, 20 November 2000; Ralph L. Boyce, *Op.cit.*

there was a reasonable hope of human rights development in aspects like freedom of expression and political participation.

The seventeen-month tenure of President Habibie produced a number of legislative changes including the regional autonomy laws outlined above.<sup>95</sup> These were followed by a new law, UU No.26/2000, establishing a Human Rights Court, which was accepted by the DPR on 6 November 2000.<sup>96</sup>

Despite their sluggish implementation, caused largely by political turbulence in the following years, the national laws on human rights provided the framework for the nation's legal instruments in dealing with any actual or apparent violations of human rights. The importance of these human rights instruments had been strongly denied by Suharto's regime. They were useful to show the international community that the new democratic country, which had been long condemned for massive violations of human rights, was now on the right track to promoting human rights.

#### *The emerging role of civil society*

The bottom line of democratization was the increasing participation of the population in national decision-making. The reform movement in 1998 remarkably demonstrated that popular groups were playing a crucial role in bringing about a democratic system. Students, pro-democracy activists, human rights NGOs, journalists, lawyers and professionals, intellectuals and other urban, educated groups and religious organizations were the influential agents in ending the authoritarian regime and paving the way for the emergence of a democratic system.

The same pattern could be observed in other democratizing societies. Foreign governments, in particular the US, EU and Australia, were of the view that the emergence and empowerment of societal organizations was the foundation of good, transparent and accountable government and of respect for human rights. Ralph Boyce said:

While strengthening institutions, our strategy includes working wherever possible through non-governmental organizations to continue to invigorate civil society. We particularly want to concentrate on judicial institutions. With vast ethnic diversity

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<sup>95</sup> Other legal products included the ratification of ILO Conventions regarding rights to organize, elimination of gender-based discrimination of forced labour and minimum age of workers; UU No.5/1999 on the Freedom to Express One's Views before the Public. In November 1998 and July 1999 the government adopted the Convention against Torture and other Cruel, Inhuman or Degrading Treatments and Punishments and the Convention on the Elimination of All Forms of Racial Discrimination and formed UU No.5/1998 and No.29/1999 respectively. In addition, UU No.39/1999 on Human Rights was issued on 23 September 1999.

<sup>96</sup> The establishment of Human Rights Tribunal was widely believed as driven by international pressures due to grave violation of human rights in East Timor in September 1999. See Philip Eldridge, "Human Rights in Post-Suharto Indonesia," *The Brown Journal of World Affairs*, Spring 2002, Vol. IX, No. 1, pp. 127-139. See also Zaini Abidin, *Pengadilan Hak Asasi Manusia di Indonesia* (Jakarta: Elsam, 2005).

and a history of official abuse, Indonesia will not remain stable for long unless its citizens believe that grievances will receive a fair hearing.<sup>97</sup>

Foreign countries and international organizations also believed that societal organizations including NGOs could play an important role in resolving conflict and dealing with humanitarian problems. Apart from working with the established NGOs such as YLBHI and PBHI, in Maluku a number of NGOs emerged in response to the eruption of communal conflict.<sup>98</sup> A similar situation was found in Aceh. The Coalition for Human Rights in Aceh (*Koalisi NGO HAM Aceh*), SIRA, SMUR and other kinds of societal organizations became involved in seeking a solution to the existing violent conflict. Many international agencies, particularly pro-democracy and human rights NGOs, developed networks with local NGOs. This was in part to strengthen the local community in dealing with the democratic process and searching for a peaceful solution to the conflict.

#### b. Conserving national integrity

Although there was no single explanation for the independence of East Timor, as was shown in the previous chapter, the separation was seen – particularly by the military and nationalist elements – as a big loss to the nation. To avoid its repeat in other regions the post-Habibie governments took a tougher political stance on national territorial integrity both at domestic and international levels. At the domestic level two different approaches were used: one legal and democratic, particularly through the implementation of the regional autonomy bill discussed above, and the other security or military-based.

In the case of the second approach, the military and the police remained central and sought to prove that they were the guardians of NKRI. Apart from the general strategy based on the territorial structure command, the military urged the government to place Maluku in a state of emergency under which the military would have had a legal base to crack down on the RMS separatist movement. The continuing military operations in Aceh and the policy to place the province under military emergency law in May 2003 were also part of the counter-insurgency strategy against GAM. While a few groups, primarily democracy and human

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<sup>97</sup> Ralph L. Boyce, *Op.cit.*

<sup>98</sup> YLBH-Ambon, Bakubae, TAPAK Ambon (*Tim Advokasi untuk Penyelesaian Kasus Ambon – Advocacy Team for Resolving Ambon Case*) were a few organizations working to investigate the conflict and attempting reconciliation between the two conflicting groups. HUMANUM (*Himpunan Maluku untuk Kemanusiaan – Maluku Association for Humanity*) was another NGO which initially worked voluntarily on providing assistance for people severely affected by the conflict. TAPAK and HUMANUM joined other organizations associated with the Baileo Network working on providing and delivering humanitarian assistance, ending the communal conflict, attempting reconciliation and post-conflict community building. See <http://www.baileo.or.id/ind> as accessed on 30 November 2005.

rights activists, criticized the coercive approach, most national political forces showed no objection to it.<sup>99</sup>

At an international level the Indonesian government's efforts to ensure the preservation of NKRI were remarkable. In around 21 months of his presidency, Wahid travelled to all continents and visited some 30 foreign countries. In the 40 days after he took power, he had spent 23 days on international visits including to ASEAN member countries, China, India, Japan, the USA and the Middle Eastern countries.<sup>100</sup> The objectives of his world tour, he claimed, were: to improve the Indonesian international image, to encourage international investment for national economic recovery, and to have international support for Indonesian sovereignty and territorial integration, including in Aceh.<sup>101</sup> Foreign Minister Alwi Shihab visited the Vatican in December 1999 to convince Pope John Paul II that the new Indonesian government would be able to solve the Christian–Muslim conflict in Maluku.<sup>102</sup>

According to one analyst, Wahid's foreign policy of seeking international support for economic recovery and national integration was supported by his strong domestic legitimacy, personal popularity and grass roots support.<sup>103</sup> Several analysts such as Hasjim Djalal agreed that Wahid's world tour helped Indonesia to be united.<sup>104</sup> "Perhaps, the only objective apparently achieved by the world tour was that almost all countries Gus Dur visited showed support for Indonesian territorial integration and thus the separatist movement of GAM had no support", Jusuf Wanandi said.<sup>105</sup>

However, other observers disagreed. Rizal Sukma, for example, said that the visits were unnecessary. He did not believe that there was any kind of international conspiracy or a specific US interest in seeing Indonesia disintegrate.<sup>106</sup> This is in line with Robert Gelbard, the US ambassador to Indonesia, who said: "the United States firmly supports the same goals as Indonesians do for this vast and diverse country – democratization, sustainable economic growth and territorial integrity." Gelbard further said:

Those who claim that foreign governments seek to destabilize Indonesia clearly have not thought the matter through rationally. A moment's reflection reveals that instability in Indonesia would serve no national interest of the United States or other

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<sup>99</sup> ICG, *Aceh: How Not to Win Hearts and Minds*, Indonesia Briefing Paper, 23 July 2003, p. 2.

<sup>100</sup> "Diplomasi "one-man show" Abdurrahman Wahid," *Kompas* 20 December 2000.

<sup>101</sup> "Politik Luar Negeri "Tur Keliling Dunia" ala Gus Dur," *Kompas*, 1 January 2000. See also Yasmi Adriansyah, "Gus Dur, Indonesia, Dunia," *Kompas*, 24 February 2000.

<sup>102</sup> "Menlu Alwi Shihab akan Temui Paus," *Kompas*, 15 December 1999.

<sup>103</sup> Ben Perkasa Drajat, "Politik LN Indonesia Baru," *Kompas*, 27 April 2000. For a more comprehensive account of Indonesian foreign policy under President Wahid, see Rizal Sukma, *Islam in Indonesian Foreign Policy* (London: RoutledgeCurzon, 2003) pp. 93–122.

<sup>104</sup> Hasjim Djalal, "Prospek Politik Luar Negeri RI Tahun 2001," *Kompas*, 20 December 2000.

<sup>105</sup> Jusuf Wanandi, "Pengalaman dan Tantangan Kebijakan Luar Negeri Indonesia," *Kompas*, 1 July 2001.

<sup>106</sup> "Politik Luar Negeri Dikelola Secara Amatiran," *Kompas*, 29 November 2000.

friends of Indonesia. To the contrary, instability here would undermine U.S. national security.<sup>107</sup>

Although President Wahid faced criticism that his international visits were excessive, his foreign policy was unfocused, and the visits had no effect in bringing in international investment,<sup>108</sup> President Megawati continued the Gus Dur-style diplomacy. In the months after replacing Wahid, Megawati visited ASEAN member countries in August and the USA in September 2001.<sup>109</sup> Her goals, however, were similar: to gain international aid and political support for national economic recovery, democratization and integration.<sup>110</sup> This was clearly emphasized by the new Foreign Minister Hasan Wirayuda:

The Indonesian Foreign Service is called upon to play an active role in defending and reserving the sovereignty and territorial integrity of the Republic. Our basic message is that it is the interest of the region and the world at large that Indonesia remains stable, secure and fully capable of addressing its internal problems.<sup>111</sup>

Megawati's foreign policy to keep the nation integrated was rather progressive and focused in its implementation. First, supported by senior diplomats such as the new Foreign Minister Hasan Wirayuda, Megawati's policy was more powerful, including "to ask neighbouring states not to support separatist movements and to confine arms smuggling".<sup>112</sup> Second, Megawati's foreign policy was supported by relatively more stable domestic politics in the sense of political support from DPR (through which a special autonomy bill on Aceh was issued) and a closer political relationship with the military (by which more effective security operations in Maluku and Aceh were carried out).<sup>113</sup> Her foreign policy was also characterized by the "back to basics" policy of applying the well-tested "concentric circles" formula instead of Gus Dur's "ecumenical" formula.<sup>114</sup>

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<sup>107</sup> A speech to Indonesian government officials, lawmakers and business executives in Jakarta, 14 November 2000, and was published as "U.S. and Indonesia: Common Goals," *International Herald Tribune*, 20 November 2000.

<sup>108</sup> *Kompas*, 1 July 2001 filed a polling report and articles related to Gus Dur's foreign visits. See "Jajak Pendapat Kompas: Menagih Hasil Kunjungan Presiden; Politik "Bebas Tanpa Kendali"; "Ada Nggak Sih Manfaatnya?"; Kini "Menabrak Semua Karang".

<sup>109</sup> "Presiden Luar Negeri" (Lagi)?, *Kompas*, 12 August 2001.

<sup>110</sup> For further references on Megawati's foreign policy, see Dewi Fortuna Anwar, "Megawati's Search For an Effective Foreign Policy", in Hadi Susastro et al. eds., *Governance in Indonesia: Challenges Facing the Megawati Presidency* (Singapore: ISEAS, 2003) pp. 70–90. See also Rizal Sukma, *Islam in Indonesian Foreign Policy*, *Op.cit.*, pp. 123–143; Anak Agung Banyu Perwita, *Indonesia and the Muslim World* (Copenhagen: Nias Press, 2007) pp. 160–62.

<sup>111</sup> As quoted in Dewi Fortuna Anwar, *Ibid.*, p. 76.

<sup>112</sup> "Kebijakan Politik LN Indonesia: Masalah Dalam Negeri Harus Jadi Prioritas," *Kompas*, 16 August 2001.

<sup>113</sup> *Ibid.*

<sup>114</sup> By concentric circles formula, according to Dewi Fortuna, Megawati made a close relationship and cooperation with neighbouring states such as ASEAN countries as a priority. This was advanced with friendly relations with East Asian countries such as Japan, South Korea and China. Dewi Fortuna Anwar, *Op.cit.*, p. 78–82.

The 9/11 attacks on the World Trade Centre Twin Towers in New York and the global war on terror had affected Megawati's policy in dealing with GAM in Aceh. When the Bush Administration began its military campaign in Afghanistan, international attention on military operations in Aceh tended to decrease. The Bali bombings a year later seemed to contribute to the Indonesia's military determination in dealing with the Aceh conflict. Less than two months after the US-led military intervention in Iraq in March 2003, Megawati placed Aceh under emergency military law. Based on this law the military deployed a massive force to crack down on GAM. Further investigation of the relation of the international events, particularly the US's foreign policy and Indonesian domestic policy in Aceh, is needed. Initially, it would be reasonable to say that the two sets of international and national events were more than just a coincidence.

### c. Asserting national elite reconsolidation

According to USAID, the US government in 2001 had established as one of its foreign policy priorities in Indonesia to work for the institutionalization of democracy. As one of four priority countries making the transition to democracy, the US identified Indonesia's importance. It is also said that President Bush continued to support Indonesia in its efforts to build a strong democracy and market economy.<sup>115</sup>

Although widely greeted as part of an ever increasing democratic process, the 1999 elections did not bring about a strong government. The emergence of nearly a hundred new political parties, of which 48 were authorized to contest the June 1999 election, reflected fragmentation among national political elites.<sup>116</sup> And as shown by the events from 2000 to 2001 the political dynamics in Jakarta were characterized by astonishing disharmony between President Wahid and Vice-President Megawati on the one hand and the conflicting relationship between President Wahid and DPR and between Wahid and the military (TNI) on the other hand.

The Wahid–Megawati relationship was as disharmonious as many had initially expected.<sup>117</sup> Their close personal relationship and their position representing the Islamic religious and nationalist ideologies (*aliran*) were damaged by political turbulence. Megawati

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<sup>115</sup> USAID, *Audit of USAID/Indonesia's Democracy and Governance Program*, Office of Inspector General, Audit Report No. 5-497-01-004-P, 14 September 2001.

<sup>116</sup> William Liddle and Saiful Mujani, "Politik Aliran Memudar, Kepemimpinan Nasional Menentukan Pilihan Partai Politik," *Kompas* 1 September 2000. A more comprehensive account about political parties and the results, see E. Sobirin Nadj, Rahadi T. Wiratama, and Wildan Paramudya A., *Pendapat Publik tentang Problem Internal dan Masa Depan Partai Politik di Indonesia*, CESDA-LP3ES, February 2002, accessed on line <http://www.lp3es.or.id/program/polling2/internal1.htm>.

<sup>117</sup> See William Liddle, "Indonesia in 1999: Democracy Restored," *Op.cit.*

seemed to be upset at failing to win the presidency or at being betrayed by Gus Dur.<sup>118</sup> Although she was elected as the vice-president, the position seemed insufficient to ensure her cooperation in a formal relationship with President Wahid. Her reluctance to responsibly fulfil the assignment of seeking a solution to the conflict in Maluku was evidence of this. On this case, the ICG wrote:

Vice President Megawati Sukarnoputri was appointed by the President to spearhead reconciliation efforts shortly after his election, but she was ineffectual and appeared disinterested, electing to take a New Year's vacation to Hong Kong while the violence in Maluku raged. For her part, Megawati complained to aides that the President had made her responsible for Maluku without giving her the power she needed to make a difference.<sup>119</sup>

Political relations between Wahid and the DPR were tense and showed that his ability to lead the multi-crisis country was sadly inadequate. His physical health was poor. His behaviour was unpredictable and erratic.<sup>120</sup> One observer said that Wahid's administration was ineffective in making policy, and was likely to consider things easy which were in fact difficult.<sup>121</sup> The political relations continued to worsen due to his alleged involvement in embezzling money from the *Yanatera Bulog* Foundation and a grant from the Sultan of Brunei, and his decision to sack several ministers who he said were unprofessional and corrupt.<sup>122</sup> According to ICG, since the beginning of his term, Wahid had adopted "a combative attitude towards the DPR."<sup>123</sup>

Wahid's relationship with TNI was even worse. One analyst said that although he had promised gradual reform within the TNI as a concession for the military votes for his presidency,<sup>124</sup> he showed a clear intention to accelerate the reduction of the military's role in democratizing Indonesia. His plan to promote reformist officers to replace those he saw as

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<sup>118</sup> Gus Dur was even said to have asked Megawati to give PKB 4 cabinet ministers if she was elected president. But, as he was then elected as Indonesian new president, Megawati was quoted as saying, "I can't believe this has happened – my own brother stabbed me in the back". See Rinakit, *Op.cit.* p. 128. The failure of Megawati to win the presidency was partly caused by political manoeuvre run by the Islamic parties whose leaders tended to argue that Islam did not permit a woman to be head of state. But it was also, and perhaps mainly, caused by her limited capability to mobilize political support. The votes for Gus Dur in the MPR presidential election came from Poros Tengah (172), the functional group (65), the military (38) and green Golkar (95) to make a total of 373 votes, while Megawati had votes from PDIP (153), the regional representatives (135), white Golkar (19) and FKKI (17) which made 313 votes. Five MPR members abstained.

<sup>119</sup> ICG, *Indonesia: Overcoming Murder*, *Op.cit.*, p. 17

<sup>120</sup> See in Paulo Gorjao, "Abdurrahman Wahid's Presidency: What Went Wrong?" in Hadi Susastro et al, eds., *Op.cit.*, p. 14.

<sup>121</sup> "Presentasi Akhir Tahun CIDES", *Kompas*, 20 December 1999.

<sup>122</sup> The ministers were Hamzah Haz (PPP), Jusuf Kalla (Golkar), Bambang Sudibyo (PAN), Yusril Ihza Mahendra (PBB), Nurmahmudi Ismail (PK) and Laksamana Sukardi (PDIP). This decision heightened confrontation with DPR/MPR. See also Paulo Gorjao, *Op.cit.*, pp. 30–37.

<sup>123</sup> See ICG, *Indonesia's Presidential Crisis: Second Round*, *Op.cit.*

<sup>124</sup> President Wahid also appointed six generals into his cabinet ministers that appeared to be part of the political concession. See Rinakit, *Op.cit.*, p. 134.

conservatives, including Wiranto, was perceived by the military as a deep intervention by a civilian government in internal military affairs.<sup>125</sup>

Disharmony between Wahid and Megawati and conflict between Wahid and DPR and Wahid and the military made the violent conflict in Maluku and Aceh difficult to handle, which confirmed the human rights activists' claims about the *politik pembiaran* (politics of neglect) of the central government in the regions. The conflict obviously led to an ineffective government. In order to avoid a worse situation, the MPR finally forced Wahid to step down on 23 July 2001.<sup>126</sup>

The signs of government consolidation emerged following the accession of Megawati to the presidency on 23 July 2001. Her party, PDIP, was the largest in the DPR and gave her a stronger political base than Abdurrahman Wahid had had. And in the interest of securing her presidency, she avoided conflict with other political forces through her characteristic silence.<sup>127</sup> She accommodated Hamzah Haz from PPP as vice-president in order to have Islamic political support. Her cabinet had a collaborative character in the sense that other parties' representatives were incorporated. Four retired generals were also appointed as cabinet ministers. This was not different to Wahid's cabinet, though.

Megawati's closeness with the military was widely debated. ICG, for example, denied that the military support through DPR/MPR for Megawati and the joining of a number of retired generals in PDIP was convincing evidence that Megawati had a special relation with the military. The military's political stance supported the removal of Wahid rather than the accession of Megawati. And, a number of retired generals were also found in other political parties apart from PDIP, ICG argued.<sup>128</sup> However, other scholars saw a special relationship between Megawati and the military as helping to stabilize Megawati's presidency.<sup>129</sup> Rinakit, for example, believed that Megawati's attitude was pro-military. This was said to be shown by her political statements and her support for Susilo Bambang Yudhoyono as vice-president instead of Hamzah Haz.<sup>130</sup>

One issue that could show the close relationship between Megawati and the military was the way they dealt with national security, in particular the Maluku and Aceh conflicts. An interest in conserving NKRI brought the two sides into closer collaboration. As we will see, with this national consolidation, a common policy to solve the conflicts in Maluku and Aceh became possible.

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<sup>125</sup> Conflict between Wahid and the military can be seen in Rinakit, *Ibid.*, pp. 125–212.

<sup>126</sup> Political conflict between Wahid and DPR had led to the possibility of a new cycle of violence where groups of people from East Timor were reportedly preparing to enter Jakarta in order to defend Wahid in power. See *Tempo* 15 April 2001 and *The Jakarta Post*, 20 April 2001.

<sup>127</sup> See Dewi Fortuna Anwar, *Op.cit.*, p. 76.

<sup>128</sup> ICG, *The Megawati Presidency*, Indonesia Briefing, Jakarta/Brussels, 10 September 2001.

<sup>129</sup> See Jusuf Wanandi, "Challenge of the TNI and Its Role in Indonesia's Future," in Hadi Susastro et al, eds., *Op.cit.*, pp. 91–105.

<sup>130</sup> See R. Rinakit, *Op.cit.*, pp. 213–4 and 226–7.

The third step towards a consolidated government took place in the 2004 elections. This election was the second democratic election ever held in the country. The fragmented 48 political parties in the 1999 election reduced to only 24 parties contesting the May 2004 parliamentary election. But, what is more important to state here is the outcome of the presidential election.<sup>131</sup> The long and exhausting process finally resulted in the victory of Susilo Bambang Yudhoyono (SBY) as the sixth president of the republic. According to the democratic spirit, the president would be more accountable to the people rather than to the DPR/MPR, which tended to generate disputes. In addition, his background as a retired army general would be fruitful to avoid political conflict with the military, particularly in seeking an effective policy to solve the conflict in Aceh.

All these political changes tended to suggest that Indonesia was still developing a democratic political system, a process for which foreign democratic governments demonstrated their support. In this context, it is fair to raise the question of whether humanitarian crises triggered by democratization can justify humanitarian intervention. As has been mentioned, scholars had proposed that humanitarian crises and massive violations of human rights were triggered by either authoritarian regimes or failed states. In the case of Iraq and Kosovo, where effective but authoritarian governments existed, NATO, led by the US intervened with a humanitarian rationale.<sup>132</sup> The UN also sent peacekeeping forces to Somalia and Rwanda, where no effective authority existed.<sup>133</sup> And, as I have argued, the INTERFET was justified because there was no effective authority in East Timor during the popular consultation which led the territory into devastating violence and a humanitarian catastrophe.

Considering democratization in Indonesia more important than the humanitarian crises caused by violent conflict in Maluku and Aceh technically changed the core issue. Supporting democratization was far less controversial than intervening in a humanitarian crisis. Widely claimed to be the champions of democracy, the Western countries had taken a political stand to sustain Indonesian democratization rather than to initiate humanitarian intervention which might have jeopardized the democratic progress. This might be consistent with ICISS suggestion that

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<sup>131</sup> A preliminary analysis about the 2004 election, see Jusuf Wanandi, *Op.cit.*

<sup>132</sup> See, for example, Nicholas Morris, "Humanitarian intervention in the Balkans," and Jennifer Welsh, "Conclusion: Humanitarian intervention after 11 September," in Jennifer Welsh, *Op.cit.*, pp. 98–119 and 181–184. See also Peter R. Baehr and Monique Castermans-Holleman, *The Role of Human Rights in Foreign Policy* (NY: Macmillan Palgrave, 2004) p. 79 – 81; "East Timor and Kosovo are different," *Jakarta Post*, 11 September 1999.

<sup>133</sup> See James Mayall, "Humanitarian intervention and international society: Lessons from Africa," in Jennifer Welsh, *Ibid.*, pp. 120–141; Francis Mading Deng, "State collapse: The humanitarian challenge to the United Nations", and Ibrahim A. Gambari, "The role of foreign intervention in African reconstruction," in I. William Zartman ed., *Op.cit.*, pp. 207–219 and 221–233.

Military intervention is not justified if actual protection cannot be achieved, or if the consequences of embarking upon the intervention are likely to be worse than if there is no action at all. In particular, a military action for limited human protection purposes cannot be justified if in the process it triggers a larger conflict.<sup>134</sup>

“There is nothing like success to silence one’s critics”, Jennifer Welsh wrote to warn that military intervention for humanitarian purposes may fail.<sup>135</sup> The large scale loss of life and destruction in the Balkans, for example, was caused by NATO’s intervention rather than by the earlier violent conflict, and the predominant use of airpower prolonged the conflict, according to Nicholas Morris’s criticism.<sup>136</sup>

However speculative, it may be asserted that international military intervention in Maluku and Aceh would have been likely to worsen Indonesia’s condition rather than to improve it. The logic of the option was that improvement in Indonesian democratic politics would provide democratic solutions to the conflicts. By the time democracy had been institutionalized, major political forces had been consolidated, and democratic rules had been installed, peaceful solutions to the humanitarian crises in the two regions became possible.

## **E. Concluding Notes**

As humanitarian crises or conscience-shocking situations with just causes for humanitarian intervention, the situations in East Timor (1998–1999), Maluku (1999–2002), and Aceh (1999–2005) demonstrated many commonalities. The three regional conflicts claimed thousands of lives, produced hundreds of thousands of refugees and/or IDPs, and saw large-scale destruction of physical infrastructure. The awful role played by Indonesian security forces and the ineffective actions of the central government led to allegations of massive violations of human rights in Maluku and Aceh. These objective conditions were likely to justify an international military intervention in order to protect Maluku and Acehese people from further sufferings.

The international community, both NGOs and foreign governments, however, tended to see the violent conflicts in Maluku and Aceh as related to the democratization process (*reformasi*) and as Indonesia’s domestic affairs. Given that they saw the underlying root of the conflicts as Indonesian democratization, considering that the parties to the conflicts were limited to domestic entities, and taking into account the contents and the dynamics of the conflicts, most leading members of the international community perceived that solutions to the conflicts had to be sought domestically and democratically. Such a

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<sup>134</sup> ICISS, *Op.cit.*, p. 37

<sup>135</sup> Jennifer Welsh, “Humanitarian Intervention and International Relations,” *Op.cit.*, p. 4.

<sup>136</sup> See Nicholas Morris, *Op.cit.*, p. 98–119.

perception was in line with and to some extent endorsed by major Indonesian political forces, especially that the conflicts in Maluku and Aceh were Indonesian domestic affairs. Accordingly, solutions to the conflicts had to be sought through domestic and democratic mechanisms.

The rise of anti-international intervention sentiment in Indonesia, and of the expectation for the democratization processes, had made international military intervention for humanitarian purposes in Maluku and Aceh very unlikely. With the domestic enthusiasm for the ongoing process of democratization, the reassertion for territorial unity of Indonesia and the importance of a consolidated government, the major foreign and democratic governments were more favourably inclined towards assisting the Indonesian government in seeking domestic and democratic solutions to humanitarian problems in Maluku and Aceh than in militarily intervening in the regions.

Within the continuing consolidation process of *reformasi* accompanied by international assistance, Indonesian governments under Wahid, Megawati and Susilo Bambang Yudhoyono endeavoured to bring the violent conflicts in Maluku and Aceh to an end. Their efforts to solve the domestic problems seemed to make clear that international humanitarian intervention in the two regions was absolutely unnecessary. The next chapter will investigate how domestic resources and international assistance were used to solve the violent conflicts and humanitarian problems in Maluku and Aceh.

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## CHAPTER SEVEN

### TOWARDS CONFLICT RESOLUTIONS: BETWEEN DOMESTIC AND INTERNATIONAL SOLUTIONS

#### **A. Introduction**

Given the international community had no intention of militarily intervening in Maluku and Aceh and taking into account the considerable progress within Indonesian political context, the question now is how the conflicts and humanitarian crises in the two regions were addressed and ultimately resolved.

The common perception of the international community and the major national political forces about the domestic character of the Maluku and Aceh conflicts made apparent the need to search for domestic solutions to the conflicts. However, the demand that those solutions had to be in line with the democratization process in Indonesia was not without difficulties. As mentioned previously, democratization had actually perpetuated instead of resolving the two conflicts.

Based on the two principles that the conflicts had to be resolved domestically and democratically, this chapter will investigate the efforts to settle the conflicts in Maluku and Aceh.

The first part of the chapter focuses on conflict resolution in Maluku. This will reveal further the domestic political changes that resulted in the conditions required to bring the conflict to an end. The role of the international community in seeking a solution is also presented.

The second part, focusing on the case of Aceh, discusses the contributions of domestic politics to conflict settlement. This does not mean that the international role was less significant. Indeed, the international community played a constructive role in hastening and securing a peaceful solution to the conflict.

#### **B. Domestic solutions to the Maluku conflict**

The violent conflict in Maluku was unexpected to many national and international observers. It was also to the surprise of many parties that the conflict caused large-scale loss of life and destruction and lasted for three years. More surprisingly still, if it was true that the conflict was inter-religious communal, as government officials and security

officers consistently said, the government should have been able to end it immediately. Several communal conflicts, such as in Mataram and Kupang, the capitals of the Provinces of West Nusa Tenggara and East Nusa Tenggara respectively, showed that the security forces could act decisively to end conflicts when the political will to do so was present.

Based on the factors that had triggered the communal conflict and the national political environment that had perpetuated the conflict, as presented in Chapter Four, it is clear enough that the parties and the content of the conflict were all domestic. Accordingly, one might see that the solution to the conflict lay primarily with the government and the security force. In Chapter Six I discussed international and national factors that could have led to the resolution to the communal conflict in Maluku without involving the international military force. These factors included the international views which underlined that the intractability of the conflict was related to democratization in Indonesia, that the conflict was an Indonesian domestic affair and that the conflict had to be resolved in accordance with national political dynamics. Domestic factors contributing to the domestic solution of the conflict were the growing anti-international intervention sentiment and the increasing consolidation of democratization.

As the Maluku conflict was an intrastate conflict, or a factional conflict according to Miall et al's typology, and the members of the international community saw it as Indonesia's domestic affair, how the conflict was ultimately resolved will be examined in the following section. This starts with further investigation of the role of the international community and followed by domestic endeavours.

### *1. International encouragement*

Consistent with the international views about the domestic characteristic of the conflict and its possible domestic solution, the role of the international community in general could be categorized as chiefly to help the Indonesian government to be able to solve the conflict. The international preference to assist the Indonesian government, however, raised two important issues that need particular attention. First, the inclination of the foreign governments and international NGOs to assist the Indonesian government was in line with one of normative propositions proposed by the ICISS and Michael Ignatieff. Just to say briefly, the ICISS asserted that "prevention of deadly conflict and other forms of man-made catastrophe is, as with all other aspects of the responsibility to protect, first and foremost the responsibility of sovereign states, and the communities and institutions within them."<sup>1</sup> The ICISS added that "for prevention to succeed, strong support from the

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<sup>1</sup> ICISS, *The Responsibility to Protect*, *Op.cit.*, p. 19.

international community is often needed, and in many cases may be indispensable.”<sup>2</sup> This is supported by Michael Ignatieff, who said that the building of a legitimate, representative and competent state capable of maintaining basic rights regimes for all citizens is more important than just exercising the politics of protest by the international community.<sup>3</sup>

The second issue related to the international preference is about the significance of international morality, ethics and human rights as the fundamental reason moving a state or group of states to use military force. Religious leaders in Ambon had argued that the conflict was not a matter of Christianity but a problem of humanity. “The Christians and Muslims were gravely abused and suffering”, Amboina Bishop Mandagi said.<sup>4</sup> In the interest of humanitarian protection the Communion of Churches in Indonesia (PGI) pleaded, “it would be best if the military and police were pulled out of the Moluccas region and replaced with international peacekeepers”.<sup>5</sup> The international priority to help the Indonesian government institutions was also surprising since it had been clear that the government institutions, primarily the members of the military and the police, were involved in the violent conflict.

The absence of immediate and military action by the UN and major democratic countries to save the lives of the Malukan people raised allegation of the double-standards or hypocrisy. Interviewed in his office, the Bishop of Amboina said, “I criticized the international community since they often showed a double-standard policy. If they did not have any interest, they closed their eyes to humanitarian problems and violent acts.”<sup>6</sup> If it is true that the interests of major foreign governments in the region and in Indonesia in general were not affected by the conflict and thus led them not to intervene, it was likely to confirm what many analysts of humanitarian intervention had long argued, namely that without any pressing national interest in economic, political and security issues, foreign powers would not send peacekeeping forces to a region as a form of humanitarian intervention.

Nonetheless, the international preference to foster the Indonesian government capacity to solve the conflict domestically was not without any reason. In terms of practical or objective reason, the leading members of the international community had stated that the conflict from every aspect was an Indonesian domestic jurisdiction. As has been mentioned, the international human rights NGOs such as Amnesty International and

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<sup>2</sup> ICISS, *Ibid.*

<sup>3</sup> Michael Ignatieff, Human Rights, Sovereignty and Intervention, in Nicolas Owen, *Op.cit.*, p. 67.

<sup>4</sup> Interview in Ambon, 9 June 2004.

<sup>5</sup> Statement by the Executive Board of the Communion of Churches in Indonesia on the Attacks and Conflicts which Broke Out Again in the Moluccas/North Moluccas in December 1999, signed by Rev. Dr. Solarso Sopater and Rev. Dr. J.M. Pattiasina, 27 December 1999. See also “Rakyat Ambon Desak PBB ke Ambon”, *Siwalima*, 27 June 2000.

<sup>6</sup> Interview in Ambon, 9 June 2004.

Human Rights Watch and particularly International Crisis Group ICG), which is well known as a NGO dedicated exclusively to conflict early warning, had asserted that foreign military intervention under the auspices of the UN would be counter-productive. In addition, no individual states, including the Netherlands which had a specific historical relation with the region, had called for the need for an international military presence in the region. In this sense, it is reasonable to say that the international community had been in a firm stance to be consistent with their own account.

As a theoretical or normative reason, the prevention efforts are not limited to activities aimed at improving political or economic conditions of the state concerned, as parts of the early warning mechanisms in conflict resolution theories in order to prevent the eruption of violent conflicts. In many cases the prevention efforts are also intended to build the state capacity, including the democratic institutions, in order to prevent the conflict from getting worse.<sup>7</sup> In the first cases, the international efforts focus on coping with the root or underlying causes of the conflict such as poverty and political repression. In the second cases, the efforts are devoted to cope with direct or catalytic causes of the violence such as the role of bad leaders and bad economic problems as proposed by Michael Brown.<sup>8</sup> It is also important to note here the normative proposition asserted by the ICISS that a “military intervention is not justified if actual protection cannot be achieved, or if the consequences of embarking upon the intervention are likely to be worse than if there is no action at all.”<sup>9</sup>

In regard to the objective and normative reasons above, the role of the international community in seeking a resolution to the conflict in Maluku was limited to strengthening the capacity of the Indonesian government institutions to end the conflict. The role was carried out through different ways, such as the form of straightforward assistance, positive inducements or the negative form of threatened punishments. “But the essential and common attribute of all these actions and measures”, the ICISS asserted, “is that they aim to make it absolutely unnecessary to employ directly coercive measures against the state concerned.”<sup>10</sup>

In terms of straightforward assistance, it has to be mentioned that the UN agencies, international humanitarian NGOs and individual governments had worked in the region to provide humanitarian assistance for half a million people internally displaced by the

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<sup>7</sup> ICISS, *Op.cit.*, p. 21–7.

<sup>8</sup> About the underlying and catalytic causes of internal violent conflicts, see Chapter Two of this thesis, p. 41.

<sup>9</sup> ICISS, *Op.cit.*, p. 37.

<sup>10</sup> *Ibid.* p. 23.

conflict.<sup>11</sup> In addition to this humanitarian support, foreign governments and international organizations attempted to encourage the Indonesian government to be more decisive in bringing the conflict under control. They made several visits to Maluku and North Maluku provinces to show their deep concern about humanitarian problems and support for the government to be much more vigour in coping with the conflict. A delegation of the European Union arrived in Ambon on 12 October 2000 and visited North Maluku in the following day. The US Consul General in Surabaya Robert Pollard visited the region on 24 October 2000. Leslie A. Row from the Australian embassy made a fact-finding visit in November 2000. The Vatican and Japan representative visited in the end of 2000. In 2001 they also visited the region.<sup>12</sup>

On many occasions, the leading members of the international community also reminded the Indonesian government of the international consequences of the continuation of gross violations of human rights in Maluku. The UN Secretary-General urged President Wahid to take all necessary measures to stop the killing.<sup>13</sup> The European Union Parliament also demanded the Indonesian Government to “do all within its power to put an end to the violence”.<sup>14</sup> In regard to the separatist issue, the European Union sought to help find a viable solution that could avoid the disintegration of Indonesia.<sup>15</sup> The USA, according to the ICG report, called on the Indonesian government to “prevent organized groups from initiating attacks and stop extremist from outside areas from inflaming the situation and engaging in violence”.<sup>16</sup>

The international encouragement for the Indonesian government to be decisive in bringing the communal conflict to an end became more fruitful following the accession of Megawati to the Presidency in July 2001. Unlike President Wahid, as mentioned, President Megawati had a close relationship with the military, at least in terms of maintaining national integration and security, and she took a political stance that would avoid disputes with the DPR. Her readiness to accept Hamzah Haz, who showed sympathy to the role of Laskar Jihad in Maluku, as Vice-President, was likely to help in establishing a broadly supported policy, particularly endorsement from the Islamic groups, to resolve the communal conflict.

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<sup>11</sup> See ICG, *Indonesia: Overcoming Murder and Chaos*, *Op.cit.*, p. 22. See also Graham Brown and Suprayoga Hadi, *Overcoming Violent Conflict: Peace and Development Analysis in Maluku and North Maluku* (Jakarta: CPRU-INDP, LIPI and BAPPENAS, 2005) pp. 55–7.

<sup>12</sup> See C. J. Bohm MSC, *Brief Chronicle of the Unrest in the Moluccas* (Ambon: Crisis Centre Diocese of Amboina 1999 - 2003, 2003) pp. 93–5, 99–104, 108–110 and 166.

<sup>13</sup> ICG, *Ibid.*, pp. 21–22.

<sup>14</sup> *European Parliament Resolution on the Moluccan Islands*, B5-0609, 0612, 0623 and 0647/2000.

<sup>15</sup> See Commission of the European Communities, *Communication from the Commission to the Council and to the European Parliament: Developing Closer Relations Between Indonesian the European Union*, Brussels, 2 February 2000, p. 18.

<sup>16</sup> ICG, *Op.cit.*, p. 21. See C. J. Bohm MSC, *Op.cit.*

The international support for the central government was also accompanied by political development in Maluku. The June 1999 parliamentary elections resulted in the slight victory of PDIP in the Maluku province and Ambon district DPRD. One consequence of this victory was that the Christian politicians and constituents were apparently able to revive their political domination of regional politics and bureaucracy, on which their economic resources and socio-political status had mainly relied.<sup>17</sup>

Since the international community preferred to assist the government, consolidation among government institutions under Megawati continued to grow and political conflict at local level was no longer the issue, the solution to the conflict was foreseeable. As the conflict was more likely a communal conflict, the government could take every step that would not be undermined by particular potential ‘spoilers’, either elements of the military or radical Islamic groups. How these conditions worked to end the conflict is presented below.

## 2. *Malino Agreement*

The impact of the arrival of President Megawati in power was firstly shown in the priority she gave to bringing the regional conflicts including the Maluku conflict to an end. By the end of 2001, Megawati’s Coordinating Minister for Social Welfare Jusuf Kalla told a reporter that he intended to put an end to the Maluku conflict.<sup>18</sup> A work-team for peace in Maluku was formed and the peace agreement introduced to the Poso conflict (in December 2001) was used as a model. Kalla also promised that the peace process would commence in a month. He based this optimism on his declared understanding of social conditions prevailing in Maluku: that the sources of conflict and the players in the conflict were local. He added, “I am very sure that those whose spirit to fight is high, in fact are very tired. They are exhausted by the endless tension. They are also tired of the misery and relentless hostility. They obviously want a normal life.”<sup>19</sup>

In their attempt to solve the conflict Megawati’s government began by defining the conflict as a communal or inter-religious one, which was how other national and international observers saw it. Politically, this gave the government a reason – indeed an

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<sup>17</sup> See Gerry van Klinken, “The Maluku War: Bringing Society Back In,” *Indonesia*, Vol. 71 (Ithaca: Cornell University), April 2001.

<sup>18</sup> See “Setelah Poso, Konflik Ambon Juga Segera Didamaikan,” *Kompas*, 2 January 2002. It is worth to note that Jusuf Kalla played the leading role in searching for solution to the conflict. There was no political or administrative explanation for his key role. But, based on the media reports Jusuf Kalla seemed to have deep concern about the conflict more than other Megawati’s ministers and had particular strategy to end the conflict as he had proved in resolving the communal conflict in Poso (Central Sulawesi) in December 2001. According to Jusuf Kalla, President Megawati, Vice President Hamzah Haz and other cabinet members supported him and his team to end the conflict.

<sup>19</sup> *Ibid.*

obligation – to resolve the issue. It was clearly its responsibility to do so. Moreover, it located the responsibility for the conflict within the two communities which were in conflict, and absolved external political actors, including the president, members of the MPR and DPR and the regional bureaucracy of any responsibility.

The government managed to view the role of Laskar Jihad and FKM/RMS, who were widely believed by national and international observers to have intensified the violence, in different light. According to Jusuf Kalla, Laskar Jihad and RMS were the effect rather than the cause of the violent conflict: “They existed because of the conflict itself”.<sup>20</sup> This statement was helpful not only in confining the conflict to its local characteristics but also in projecting that different measures would be employed.

The second strategy carried out by the government was to end the ‘blame game’, which had previously prevailed. Unlike under President Wahid, where the military elements and regional bureaucracy were often accused of having exacerbated the conflict, Megawati’s administration emphasized that “the government is not asking the people to fight but has the obligation to bring prosperity to its people” and deliberately avoided attributing political blame.<sup>21</sup>

By confining the conflict to being a communal and avoiding blaming state institutions and major political forces of engineering the violence, government institutions and other political forces were able to begin working constructively. For instance, on 11 January 2002 the government held a special coordination meeting in Jakarta attended by the Coordinating Minister for Political and Security Affairs, Susilo Bambang Yudhoyono, the Coordinating Minister for Social Welfare, Jusuf Kalla, the governor of Maluku, M.S. Latuconsina, the Maluku regional police head (*Kapolda*), Farouk Muhammad, and the Pattimura regional military commander (*Pangdam*), Mustopo. Briefing media reporters after the meeting Jusuf Kalla said:

In the meeting we discussed the necessary steps to solve the conflict in Maluku. We explored several options including efforts aiming to stop the conflict and measures to maintain security and order. These two options must be worked out together.<sup>22</sup>

Another constructive step in resolving the conflict was a consultation meeting between the Ambon district DPRD and the DPR in Jakarta. This was followed by another

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<sup>20</sup> “Berlangsung di Malino; Kalla: Pertemuan Damai untuk Ambon, 11–12 February,” *Kompas*, 7 February 2002.

<sup>21</sup> “Penyelesaian Konflik Maluku Digelar di Kota Malino,” *Kompas*, 9 January 2002. See also recommendations made by the Centre for Security and Peace Studies (CSPS), UGM, *Membangun Kedamaian di Ambon: Visi dan Rekomendasi Kebijakan*, 20 December 1999.

<sup>22</sup> “Penyelesaian Konflik Maluku, Pemerintah Jajaki Dialog ala “Poso””, *Kompas*, 12 January 2002.

consultation between the DPR and government officials including the Coordinating Minister, Yudhoyono, the TNI commander, Widodo AS and the Polri head, Da'i Bachtiar.<sup>23</sup>

With more coordinated efforts, in January 2002 Megawati's cabinet ministers, led by Yudhoyono, made an official visit to Ambon. They conducted dialogues with societal, religious, and bureaucratic elements in order to identify the problems precisely and to recommend appropriate courses of action. In concluding the visit, Yudhoyono envisaged that it might take a nine month program in several stages to restore an atmosphere of tranquillity to Maluku. Jusuf Kalla announced that representatives of each conflicting party would be invited to participate in a peace dialogue.<sup>24</sup>

After conducting several meetings with different parties to the conflict in Ambon, Jusuf Kalla brought the two conflicting groups to a peace dialogue held in Malino, in the district of Gowa, South Sulawesi on 11–12 February 2002.<sup>25</sup> At this "Meeting for Maluku" Jusuf Kalla made a widely reported statement:

There is no other choice, conflict in Maluku must be put to an end and the Malukan people must live in peace. If not, the Malukan people, especially the Ambonese, would become a pariah society, poor, and underdeveloped in all aspects.... Therefore, for peace, civilization, human values and for the future of the nation and in order to avoid Ambon becoming a pariah society, peace must be imposed whatever the cost.<sup>26</sup>

Some 70 representatives of Muslim and Christian Malukans gathered in Malino. The peace dialogue was facilitated by the government and mediated by a mediator team led by Jusuf Kalla assisted by the Maluku governor, Saleh Latuconsina, South Sulawesi governor, Palaguna, the Kodam XVI/Pattimura commander, Mustopo, and the Maluku police head, Soenarko.<sup>27</sup> A number of observers from Jakarta were also present.

In the first day of the two day peace dialogue, the government mediator team held separate meetings with the delegates of the two warring groups in order to find out their political demands. The separate meetings were followed by meeting the two delegate groups together and talked about their common goals. On the second day, the two

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<sup>23</sup> "Walikota dan DPRD Ambon Temui Ketua DPR, Desak Pemerintah Pusat Tangani Konflik Ambon", *Kompas*, 18 January 2002.

<sup>24</sup> See *Kompas*, 22 January 2002

<sup>25</sup> "Berlangsung di Malino; Kalla: Pertemuan Damai untuk Ambon, 11–12 February", *Kompas*, 7 February 2002.

<sup>26</sup> "Tak Ada Pilihan, Ambon Harus Damai", *Kompas*, 11 February 2002.

<sup>27</sup> Other mediator members were the deputy governor (Paula Renyaan), the spokesman of Maluku DPRD (Zeth Sahuburua) and the mayor of Ambon city (Yopie Papilaya). The Coordinating Minister for Political and Security, Susilo Bambang Yudhoyono, was also associated with this mediator team.

delegations came into an agreement and signed the Moluccas Agreement in Malino (*Perjanjian Maluku di Malino*). Under this agreement the two parties agreed to end the conflict and all kinds of violence and to uphold the supremacy of justice in a lawful, stringent and honest way, impartially and supported by the whole population.<sup>28</sup>

Commonly known as the Malino Agreement (*Perjanjian Malino*),<sup>29</sup> the agreement was seen as formally bringing the communal conflict to an end, even though it was not a peace agreement. According to Jusuf Kalla:

In the Malino Agreement, the two parties did not want to use the word of ‘peace’. It was not a problem. I sought a way around it by proposing the phrase ‘the cessation of conflict’. In fact, the two terms were similar.<sup>30</sup>

The Malukan people were reported to have warmly greeted the peace agreement. The Crisis Centre of the Diocese of Amboina called 12 February “a day to remember”.<sup>31</sup> The international community also welcomed it. The US government, for example, said:

The US welcomes the Indonesian government’s launch of peace talks today in Malino between Maluku’s Muslim and Christian communities. Such dialogue is key to resolving the conflict in Maluku. These talks are an important step in Indonesia’s efforts to end violence, re-establish the rule of law, and provide for reconstruction in the troubled province.<sup>32</sup>

### 3. *Post-Malino Agreement*

It was not surprising that there were several criticisms of the agreement. The first came from the Muslim groups, in particular the Laskar Jihad leader. Through *Laskar Jihad Bulletin*, Jaffar Umar Thalib said:

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<sup>28</sup> Point 1 and 2 of 11 points of *Perjanjian Maluku di Malino*, 12 February 2002.

<sup>29</sup> The Agreement was signed by the 35 Muslim and 35 Christian delegates and the observers, a total of one hundred signatories. The agreement was also called *Perjanjian Malino II* in order to show difference and as well continuation of *Perjanjian Malino I*, which was designated to end the communal conflict in Poso, Central Sulawesi, in December 2001 and was also led by Jusuf Kalla.

<sup>30</sup> It was said in an interview in *Tempo*, 13 February 2005.

The “cessation of conflict” may be similar to the term “cessation of violence” which is conceptually proposed by Johan Galtung as “negative peace”. On the contrary, what is called “peace” or “positive peace” is conceptually perceived as the removal of ‘structural’ and ‘cultural’ violence in which every different social group has an equal opportunity to develop and to expand. See Johan Galtung, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization* (London: Sage, 1996). There is no evidence which of the terms Jusuf Kalla referred to. But it is sufficient to argue that either Kalla or the two conflict parties emphasized more specifically on the importance of ending the use of violence.

<sup>31</sup> Bohm, *Op.cit.*, p. 215.

<sup>32</sup> *Indonesia: Maluku Peace Talks*, Press Statement, Washington DC, 1 February 2002, as accessed from <http://www.state.gov/r/pa/prs/ps/2002/7948.htm>.

Any reconciliation that is agreed upon to please the Christians is bound to fail. So what should be done instead? To put an end to the conflict in Maluku, the government must detain and bring to justice the provocateurs that hide behind the conflict.... Of course, if justice has to be done in Maluku, the Muslims themselves must do it. In what way? There is no other way than *jihad fi sabilillah* (the way of God)! This has been the teaching of the forefathers of our nation when they opposed the Dutch Christians.<sup>33</sup>

Disagreement and dissatisfaction with the agreement was also expressed by several other Muslim groups.<sup>34</sup> These groups tried to undermine the agreement by questioning the legitimacy of the Muslim representatives in the dialogue, alleging that Muslim delegates were bribed to sign the agreement. These groups also refused to mingle with the Christians, preferring to live in segregation.<sup>35</sup>

Although welcoming the peace initiative, pro-democracy and NGO activists were critical of the peace declaration calling it the result of a top-down and an over-simplified approach.<sup>36</sup> They argued that in order to show that the government was able to solve the conflict, it played multiple roles in the whole process: as initiator, the government urged both groups to come to the negotiation table; as facilitator, the government constructed convergences rather than divergences between the two groups; as mediator, the government sought compromise on conflicting issues such as the status of FKM/RMS and Laskar Jihad; and as the guarantor for the implementation of the agreement.<sup>37</sup>

The peace agreement was also criticized because it did not deal with the basic issues of the conflict, including the political content of the conflict and the involvement of the security force personnel in the violence. The government mediators seemed to deliberately refrain from dealing with those critical issues and also the issues of massive violations of human rights committed by the security force members and/or the conflicting groups. Asked whether the government was prepared to deal with the allegation of human rights violations, the head of the regional police said:

<sup>33</sup> As quoted in C. J. Bohm, *Op.cit.*, p. 216

<sup>34</sup> These groups included the Maluku Muslim Meeting Forum (FMMM, *Forum Musyawarah Muslim Maluku*), a Muslim women's association (FSPB, *Forum Silaturahmi Perempuan Baguawa*) and those associated with the radio station of the Voice of Maluku Muslim Struggle (SPMM, *Suara Perjuangan Muslim Maluku*). See *Ibid.*

<sup>35</sup> Bohm, *Ibid.*, pp. 221, 223 and 226.

<sup>36</sup> Interviews with Baileo activists and YLBH-Bakubae in Ambon. Similar commentaries were also held by other observers and activists. See for examples Ichsan Malik, "Diplomasi Perdamaian Malino dalam Penyelesaian Konflik di Poso dan Maluku", *Tempo Interaktif*, [http://www.tempo.co.id/hg/narasi/2004/05/06/nrs.20040506-01\\_id.html](http://www.tempo.co.id/hg/narasi/2004/05/06/nrs.20040506-01_id.html), 6 May 2004 as accessed on 10 April 2005; Tamrin Amal Tomagola and Jacky Manuputty, "Fase Terbaru Konflik Ambon", *Kompas*, 5 May 2002; and "RMS dan Laskar Jihad: Simplifikasi Penanganan Konflik di Maluku", *Kompas*, 5 May 2002.

<sup>37</sup> See also Graham Brown, Christopher Wilson and Suprayoga Hadi, *Op.cit.*, pp. 50-1.

I think it is better to see the security personnel to be responsible in maintaining security and order. There is no problem with human rights in this case. The military and police personnel involved in the violence had been treated according to the law we have.<sup>38</sup>

A similar explanation was also revealed by the new governor of Maluku, Karel Rahalalu, by avoiding the issue of human rights violations in the region.

What is important now in Maluku is the law enforcement. This is the first condition for justice. Without this law enforcement, conflict would erupt again. This is my commitment, and it seems to me that the new head of regional police has the same commitment to enforcing the law. In regard to the allegations that the security force elements or political elites were involved in the violent conflict, it is hard to prove. So far, there is no convincing evidence.<sup>39</sup>

Many human rights activists in Ambon held the same view that the issue of gross violations in Maluku was a tough one.<sup>40</sup> On this issue one analysis argued, that violent events in the aftermath of the Malino Agreement were partly caused by the fact that the government was unwilling to publish and make public the findings of the Independent National Investigation Team (*Komnas* - KPPM) about the gross violation of human rights in the region during the conflict.<sup>41</sup>

The government strategy to end the conflict in Maluku by absolving the political content and actors of the conflict initially brought about negative consequences. Just 48 hours after the declaration of the Malino Agreement several bombs exploded in Ambon. Violent acts continued to take place in the following months and years. On 3 April 2002, for example, Ambon Plaza, a shopping centre and the building containing the governor's office were destroyed by bomb blasts. Another case was a bomb explosion on 28 April 2002 which caused twelve deaths and a number of injuries.<sup>42</sup>

The Provinces of Maluku and North Maluku in the aftermath of the Malino Agreement, however, moved to a relatively calm situation. Most of the violence was intermittent and took the form of exploding bombs, grenades or molotov cocktails and, in some cases, shooting. In July 2002 a terrible bomb blast occurred in Mardika that injured fifty people. Other bomb explosions were in September 2002, killing four people, and in

<sup>38</sup> Interview, in Ambon, 8 June 2004.

<sup>39</sup> Interview, in Ambon 18 June 2004.

<sup>40</sup> Interviews with activists from Bakubae Legal Aid (LBH-Bakubae) and legal practitioners in Ambon, 10–14 June 2004. See also “Legal Standing akan Ajukan ke HAM Internasional”, *Siwalima*, 8 June 2002 and “Unus: Pelanggaran HAM Maluku Sulit Diungkap”, *Siwalima*, 4 December 2002.

<sup>41</sup> Graham Brown, *Op.cit.*

<sup>42</sup> “Lampiasakan Kekecewaan, Massa Bakar Kantor Gubernur” and “Teroris Islam Gempur Soya, 12 Tewas, 21 Terluka, 26 Rumah Terbakar”, *Siwalima*, 4 and 29 April 2002.

January and March 2003. Shootings also frequently occurred both at sea and on land. The role of snipers became a public debate, partly because of their indiscriminate victims but mainly because of their highly skilled capacity in shooting. In assessment of these events, there was speculation that the snipers might be FKM members, members of radical Muslim groups or the security forces.<sup>43</sup>

The date of 25 April every year is critical to the post-Malino situation in Ambon. On this date the “*benang raja*” (the RMS flag) is usually raised in order to commemorate the RMS anniversary.<sup>44</sup> As happened at the event in 2001, the hoisting of the flag by gas balloon in 2002 spurred attacks from radical Muslim groups. In the following years the same event became a regular reason for the re-eruption of violence, causing more casualties and damage.<sup>45</sup>

To most Christian leaders and people in Maluku, the issue of RMS was insignificant in perpetuating the violence. They argued that the issue of FKM/RMS was exploited by particular political forces to suggest FKM/RMS existed, and was strong and powerful.<sup>46</sup> To the eyes of T.A. Tomagola and Jacky Manuputty, the FKM/RMS had neither militancy in separatism ideology and political campaigning nor organized and armed forces.<sup>47</sup>

As the new governor and the head of regional police cited above, religious leaders and political observers together underlined that enforcing law and order was crucial in the post-Malino period to bring the agreement into effect. On 20 February and again on 7 April 2002, S.B. Yudhoyono visited Maluku to view the progress of the peace implementation and show support for local government and security forces in restoring law and order. In Ambon he said, “I ask the security force apparatus, both the military and police personnel, to firmly act towards any group or individual who wants to make the Malino Agreement failed.”<sup>48</sup> On the same occasion, Jusuf Kalla suggested that violent acts in the aftermath of the Malino Agreement had no relation to the previous conflict. “Events in the aftermath of Maluku Agreement are acts of terror. We have to say that there is no more conflict in Maluku but terrorism”.<sup>49</sup>

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<sup>43</sup> ICG, *Indonesia: Violence erupts again in Ambon*, Asia Briefing, 17 May 2004.

<sup>44</sup> In 2001 was the first time FKM organized the RMS commemoration. FKM was created on 18 December 2000 in responding to the arrival of Laskar Jihad in April 2000 and to inaction of the government to prevent them from entering Maluku.

<sup>45</sup> See ICG, *Op.cit.*

<sup>46</sup> Interviews in Ambon, 2 and 7 June 2004.

<sup>47</sup> Tamrin Amal Tomagola and Jacky Manuputty, “Fase Terbaru Konflik Maluku”, *Kompas*, 5 May 2002.

<sup>48</sup> “Tindakan Represif Dimulai, TNI/Polri Jangan Takut Langgar HAM”, *Siwalima*, 10 April 2002.

<sup>49</sup> *Ibid.*

The government priority to prevent the resurgence of mass violence in the region was brought into effect by the regional security forces and local government. They managed to take firmer steps and became more decisive in enforcing the law. Since the agreement was signed, all kinds of weaponry were ordered to be surrendered to the security forces.<sup>50</sup> The FKM/RMS leader Dr. Alex Manuputty was arrested on 17 April 2002 followed by the leader of Laskar Jihad Jaffar Umar Thalib on 4 May 2002. In the following months the Laskar Jihad was forced to leave Maluku.

The Malino Agreement also obliged the government to run psychological and social rehabilitation activities and commence reconstruction of economic and public facilities. Four main programs were carried out: (1) providing financial assistance for relatives of those killed in the conflict; (2) establishing a trauma centre for psychological rehabilitation; (3) handling the refugees (IDPs) inside and outside of Maluku; and (4) reconstructing or rehabilitating houses, mosques, churches, schools and other public facilities that had been destroyed or burnt to the ground due to the conflict.<sup>51</sup>

#### 4. Concluding Notes

The Malino Agreement could be conceived of as a formal agreement to put an end to the almost three years of inter-religious communal conflict between Christian and Muslim Malukans. The agreement, however, was only reached under conditions where (1) the international community had no intention to undertake military intervention to bring the conflict to an end; (2) the conflict was firmly defined as a local communal conflict; and (3) the government became more consolidated and more effective in making and implementing decisions to solve the conflict.

Violent acts that occurred intermittently in the post-Malino period did not necessarily reduce the significance of the Agreement as a domestic solution to the conflict. The Malino Agreement was a domestic solution because it was initiated, facilitated and mediated by the government. It could have been achieved following the reconsolidation among the government institutions at both national and regional levels and including both the military and civilian elites. Although, the agreement was formally an agreement between the Christian and Muslim community groups to cease to take violent acts, the agreement could also be seen as an agreement among the government institutions and

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<sup>50</sup> A total of 1,752 weapons, both home-made and standard, were destroyed in June 2002 in addition to ammunition and other explosives in the previous month. See *Siwalima*, 13 June 2002.

<sup>51</sup> See Graham Brown et al., *Ibid.* pp. 52–55. See also UN, *Consolidated Inter-Agency Appeal 2002 for Internally Displaced Persons in Indonesia*, New York and Geneva, 2002.

major national political forces. It was only under a re-united and solid government that the Maluku violent conflict could be ended.

The success of the Megawati administration to solve the communal violence domestically, however, was closely related to the role of the international community. In addition to the international views about the conflict, international NGOs, such as Amnesty International and ICG, and foreign governments showed constant and great support for the government of Indonesia to bring the conflict to an end. Instead of initiating to take the classical form of humanitarian intervention, the concerned members of the international community had decided to help the Indonesian government to be able to settle the conflict.

### **C. Towards the Helsinki Peace Agreement on Aceh**

As with the case of the Maluku conflict, foreign countries and international NGOs saw that the presence of an international military force in Aceh was unnecessary. Recognizing that the intractability of the Aceh conflict was compounded by the fragility of democracy in Indonesia, but also believing that it was an Indonesian domestic affair, the international community in general expected a domestic solution to the three-decades-long armed conflict. As has been mentioned, international NGOs had argued that if Jakarta respected human rights and brought justice and prosperity, the conflict in the region could be resolved.<sup>52</sup> Foreign governments suggested that the successful implementation of regional autonomy legislation was the basic condition for ending the conflict.<sup>53</sup>

Nevertheless, in contrast to the case of Maluku, the international NGOs and foreign governments, particularly from the European Union and ASEAN, were more diligent and prepared to play a more active role in seeking a proper solution to the Aceh conflict, rather than merely encouraging the government of Indonesia. In view of the democratic development in Indonesia and having an interest in Indonesian stability and integrity, in various ways, they showed their deep concern and interest in bringing a peaceful solution to the conflict. As will be discussed further, the Swiss-based Henry Dunant Centre (HDC) and the Finnish-based Crisis Management Initiatives (CMI) played a significant role in bringing the Indonesian government and the GAM to the negotiation table. International individuals, as shown in the case of Security Joint Committee and the

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<sup>52</sup> See ICG, *Aceh: How Not to Win Hearts and Minds*, Indonesia Briefing, 23 July 2003, p. 8.

<sup>53</sup> EU, *Indonesia Country Strategy Paper 2002 – 2006*, IP/02/826, Brussels, 13 June 2002, pp. 10 and 12. US Congressional Human Rights Caucus (CHRC) Members' Briefing, *Indonesia: Aceh – An Update of the Human Rights Situation*, July 23, 2003, in <http://lantos.house.gov/HoR/CA12/Human+Rights+Caucus/Archives/07-23-03+Indonesia.htm> and <http://lantos.house.gov/HoR/CA12/Human+Rights+Caucus/Briefing+Testimonies/Opening+Statement+of+Rep+Phil+English.htm> accessed on 7 August 2006.

team of wise men under the HDC negotiated frameworks were involved in finding a peaceful solution. International organizations, such as the European Union and ASEAN, and individual governments, as shown in the case of the Aceh Monitoring Mission, worked together to support peace dialogues facilitated by the Crisis Management Initiative (CMI) and to secure the implementation of the agreements reached.

### *1. International support and initial domestic efforts*

Perhaps, without the assiduous international support, as many national and international analysts have suggested, a peaceful solution to the armed conflict was unlikely.<sup>54</sup> But, it is clear that this notion was closely associated with Indonesian domestic politics, in which two views, and thus two political forces, differently assessed the possibility of the international role. On the one hand, many politicians inside and outside the DPR regarded the international community with suspicion. They publicly rejected any international intervention and frequently warned the Indonesian government not to internationalize the conflict since it was a domestic affair which would be resolved domestically. On the other hand, there were some politicians and government officials who saw the crucial role of the international community in bringing a peaceful end.

Efforts to bring the conflict to an end were precisely determined by the two different political views. The roles of the members of the international community, including the HDC, CMI and the AMM, were also influenced by which of the two different views was dominant in the Indonesian political landscape in that time.

### Special autonomy

As has been discussed in Chapter Four, one goal of the political reforms was to distribute the state power which was previously centralized in the hands of Jakarta central government. The program of decentralization or regional autonomy policy has been seen by many political observers as one of the key solutions to solve regional problems and in particular to deal with regional separatist movement.<sup>55</sup> Delivering more power and revenues to the region was crucial, “so that national integrity in social, economic, legal and

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<sup>54</sup> See for example Rizal Sukma, *Resolving the Aceh Conflict: The Helsinki Peace Agreement*, Background Paper 4a as accessed from <http://www.hdccenter.org/datastore/Mediators%20retreats/Background%20Paper%204a%20Aceh.doc> and Edward Aspinall, *The Helsinki Agreement: A More Promising Basis for Peace in Aceh?* Policy Studies 20 (Washington: East-West Center, 2005).

<sup>55</sup> See, for example, Rodd McGibbon, *Secessionist Challenges in Aceh and Papua: Is Special Autonomy the Solution?* (Washington: East-West Center, 2004).

political aspects could be preserved properly”, as stated in the National Development Program (*Propenas* 2000–2004).<sup>56</sup>

Considering that problems in Aceh were not solely due to a separatist movement, but were also heavily driven by social and economic injustice, the post-Suharto governments and most politicians in Jakarta increasingly believed that special autonomy for Aceh could be a panacea. Several groups in Aceh and Jakarta, in addition to the team from the Ministry of Home Affairs, set to work on drafting a new law of special autonomy for Aceh. After almost two years of drafting, debating and compiling, the draft was finally passed in August 2001 as *Law 18/2001 on Special Autonomy for Nanggroe Aceh Darussalam* (UU NAD). This new law granted Aceh more power in administrating its local affairs and a larger share of revenues from local natural resources. Equally important was the legal guarantee to implement Islamic law in the region.

UU NAD, however, did not reduce tension and conflict in the region. The law was not a direct bid for GAM to drop its claim for independence and many elements in the region believed the law did not sufficiently represent local aspirations and groups. Apart from seeing the law as leaving control in the hands of the central government, its future implementation was heavily undermined by the corrupt local bureaucracy and the massive presence of military forces in the region.<sup>57</sup> On the mandate for implementing Islamic law, local human rights activists often contended that “what Acehese really needed was security and justice, not an Islamic law. The Acehese are Moslem. We do not need to be Islamized with such a law.”<sup>58</sup>

“Perhaps the law’s greatest weakness”, Rodd McGibbon suggested, “was an implicit provision that blocked any future political role for GAM”.<sup>59</sup> He explained that the DPR which passed the law had deliberately excluded any provision for direct election of local government heads and the establishment of local political institutions that could allow GAM to participate in local political processes.

The implementation of the special autonomy in Aceh, however, was not determined solely by the good intention of the central government. Political dynamics around it was also influential. Prominent to this dynamics was the role of the military. In this context, the military continued to see the problem in Aceh as mainly separatist movement. With a self-claim as the guardian of national integration, the military

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<sup>56</sup> Bappenas, *Program Pembangunan Nasional (Propenas) 2000-2004*, p. 13. This program was then transformed to *UU No.25/2000 on National Development Programs 2000-2004*.

<sup>57</sup> Imam Budidarmawan Prasodjo, *Aceh at the Crossroads*, Paper presented at the opening plenary session of the 10<sup>th</sup> Annual Meeting of the American Sociological Association (ASA) in Philadelphia, USA, August 12, 2005, p. 3.

<sup>58</sup> Interviews with human rights activists in Banda Aceh, July – August 2004.

<sup>59</sup> Rodd McGibbon, *Secessionist Challenges in Aceh and Papua: Is Special Autonomy the Solution?* (Washington: East-West Center, 2004) p. 17-8.

continually saw the military solution to the problem as central. The military also considered that the government's initiatives had provided GAM with space to reinforce its political and military strength. In addition, the military saw that the democratic governments in Jakarta were not only weak and failed to reduce regional unrest but also threatened the interests of the military both at the provincial and national levels. Accordingly, the military continued its counter-insurgency strategy albeit under the label of security and order operations. These operations undoubtedly undermined the peaceful and democratic efforts to solve the conflict.

#### Negotiating the solution and the role of the HDC

If President Habibie is remembered for his policy of referendum to solve the longstanding conflict of East Timor, President Wahid might be regarded as having laid the ground for peaceful negotiations with GAM by involving the Henry Dunant Centre (HDC)<sup>60</sup> to facilitate the negotiations.

But, as the motives of Habibie to offer a referendum were widely debated, the reasons of Wahid to run negotiations with GAM and to involve the HDC were also unclear. So far, there was no precedent in Indonesian history for conducting negotiations facilitated by an international NGO when dealing with a separatist movement such as GAM. In addition, there was a firm opinion among almost all national elements that the Aceh conflict was an Indonesian domestic problem that had to be solved domestically. Also important to note that there was a growing anti-international intervention following the separation of East Timor, which was widely suspected of being caused by the intervention of the international community.

Perhaps, the reasons for the involvement of the HDC were mostly associated with President Wahid himself. He was widely known to have a broad network of contacts with NGOs. In addition, he had a genuine intention to resolve the conflict through non-military means without causing the separation of Aceh from Indonesia.<sup>61</sup> Nevertheless, it must be noted that the initial initiative to be a broker in peace dialogues between Wahid's government and GAM came from the HDC itself.<sup>62</sup>

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<sup>60</sup> The HDC is also known as the Centre for Humanitarian Dialogue.

<sup>61</sup> See Edward Aspinall and Harold Crouch, *The Aceh Peace Process: Why it Failed*, Policy Studies 1 (Washington: East-West Center, 2003), p. 13.

<sup>62</sup> Konrad Huber, *The HDC in Aceh: Promises and Pitfalls of NGO Mediation and Implementation*, Policy Studies 9 (Washington: East-West Center, 2004) pp. 20–23. According to Huber, having realized that East Timor had been already oversubscribed by other humanitarian agencies and seeing that Aceh conflict was more strategic than Maluku or Papua, an HDC consultant carried out an in-depth assessment and contacts with many high-ranking government officials in September – October 1999, but did not make contact with the TNI senior officers including Wiranto. In November 1999 the HDC's director Martin Griffiths met with President Wahid and explained the

The initiative and/or readiness of President Wahid to invite the HDC could be seen as evidence that political changes within Indonesian politics, namely the arrival of a new president, was central to the possibility of solution to domestic conflict. Included in this context was the likelihood of the role of the international community in seeking solution to the conflict. On this issue Edward Aspinall and Harold Crouch said that the election of erratic but reformist Wahid, a man with a philosophical commitment to the peaceful resolution of communal conflict, was part of the Indonesian political changes that gave a window of opportunity to initiate negotiations with GAM.<sup>63</sup>

Apart from Wahid's personal relationship with international NGOs, perhaps the more important reason for President Wahid to involve the HDC was the tactical consideration of the possibility of opposition from national politicians. First, given that the HDC was a humanitarian NGO, the government could put forward the importance of human rights protection in negotiating a reduction of violence with GAM. This rationale was asserted by Foreign Minister Alwi Shihab in responding to criticisms from the DPR members.<sup>64</sup> He said, "in the interest of reducing violence in the region and enabling the Acehese people to live normally, the government can negotiate with everyone".<sup>65</sup>

Second, by involving an NGO the government was likely to avoid the sensitive issue of international governmental or state intervention in domestic affairs. HDC had no coercive and military capacity to intervene and therefore it would be seen as less dangerous to the interests of the nationalist and the military elements in preserving national sovereignty and integrity. Furthermore, as an NGO, HDC had the flexibility and adaptability to be more acceptable to many national elements.<sup>66</sup> In responding to accusations that the government had internationalized the conflict and threatened national integration, Alwi Shihab said that the HDC-facilitated negotiations did not internationalize the issue and did not recognize GAM as an international actor.<sup>67</sup> Although this response was not a rebuttal of the allegations, the government was likely to see that a negotiated

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HDC's interest in Aceh. It was said that President Wahid was very open to the HDC's role as a third party. The HDC made similar communications with the GAM leaders in Indonesia and Sweden.

<sup>63</sup> *Op.cit.* pp. 8–9.

<sup>64</sup> Dewi Fortuna Anwar argued that the Humanitarian Pause was "a diplomatic blunder for Indonesia" and Amien Rais said that the internationalization of the conflict would lead to disintegration. See "Soal Penandatanganan tentang Aceh di Luar Negeri, DPR akan Minta Penjelasan Pemerintah", *Kompas*, 16 May 2000; See also *Kompas*, 12 and 13 May 2000.

<sup>65</sup> See "Menlu Alwi Shihab: Kesepakatan Geneva adalah "win-win solution"", *Kompas* 13 May 2000. See also his further argument in "Nota Kesepakatan RI dengan GAM di Geneva", *Kompas*, 5 May 2000; *Jakarta Post*, 6 May 2000 and *Kompas*, 8 May 2000.

<sup>66</sup> A general assessment about the role of NGOs in conflict resolution, see Hugh Miall et al, *Contemporary Conflict Resolution* (Cambridge: Polity Press, 1999) pp. 37–8 and 158–62.

<sup>67</sup> *Kompas*, 5 and 13 May 2000.

solution to the conflict was more important for both the interests in preventing military solution and in refurbishing Indonesia's international reputation.<sup>68</sup>

The HDC-facilitated negotiations between the Indonesian government and GAM commenced on 24 March 2000 in Geneva and continued to 14–17 April 2000.<sup>69</sup> A month later on 12 May 2000 the HDC brought the two parties to sign a “Joint Understanding on Humanitarian Pause in Aceh” which came into effect on 2 June. This agreement seemed to show that the two parties were committed to stopping the fighting and to allowing humanitarian assistance to the Acehnese people. This was followed by another round of talks held in Geneva in January 2001, which brought about a Provisional Understanding known as a Moratorium on Violence.

However, President Wahid was unable to secure political support for his policy. The implementation of the two accords was undermined by his political opponents, notably by the military. On 11 April 2001 he tried to appease the military by issuing a Presidential Instruction (Inpres No.4/2001), which gave the military more legitimacy to crack down on GAM, but this did not have any effect to the negotiation prospect.<sup>70</sup> Political condition in Jakarta even got worse. Wahid was not only unable to keep the negotiations to continue; he even failed to maintain his presidency. The peace negotiations mediated by HDC effectively collapsed following his dismissal on 21 July 2001.

HDC sought to revive the negotiations under President Megawati, who had once promised not to allow one drop of the blood of the Acehnese people to be spilled in armed conflict. But the return to negotiations was also made possible by the continuing international encouragement for the two parties to continue the peace talks. Between 2001 and 2003 the US and the EU ambassadors to Jakarta made well-publicized visits to Aceh.<sup>71</sup> After his visit Robert Gelbard, the US ambassador, asserted that it was only dialogue that could bring a permanent solution to the conflict.<sup>72</sup> The EU Council made a similar statement:

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<sup>68</sup> Edward Aspinall and Harold Crouch, *Op.cit.* p. 13.

<sup>69</sup> These formal negotiations began after a series of informal talks. These included Wahid conversation with the HDC officials in Jakarta and Geneva, a meeting between Indonesian ambassador to the UN in Geneva, Hasan Wirayudha, with GAM's leader Hasan Tiro in 27 January 2000 and the discussion between the acting state secretary Bondan Gunawan and the GAM's military commander Abdullah Syafi'ie in Aceh on 16 March 2000.

<sup>70</sup> The *Inpres* was known as Comprehensive Measures to Resolve the Aceh Problem which covered political, economic, social, legal and public order, security and information and communication fields.

<sup>71</sup> “Delegasi Belanda ke Aceh”, *Kompas*, 2 May 2001; “Uni Eropa Dukung Dialog RI – GAM”, *Kompas*, 3 October 2001; “Para Dubes Minta Klarifikasi Pernyataan Megawati Soal Aceh”, *Kompas*, 10 April 2003.

<sup>72</sup> “AS Yakin Penyelesaian Masalah Aceh Hanya Bisa Lewat Dialog”, *Kompas* 6 April 2001.

The Council underlined that the only viable way to guarantee the territorial integrity of Indonesia is for the government to engage in a genuine dialogue with the provinces in order to tackle the root causes of separatism. It emphasized the importance of inter-ethnic and inter-regional dialogue and of successful decentralization.<sup>73</sup>

With the introduction of a group of international dignitaries known as a “team of wise men”,<sup>74</sup> the HDC facilitated new rounds of negotiations in February and May 2002. In this round the Indonesian government, which appeared to be more stable and united than under President Wahid, firmly insisted that GAM should accept Aceh integration within NKRI, accept the UU NAD, and lay down their arms. On the other hand, GAM asserted that the security conditions and an international presence to supervise a cease-fire in Aceh were important. These rounds resulted in an agreement on “points for further consultation”, which included the need for an all-inclusive dialogue leading to the establishment of an autonomous democratic government in 2004.<sup>75</sup>

The May talks showed progress, with GAM reportedly accepting the UU NAD as a starting point for further consultation. But, the government held that the acceptance of UU NAD by GAM should be unconditional.<sup>76</sup> On 3 December 2002 a Preparatory Conference on Peace and Reconstruction in Aceh was held in Tokyo, cosponsored by Japan, the US, the European Union and the World Bank.<sup>77</sup> This multinational forum clearly showed international political and financial support for the on-going dialogue. Negotiations continued in Geneva, where on 9 December 2002 the two parties signed a Cessation of Hostilities Agreement (CoHA) concerned primarily with demilitarization measures. GAM was required to place its weapons in designated locations, while the Indonesian security forces were required to take a defensive stance.<sup>78</sup>

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<sup>73</sup> Council Conclusion of 14/15 May 2001 – Annex 5 of *Indonesia: Country Strategy paper 2002-2006*.

<sup>74</sup> The team of wise men was formed by the HDC with a hope that their involvement could reinforce the work of the HDC. These wise men consisted of the retired US Marine General Anthony Zinni, the former Thailand foreign minister Surin Pitsuwan, the former ambassador of Yugoslavia to Indonesia Budimir Loncar, former Swedish diplomat Bengt Soderberg and Lord Avebury from the UK. It must be noted that these internationally recognized figures took part in renewed talks as mediators but not as formal representatives of their respective countries.

<sup>75</sup> See the HDC homepage <http://hdcentre.org/Aceh,%20Indonesia%20-%20Activities>.

<sup>76</sup> *Kompas*, 12 May 2002.

<sup>77</sup> Some 16 countries and five international organizations attended the meeting and called on the Indonesian government and GAM to agree on a cessation of hostilities as soon as possible. They also agreed to provide humanitarian assistance and rehabilitation programs. Australia and Canada committed to fund monitoring activities, while the US, Sweden and Norway continuingly supported the HDC. See the HDC homepage <http://hdcentre.org/Aceh>.

<sup>78</sup> A renewed Joint Security Committee (JSC) was established to bring the agreement into effect. Consisted of fifty monitors from each side of the government of Indonesia, GAM and HDC, the JSC was led by Major General Tanongsuk Tuvinun from Thailand and Brigadier General Nogomora Lolodag from the Philippines who acted on behalf of HDC and not their respective countries. See HDC, *Framework Agreement on Cessation of Hostilities*, Summary in <http://hdcentre.org/Aceh>.

The signing of the CoHA suggested that the government of Indonesia and GAM's leaders had made the reduction of armed conflict and the protection of Acehese people their priority. However, this was not the case. As with the previous accords, the two parties were inclined to see the de-escalation of conflict and cessation of hostilities as a precondition for the solution of the principal issue, which was the status of Aceh. It would be impossible for demilitarization to take place without clear signs of the settlement of this substantive issue, as Aspinall and Crouch asserted: "Disagreement over a final settlement might have sabotaged the cease-fire negotiations – as such disagreement did in fact eventually sabotage its implementation".<sup>79</sup>

Without making the protection of the Acehese people the top priority and without the substantive conflict being settled, the two parties to the conflict showed a lack of commitment to upholding the agreement, and the distrust between them increased. This made the implementation of the CoHA uncertain.<sup>80</sup> A few weeks after the signing of the CoHA each side started to blame other for violating the agreement. The two parties eventually returned to armed conflict. And in this situation, the government of Indonesia had been ready with a contingency plan: if the negotiations failed to force GAM to accept fully the UU NAD and drop its claim for independence, the Indonesian military would be deployed with the mission of cracking down on GAM. President Megawati was also reported to have admitted that she was employing a double-edged strategy by talking peace and preparing for war. "Along with the re-opening of the dialogue we are still preparing for a security operation in Aceh", she said<sup>81</sup>

On 18 May 2003, President Megawati placed Aceh under a military state of emergency (*Kepres* 28/2003). No fewer than 40,000 military troops and police were sent to the region, the largest military mobilization since 1975 when Indonesia decided to invade East Timor. With this new policy the role of the HDC ended.<sup>82</sup>

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<sup>79</sup> See Edward Aspinall and Harold Crouch, *Op.cit.*, pp. 46–7.

<sup>80</sup> Many politicians in Jakarta saw the negotiations as pointless. The MPR chairman Amien Rais even made a statement disregarding the role of the HDC as a small and insignificant NGO (*LSM ecek-ecek*). See *Kompas*, 15 April 2003. Amien Rais was reported as saying, "I have received information that the HDC is a trouble-maker.... We should find a solution to the Aceh conflict on our own. The HDC never sided with Indonesia, only with GAM. Don't forget the HDC chairman is a friend of Hasan Tiro. That is why it is impossible for the HDC to defend us [the government]". See, "Just say goodbye to HDC: Assembly speaker", *The Jakarta Post*, 4 May 2003.

<sup>81</sup> See "Indonesia talks peace, prepares for war in Aceh", *ABC News*, 16 May 2003.

<sup>82</sup> Following the election of President Susilo Bambang Yudhoyono in September 2004 representatives of the HDC operating in Aceh, Jakarta and Stockholm tried to convene the talks by regularly meeting with officials from GAM and the Indonesian government. See the HDC homepages, <http://www.hdcentre.org>.

Emergency military law: the more effective government

The failure of the negotiation process to bring a peaceful and final solution to the Aceh conflict might have been caused partly by the weaknesses of the HDC and the CoHA. According to Edward Aspinall, “the HDC designed an open-ended process under which it was hoped the parties would identify common interests by concentrating first on ceasing hostilities”.<sup>83</sup> Together with Harold Crouch, Aspinall argued that the conflict between GAM’s claim for independence and the government’s interest in retaining Aceh within NKRI was a fundamental problem that had to be resolved. The HDC, through the CoHA, was not only unable to resolve this issue, the framework also failed to produce an explicit understanding about the real meaning of the agreement that “GAM had accepted the NAD law as a starting point”, or to give a clear guidance to the implementation of the cessation of hostilities or, finally, how the demilitarization process would be carried out.<sup>84</sup>

Most of the reasons for the failure of the HDC and the CoHA, however, must be sought in the Indonesian political context under President Megawati. Although Megawati had said she wanted to carry on the negotiation process to settle the Aceh problem, her top priority was to preserve national territorial integrity. She said:

Constitutionally, it is totally wrong to promote human rights and democracy outside the frame of society, nationhood and statehood. Equally, the citizens also have the basic duty to defend and develop the nation and state life.<sup>85</sup>

This was in line with the military vision about the imperative of military operations to destroy GAM in order to preserve NKRI and to restore security in the region.<sup>86</sup> The unity of vision between Megawati and the TNI undoubtedly made possible the emergence of one policy that would not be undermined by other political forces in its implementation. The policy was secured by DPR members who continually criticized the negotiations with GAM and asserted the need for domestic solutions to the conflict. Most politicians in Jakarta and the bulk of the Indonesian people showed no objection to the military operations in Aceh.<sup>87</sup>

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<sup>83</sup> This was compared to CMI process which reversed the order and relied on the formula “nothing is agreed until everything is agreed”. See Edward Aspinall, *Conflict Analysis and Option for Systemic Conflict Transformation*, Paper prepared for the Berghof Foundation for Peace Support, August 2005.

<sup>84</sup> Edward Aspinall and Harold Crouch, *Op.cit.* and also Konrad Huber, *Op.cit.*

<sup>85</sup> “President Megawati Sukarnoputri: Pemerintah Sudah Sabar”, *Kompas*, 21 May 2003.

<sup>86</sup> Kiki Syahnakri, “Darurat Militer di Aceh: Implementasi dan Prospeknya”, *Kompas*, 22 May 2003.

<sup>87</sup> The MPR chairman Amien Rais, the DPA chairman Achmad Tirtosudiro, and the chairman of the DPR Commission I supported the military emergency in Aceh. See, “Besok DPR Bertemu Menko Polkam; Komisi I beri dukungan politik soal rencana darurat di Aceh”, *Kompas*, 15 April 2003;

It is also worth noting that although foreign governments had previously encouraged Jakarta to continue negotiations, they apparently understood Megawati's policy of placing Aceh under a state of emergency law. The position of the US, one of major foreign governments for the HDC to facilitate the negotiations, was particularly dilemmatic. On 19 March 2003 the US launched its military attack on Iraq. "This was seen by many military officers as providing an opportunity to renew the offensive against GAM in circumstances where the United States was hardly in a position to object", Edward Aspinall and Harold Crouch wrote.<sup>88</sup> The US and the UK even apparently had no objections to the use of the US and the UK-made aircraft and other military equipment in offensive operations. The US Secretary of State Colin Powell simply said that the force used should not be excessive,<sup>89</sup> while the Australian government saw it as falling within Indonesian domestic jurisdiction.<sup>90</sup>

With such acquiescence from major international powers and without any significant objection from national political forces, the imposition of emergency military law in Aceh gave the government twin successes.

First, the government was able to restore the functions of regional administration. Before martial law, most districts and sub-districts had been controlled by GAM. This administrative restoration enabled the government to restore its function as an authoritative decision-making institution and the protector of security for the people in the province.

Second, the massive military deployment caused a substantial defeat for GAM in which many of its civilian supporters, troops, commanders and leaders were killed or captured. After twelve months under martial law the Indonesian security forces claimed to have reduced the strength of GAM by 9,593.<sup>91</sup> The ICG Report said that the military operations had significantly disrupted GAM.<sup>92</sup> Furthermore, Edward Aspinall suggested the battlefield losses had caused morale problems in GAM. Although, he argued, this was not the first time GAM had suffered losses in its long struggle: "the optimism of the immediate post-Suharto period was replaced by a life of great hardship, with no prospect that Acehnese independence could be achieved".<sup>93</sup>

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"Wapres Hamzah Haz: HDC tidak efektif", *Kompas*, 4 May 2003. See also ICG, *Aceh: How Not to Win Hearts and Minds*, Indonesia Briefing, 23 July 2003, p. 2.

<sup>88</sup> *Op.cit.* p. 42.

<sup>89</sup> See "Powel Sesalkan Gagalnya COHA", *Kompas*, 19 June 2003; "Presiden Megawati Sukarnoputri: Pemerintah Sudah Sabar", *Kompas*, 21 May 2003

<sup>90</sup> "Aceh war unlikely to hurt ties: Hill", *ABC News*, 20 May 2003.

<sup>91</sup> *Kompas*, 10 June 2005.

<sup>92</sup> About the effect of the massive military operation to GAM, see ICG, *Aceh: A New Chance for Peace*, Asia Briefing No. 40, 15 August 2005, pp. 4–6.

<sup>93</sup> Edward Aspinall, *The Helsinki Agreement: A More Promising Basis for Peace in Aceh?* *Op.cit.*, p. 9.

Megawati's policy of imposing martial law in Aceh and the relative success of the military in destroying GAM had several implications. The first was the victory of the military approach over the non-military approach. The second was the political predominance of preserving territorial integrity above the democratization process. The third, in a broader context, was the revival of the military's political role in national politics. Based on these implications, one analyst argued that Megawati's policy reflected a kind of soft-authoritarianism which could threaten the democratization process in Indonesia: "The decision to place Aceh under martial law is very likely based on the military interest. I see that the decision is reflecting the weakness of democratic control", the former secretary of Komnas HAM Asmara Nababan said.<sup>94</sup> A similar notion was also put forward by a human rights activist in Banda Aceh:

Considering the imposition of martial law as an output of political processes in Jakarta, it is reasonable to accept the military supremacy over the civilians in making the decision, although there have been huge evidence that the military were unable to resolve the conflict.<sup>95</sup>

Nevertheless, what is clear from the implementation of emergency military law in Aceh is that under President Megawati the government apparently had regained its status as an authoritative decision-making institution and become more effective in implementing its decisions. This condition clearly contrasted with the condition under Presidents Habibie and Wahid, whose authority in dealing with East Timor, Maluku and Aceh was severely undermined by political opposition, primarily from the military.

## *2. Consolidated democratic government and the tsunami factor*

It would have been hard to predict the prospect of the separatist conflict had Megawati continued in power through the 2004 election. But her political priority of maintaining national security and integration and the political conditions surrounding her presidency would suggest that the military solution would very likely have accompanied the implementation of the special autonomy formulated in UU NAD. Further, if there had been any possibility for a renewed negotiation with GAM, including the negotiation mediated by an international party, it would have been primarily determined by the

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<sup>94</sup> "Reformasi Militer Jalan Ditempat", *Kompas*, 13 June 2003.

<sup>95</sup> *Interview* with human rights activist in Banda Aceh, 2 July 2004.

stronger position of the government, which was supported by nationalist politicians and the military.

The first ever direct presidential election in 2004, however, resulted in the election of President Susilo Bambang Yudhoyono (SBY) and Vice-President Jusuf Kalla (JK). This result changed significantly the national political configuration and made a solution to the conflict with a democratic and peaceful character rather than a domestic one more difficult.

There were at least three main arguments to expect the democratic or peaceful solution to the conflict. First, the Yudhoyono government was more stable and had a broader political support. Since Yudhoyono and Jusuf Kalla were elected directly by the people instead of by the People Consultative Assembly (MPR), they could avert from many nationalist politicians in the DPR and MPR who tended to undermine the government policy. The same reason made by the new government also welcomed by the international community who promised closer relations and support for the democratization process and national integrity.<sup>96</sup> The government stability was also related to the facts that (1) as a retired general, Yudhoyono was able to ensure military support for his presidency and policy on Aceh; and (2) Jusuf Kalla was the chairman of Golkar, the largest party in the DPR, and had a good relationship with major Islamic groups.<sup>97</sup>

The second reason that could engender optimism for a peaceful solution to the conflict was particularly related to their previous involvement as ministers under President Megawati in negotiating solutions to the conflict in Maluku. As discussed previously, Yudhoyono and Jusuf Kalla were the leading figures and were successful in bringing the conflicting parties to the Maluku conflict to negotiations which concluded in the Malino Agreement on 12 February 2002. They were able to bring this experience and commitment to the Aceh peace process.

Above all, the effectiveness of policy and the possibility of a peaceful solution were undoubtedly based on their strong political positions. As has been discussed above, under Presidents Wahid and Megawati, the government policy for negotiating the solution to the conflict had been seriously undermined by other political forces. Having become the highest state leaders with a strong commitment to seek a negotiated political settlement, Yudhoyono and Jusuf Kalla “were not only sponsoring a return to negotiation... They

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<sup>96</sup>Adam Ereli, Deputy Spokesman of the US Secretary of State, said, “We congratulate Indonesia on the conclusion of its historic election this year, including the country’s first-ever direct election of its president... As Indonesia’s close friend and partner, the United States strongly supports the country’s democratic process”. See “Indonesia – Presidential Election”, *Press Statement*, Washington DC, 20 September 2004, <http://www.state.gov/r/pa/prs/ps/2004/36327.htm>

<sup>97</sup>A brief but important information about the two figures, see Edward Aspinall, *The Helsinki Agreement*, *Op.cit.*, p. 14–15. See also *Tempo*, 7–13 February 2005 and Rizal Sukma, *Background Paper*, *Op.cit.*

were also taking a direct interest in the negotiation process itself and ...were prepared to explain to the public why negotiations were desirable".<sup>98</sup>

The strong commitment of the Yudhoyono government to a negotiated solution to the conflict was shown soon after he took the presidency. With the leading role of Jusuf Kalla, the government began to conduct secret talks with GAM leaders both on the battlefield (Aceh) and in exile (Sweden).<sup>99</sup> About the government initiative one analyst said:

Four days before the tsunami struck Aceh, former Finish president Martti Ahtisaari was invited by Kalla and Finish businessman Juha Christensen to facilitate negotiations, following an agreement for further talks between the government and GAM negotiators.<sup>100</sup>

The Indian Oceanic tsunami, which devastated Aceh province on 26 December 2004, "fostered the emergence of powerful humanitarian context within which the need to renew the peace process in Aceh has become more urgent than ever".<sup>101</sup> The tsunami also prompted renewed international interest in promoting a peaceful resolution to the conflict, with various foreign leaders openly calling for a return to talks.<sup>102</sup>

The scale of the tragedy was shown by the fact that some 200,000 people were killed or missing, approximately 500,000 displaced and much of the region's infrastructure destroyed.<sup>103</sup> Domestically, such a human catastrophe created a psychological circumstance that apparently compelled the entire nation, in particular the government, to do its utmost to rescue Aceh from further disaster. This included the possibility to end military operations and to accelerate the negotiations.<sup>104</sup> President Yudhoyono himself made the following statement:

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<sup>98</sup> Edward Aspinall, *Ibid.* p. 14. See also Rizal Sukma, *Ibid.*

<sup>99</sup> Edward Aspinall, *Ibid.*, pp. 16–9 and ICG, *Aceh: A New Chance for Peace*, Asia Briefing No. 40, 15 August 2005, pp. 1–4.

<sup>100</sup> Arno Waizenegger, "Armed Separatism and the 2004 Tsunami in Aceh", *Canada Asia Commentary*, No. 43, February 2007.

<sup>101</sup> Rizal Sukma, *Op.cit.*

<sup>102</sup> One analysis about the relationship between natural disaster and the potential for political transformation that could lead to "disaster-diplomacy" and negotiated settlement of conflict, see Arno Waizenegger, *Op.cit.* See also Edward Aspinall, *Ibid.* p. 20 and IGC, *Op.cit.*, pp. 1, 5 and 6. The deadly wave seemed not only to prompt the negotiation to re-open but also helped lift the international restrictions on military assistance. See "Rebels Express Thanks for Aid to Indonesia"; and "U.S. and Indonesia May Restore Military Link", *The New York Times*, 17 January 2005.

<sup>103</sup> The number of people who lost their lives caused by the tsunami varied from one source to another. The World Bank (2005) recorded 128,000 people dead and 37,000 missing. According to Arno Waizenegger the tsunami toll was 170,000. The figures from the Aceh provincial government were similar to the World Bank with 128,803 deaths and 37,066 missing.

<sup>104</sup> The former Indonesian government negotiator Wiryono Sastrohandoyo said that both the Indonesian government and GAM had to capitalize on the outpouring of sympathy for the Acehnese in the post-tsunami aftermath to reach a peaceful solution to the protracted conflict. See "Tsunami can boost peace prospects in Aceh", *Jakarta Post*, 25 January 2005.

The tsunami produced an overwhelmingly moral, political, economic, social imperative to end the conflict...I was criticized by those who did not see any benefit from renewed talks with GAM. But I was more concerned about the judgement of history for missing this rare window of opportunity to resolve the conflict.<sup>105</sup>

GAM also showed deep concern about the tragedy and announced to cease hostilities to allow access for national and international humanitarian workers. Nevertheless, according to Edward Aspinall, they also attempted to capitalize on the massive presence of foreign groups to increase their leverage in dealing with the Indonesian government.<sup>106</sup>

Internationally, the tsunami brought Aceh into the international spotlight. About the international consequence of the disaster, one scholar said that after years of isolation, and even prohibitions on foreigners from entering, the province suddenly became the destination of many thousands of volunteers, both from other provinces of Indonesia and overseas. He added that some 250 NGOs from 50 countries arrived and operated in Aceh in the aftermath of the tsunami.<sup>107</sup>

The massive and rapid influx of international humanitarian workers and foreign troops in Aceh became the concern of many elements in Indonesia in the following months.<sup>108</sup> Apart from praising their humanitarian motives, they were doubtful that the Indonesian government was able to effectively coordinate the humanitarian emergency activities.<sup>109</sup> There was also concern that the presence of foreign troops had hampered the military's security operations, in particular in dealing with GAM.<sup>110</sup> But the primary concern, which led to national debate, was that the presence of foreign troops in the region had threatened national sovereignty.<sup>111</sup> In a meeting with the DPR, the head of the

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<sup>105</sup> President Yudhoyono, opening speech, "Building Permanent Peace in Aceh: One Year after the Helsinki Accord" conference, August 14, 2006 as cited from Arno Waizenegger, *Op.cit.*

<sup>106</sup> Edward Aspinall, *Op.cit.*, p.20-21

<sup>107</sup> Imam Prasodjo, *Op.cit.* p. 5. See also Arno Waizenegger, *Op.cit.* pp. 6-7.

<sup>108</sup> According to the TNI Commander Endriartono Sutarto there were 3,711 military personnel from 11 countries, see *Kompas*, 22 January 2005.

<sup>109</sup> "Politik Bencana", *Kompas*, 8 January 2005 and "Curiga Pasukan Asing", *Tempo*, 23 January 2005.

<sup>110</sup> Due to the humanitarian emergency caused by the tsunami, the Indonesian military took an active defensive strategy against GAM. By this strategy, the security forces focused on securing the humanitarian operations. See, "TNI dan GAM Terus Kontak Tembak", *Kompas*, 10 January 2005. According to the head of Aceh Desk of the Coordinating Ministry for Politics, Law and Security, Demak Lubis, from 26 December 2004 to 18 January 2005 there had been several armed clashes between TNI and GAM causing the death of 61 GAM members. See, "Status Darurat Sipil Berlanjut, TNI Defensif", *Kompas*, 26 January 2005.

<sup>111</sup> See "Tidak Ada Bule, Tak Ada Melayu", *Kompas*, 6 January 2005; "Jangan Curiga", *Kompas*, 9 January 2005.

Indonesian Intelligence Agency (BIN) Syamsir Siregar said that foreign troops had a hidden agenda within their humanitarian activities such as in investigating the Malacca Strait.<sup>112</sup>

In responding to this growing debate, the government decided that foreign troops in the region were allowed for humanitarian emergency operations only until 26 March 2005. Asked whether Indonesia was risking the goodwill of foreign governments and aid groups by the restriction, President Yudhoyono explained:

We are not restricting them to the point that they cannot properly do their work. What we are trying to do is coordinate, manage and protect them. After all, Aceh is still a conflict area. The safety and security of the international workers is the responsibility of Indonesia.<sup>113</sup>

He also said that he did not see that the presence of foreigners in Aceh internationalized the fight for independence by GAM, because, he said, “the foreign aid organizations, journalists and contingents are here for humanitarian assistance. I hope they won’t have any interests other than humanitarian”.<sup>114</sup>

Vice-President Jusuf Kalla and Indonesian Defence Minister Juwono Sudharsono also explained that three months would be enough for foreign military forces to carry out the humanitarian mission, while the international humanitarian workers could stay longer.<sup>115</sup> Quite surprisingly, the TNI Commander Endriartono Sutarto said that foreign troops should be allowed to operate longer because the Indonesian military did not have the capacity to cope with such a devastating disaster: “I think the international presence should be determined not by the time but by the completion of the task,” he said.<sup>116</sup>

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<sup>112</sup> See “Kepala BIN Syamsir Siregar: Ada Agenda Tersembunyi”, *Kompas*, 22 January 2005; “Kemanusiaan Dulu, Kedaulatan Belakangan”, *Tempo*, 9 January 2005; and “Curiga Pasukan Asing”, *Tempo*, 23 January 2005.

<sup>113</sup> “We Are Very Grateful”, *Time online*, 17 January 2005, <http://www.time.com/time/asia/501050124/interview>. In the interview Yudhoyono mentioned about the killing of the UN humanitarian workers in Atambua (West Timor) where Indonesia was blamed as being unable and unwilling to provide protection.

<sup>114</sup> *Ibid.*

<sup>115</sup> “Militer Asing di Aceh Cukup Tiga Bulan”, *Kompas*, 12 January 2005; See also “AS dan Perancis Pahami Keputusan Indonesia”, *Kompas*, 14 January 2005.

<sup>116</sup> “Panglima TNI Jenderal Endriartono Sutarto: Selamatkan Kepentingan Yang Lebih Besar”, *Kompas*, 22 January 2005. See also “Jenderal Endriartono Sutarto: Mau Rakyat Mati Hanya Karena Kehormatan Bangsa?” *Tempo*, 23 January 2005; and “Tak Ada Deadline, Tak Ada Pangkalan”, *Gatra*, 29 January 2005. The TNI Commander said that he was rather surprised with the government announcement because, as he said, it was his initiative to invite foreign military assistance due to the lack of capacity of the TNI in transportation and construction equipments.

While the debates about humanitarian operations and the presence of foreign troops continued in Jakarta, the government sent a delegate to Geneva at the end of January 2005 which was intended to resume negotiations with GAM. As mentioned above, before the tsunami devastated Aceh, the government had conducted secret talks with the GAM leaders in Aceh and Sweden and both had agreed to invite the Crisis Management Initiative (CMI) to facilitate the negotiations. Although the natural disaster helped create a psychological environment for the holding of negotiations, domestic political conditions were more influential to the resumption of the negotiation process.

### 3. *The role of the CMI and the Helsinki Peace Agreement*

The dispatch of three of Yudhoyono's cabinet ministers to meet with GAM leaders in Geneva at the time of national and international attention were devoted to humanitarian emergency activities in Aceh raised the question from many politicians in DPR as if the government wanted to run the negotiations in secret.<sup>117</sup> These politicians continually saw that negotiations with GAM were unnecessary and the involvement of an international mediator was dangerous to national sovereignty. The critics mainly came from PDIP, whose leader, Megawati, was defeated by Yudhoyono in the September 2004 presidential election. In addition to these were nationalist politicians from Golkar and some military officers who firmly saw the domestic nature of the conflict and its solution.<sup>118</sup>

In response to the allegation that the government ran the negotiations secretly, the Defence Minister Juwono Sudharsono explained, "For now the important thing is that the two parties could meet after the tsunami. This is only an informal dialogue". An explanation from the Department of Foreign Affairs said that the dialogue was carried out under auspices of the Coordinating Minister for Politics, Law and Security. "The Department of Foreign Affairs is not involved in the dialogue, and the dialogue with GAM is not part of our diplomacy. If we [Department of Foreign Affairs] negotiate with GAM, we indirectly recognize GAM as an international institution".<sup>119</sup>

Despite criticisms from the DPR members, the government appeared to be more determined to seek peaceful solution. In addition, the Yudhoyono government was in strong position *vis-a-vis* the DPR. To some degree, the president could ignore debates and criticisms from nationalist politicians, which he saw counterproductive to the negotiations.

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<sup>117</sup> They were the Coordinating Minister for Politics, Law and Security Widodo AS, the Minister for Communication and Information Sofyan Djalil and the Minister of Law and Human Rights Hamid Awaludin.

<sup>118</sup> See *Laporan Singkat Rapat Kerja Komisi I DPR dengan Menteri Luar Negeri*, 27 January 2005.

<sup>119</sup> "Presiden Utus Tiga Menteri", *Suara Merdeka*, 27 January 2005.

The government's interest in eliminating factors un conducive to negotiations was also demonstrated by its inviting another NGO to facilitate the dialogue. By not involving an individual government or an international governmental organization, the Indonesian government could still argue that there would not be a serious threat to Indonesian sovereignty. Besides arguing that the conflict had been internationalized under the previous governments, the government also admitted that it was extremely sensitive about the issue. "Indeed, we have to be careful with the internationalization", the head of Indonesian negotiators Widodo AS asserted in a meeting with the Commission I of the DPR.<sup>120</sup>

The renewed negotiations between the Indonesian government and GAM were now facilitated by the Helsinki-based NGO the Crisis Management Initiative (CMI) led by Martti Ahtisaari.<sup>121</sup> Unlike in the case of the HDC, the initiative to involve CMI came from the Indonesian government, particularly Vice President Jusuf Kalla, and after having made contacts with the GAM leaders based in Sweden.<sup>122</sup> The choice of CMI and not a return to the HDC perhaps was based on calculations that the CMI chairman Martti Ahtisaari, a former president of Finland, had a lot of experience in peace negotiations in Serbia, Bosnia, Northern Ireland and Namibia. Although CMI was a small NGO, Ahtisaari had "access to high-level authorities such as the UN secretary general, Kofi Annan, and the European Union High Representative for Foreign and Security Policy, Javier Solana, which proved invaluable at crucial phases of the talks".<sup>123</sup>

Coming to the renewed negotiations, the Indonesian government negotiators were characterized by a strong commitment to a peaceful solution, but were also backed by a stronger government with more authoritative power. Although there was no significant change within the government insistence to ask GAM to accept the special autonomy in Aceh as being the principle for a permanent solution to the conflict, the government negotiator team offered GAM the possibility of revising the UU NAD, which was passed in 2001, in order to accommodate the GAM aspirations. Furthermore, the government

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<sup>120</sup> "DPR Khawatirkan Internasionalisasi Persoalan", *Kompas*, 25 May 2005.

<sup>121</sup> Apart from the different and more effective approach employed by CMI, the latter was also seen to have more strength compared to the HDC. Martti Ahtisaari had a long and distinguished career in negotiating peace processes in Kosovo, Bosnia, Northern Ireland and Namibia. Martti Ahtisaari and his CMI were widely regarded as having huge competence and broad access to international assistance in political and financial matters needed to carry out the peace talks successfully. See Edward Aspinall, *Op.cit.*, pp. 22–3 and 46–7.

<sup>122</sup> See Crisis Management Initiative website [http://www.cmi.fi/?content=aceh\\_project&print1](http://www.cmi.fi/?content=aceh_project&print1). See also ICG, *Aceh: A New Chance for Peace*, Asia Briefing No.40, 15 August 2005, p. 2; and Edward Aspinall, *Ibid.*, pp. 18–9.

<sup>123</sup> Edward Aspinall, *Ibid.*

proposed economic compensation and an amnesty for GAM leaders and members if they dropped their claim for independence from Indonesia. Nonetheless, the negotiators also reminded the GAM leaders of the possibility of farther military operations, if the negotiations failed to bring a peaceful solution. This was made by pointing to national politicians and the military in Indonesia who preferred domestic and military solution to the conflict.

On the other hand, the GAM leaders came to the renewed negotiations with different political stance due to several political changes in Aceh and Jakarta. These changes included the humanitarian tragedy caused by the tsunami. In this sense, the GAM leaders announced the importance of a ceasefire for humanitarian operations and welcomed any initiative that would result in a formal ceasefire agreement with the Indonesian government.<sup>124</sup> Although accurate information is unavailable, it is reasonable to believe that the tsunami also caused damage to GAM, although the Indonesian security forces suffered more.<sup>125</sup> The GAM's substantial disruption caused by the TNI offensive under martial law was crucial in prompting GAM to return to the negotiations. And changes within the Indonesian government in general and in the government's commitment to the negotiations in particular were likely to have motivated the GAM leaders to revise their previous political stance.

In the second round of negotiation (21-23 February 2005) the GAM leaders made a significant breakthrough. Bakhtiar Abdullah, the GAM spokesperson, told a reporter:

The conflict cannot be solved like that [i.e., by continuing the demand for independence] and we have to come to terms with that.... That [self-government] is the main thing on the table.<sup>126</sup>

According to Damien Kingsbury, the advisor of GAM, GAM rejected the term "special autonomy" because it was negatively associated with the bad practices in Indonesian public policies. And, it was very clear that "independence" was the one the Indonesian government definitely rejected. As a compromise, GAM proposed the term "self-

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<sup>124</sup> "GAM Statement", 1 January 2005.

<sup>125</sup> According to the head of Polri Da'I Bachtiar some 1400 police personnel were killed or missing. *Kompas*, 10 January 2005. Another source revealed that a total of 2,698 Indonesian security personnel were either killed or missing. It was also said that the TNI lost an estimated US\$55 million, and Polri US\$66 million, worth of weapons and equipment. The GAM itself lost only 70 combatants as its forces were mainly in the forests and foothills when the tsunami hit. GAM also suffered from devastation of supply lines and support systems in coastal areas. See Arno Waizenegger, *Op.cit.*, p. 4.

<sup>126</sup> As quoted in Edward Aspinal, *Op.cit.*, p. 26.

government” within NKRI as an impasse-breaker.<sup>127</sup> On this change Edward Aspinall wrote:

This was a shift of historic proportions. It was the first time that GAM had ever indicated that it was prepared to accept anything less than independence or a referendum. As such, it was widely viewed as a major breakthrough, and it made all subsequent progress in the talks possible.<sup>128</sup>

The fundamental change in GAM’s position to the negotiated and possible solution to the long-standing conflict could be seen as partly caused by positive changes in Indonesia and triggered by the humanitarian tragedy caused by tsunami. But, it is also important to note that GAM had experienced a kind of “hurting stalemate”.<sup>129</sup> Having been militarily defeated, having no meaningful support from the international community and considering Indonesia seemed to be moving towards a consolidated democratic government, move for GAM to have changed its previous position – particularly to drop its longstanding political claim for independence – would have been a rational choice. In this sense, the maximum that GAM could apparently do was to seek political concessions, economic compensation, and an international guarantee for their implementation.

In order to progress the negotiations, unlike the HDC emphasizing the humanitarian principles and endorsing the Humanitarian Pause and Cessation of Hostilities as the condition for further political solutions, the CMI was to work out the solutions to the political conflict. This was carried out by taking the special autonomy offered by the Indonesian government as the basis for further solutions, which was seen as the implementation of the formula “nothing is agreed until everything is agreed”<sup>130</sup>. On this situation, Martti Ahtisaari said, “the whole exercise was to find out whether Special Autonomy, or self-government, as GAM called it during the talks, offered enough for GAM to give up their claim for independence”.<sup>131</sup>

Five rounds of talks held in Helsinki between 27 January 2005 and 17 July 2005 finally brought the two sides into a peace agreement, the Helsinki Memorandum of

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<sup>127</sup> Damien Kingsbury commented the changing position as saying, “It’s huge, it’s a fundamental shift of position [on independence], and in itself it probably constitutes the single biggest step in the whole process”. See “Aceh rebels poised to drop independence bid”, *ABC News*, 23 February 2003.

<sup>128</sup> Edward Aspinall, *Op.cit.*, p. 26.

<sup>129</sup> Edward Aspinall, *Ibid.*, p. 7. The term “mutually hurting stalemate” is to describe a situation where the parties to a conflict find themselves locked in a conflict from which they cannot escalate to victory and this deadlock is painful to both parties.

<sup>130</sup> By this formula CMI insisted on the importance of agreement on political settlement before it was brought into effect. This principle is seen as a reversal to the HDC approach which stressed the importance of the reduction of violence before the political settlement. See further Edward Aspinall, *Ibid.* and Aceh/Indonesia: Conflict Analysis, Paper, *Op.cit.*, p. 15

<sup>131</sup> In Edward Aspinall, *Ibid.*, p. 25.

Understanding (Helsinki MoU), signed on 15 August 2005. Before the signing of the MOU, the chief Indonesian representative to the negotiations Hamid Awaludin said,

From today, the distinctive line between “they” and “we” must be deleted. We have only one clear line: “we”, so together, let’s tailor our past differences to become a suitable outfit.<sup>132</sup>

This was complemented by the GAM ‘prime minister’, Malik Mahmud, who said:

We are today to end the conflict that has caused so much sufferings for the Acehese people.... What we hope we have achieved with the signing of this peace agreement is the beginning of a process that will bring justice to the people of Aceh.... We now leave this historic day and embark on a great journey into a new and, we hope, much better future.<sup>133</sup>

The preamble of the Helsinki MoU stated that:

The Government of Indonesia (GoI) and the Free Aceh Movement (GAM) confirm their commitment to a peaceful, comprehensive and sustainable solution to the conflict in Aceh with dignity for all.

The parties commit themselves to creating conditions within which the government of the Acehese people can be manifested through a fair and democratic process within the unitary state and constitution of the Republic of Indonesia.<sup>134</sup>

The second paragraph of the MoU preamble above could be seen as the core of the agreement by which the previous conflicting interests that had led to the war had been compromised, if not fully met and resolved. The longstanding struggle for Aceh independence was transformed to a “government of the Acehese people” that would be established based on a democratic process. On the other hand, the longstanding problem of the Indonesian government to fight the separatist movement in order to preserve its national integrity was ended with the GAM’s commitment to manifest a democratic government of the Acehese people *within* NKRI and the Indonesian constitution.

The principal agreement above was spelled out in 6 main points, including (1) the governing of Aceh, (2) human rights, (3) amnesty and reintegration into society, (4)

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<sup>132</sup> *Speech by Hamid Awaludin delivered on the day of signing the Peace MOU, GOI and GAM, in Helsinki, 15 August 2005* as accessed from [http://www.cmi.fi/?content=aceh\\_project&print](http://www.cmi.fi/?content=aceh_project&print).

<sup>133</sup> *Statement by Prime Minister Mr. Malik Mahmud on the signing the Aceh Memorandum of Understanding, Helsinki, 15 August 2005* as accessed from [http://www.cmi.fi/?content=aceh\\_project&print](http://www.cmi.fi/?content=aceh_project&print).

<sup>134</sup> *Memorandum of Understanding between the Government of Indonesia and the Free Aceh Movement, 15 August 2005, Preamble.*

security arrangements, (5) establishment of the Aceh Monitoring Mission, and (6) dispute settlement.<sup>135</sup>

Before the signing of the agreement Martti Ahtisaari stated:

This is a beginning of a new era for Aceh; much hard work lies ahead. With signing, both parties commit themselves not to undertake any action inconsistent with the letter or spirit of the Memorandum of Understanding. It is of utmost importance that the parties honour the commitments they have made in the agreement.<sup>136</sup>

As expected the international community welcomed the signing of the peace agreement. The US government commended “both parties for their vision and courage to seek lasting peace for the people of Aceh” and looked forward to supporting the implementation of the peace agreement in the coming months.<sup>137</sup> The Foreign Ministry of Japan also welcomed the peace accord. “It has been the basic stance of the government of Japan to hope that the problem of Aceh be resolved peacefully under the territorial integration of Indonesia”, the ministry stated.<sup>138</sup> Australian Foreign Minister Alexander Downer also hailed the peace deal. “I warmly congratulate the Indonesian Government and GAM on concluding this peace agreement. It’s an important step forward,” he said.<sup>139</sup>

While the international community warmly welcomed the peace agreement, the response of the Acehnese to the signing of the agreement was “nervous but hopeful”.<sup>140</sup> Major national political forces in Jakarta also responded to the agreement with mixed reactions. Many politicians welcomed the peaceful solution, while others remained critical and sceptical. As will be discussed below, all the points of the Helsinki MoU were debated and in particular the role of the Aceh Monitoring Mission (AMM).

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<sup>135</sup> *Memorandum of Understanding between the Government of Indonesia and the Free Aceh Movement*, 15 August 2005, points 1–6.

<sup>136</sup> *Statement by President Martti Ahtisaari, Chairman of the Board of Crisis Management Initiative, former President of Finland and facilitator of the Aceh peace process, in Helsinki on 15 August 2005*, accessed from [http://www.cmi.fi/?content=aceh\\_project&print](http://www.cmi.fi/?content=aceh_project&print)

<sup>137</sup> *Indonesia – Aceh Peace Accord*, Press Statement, Washington DC, 15 August 2005 as accessed from <http://www.state.gov/r/pa/prs/ps/2005/51074.htm>.

<sup>138</sup> “Japan welcomes Aceh peace accord, offers help”, *Kyodo News International*, 16 August 2005.

<sup>139</sup> See “Australia Welcomes Signing of Aceh Peace Agreement”, *Media Releases FA102*, Minister for Foreign Affairs, Australia, 15 August 2005.

<sup>140</sup> In “Signing Accord, Indonesia and Rebels Hope for Peace”, *The New York Times*, 15 August 2005. See also “AMM: Hentikan Kekerasan di Aceh; Warga Aceh Bersikap Biasa Saja”, *Kompas*, 15 August 2005.

#### 4. Aceh Monitoring Mission (AMM) and the Post-Helsinki Agreement

That the Helsinki MoU stated that the two parties had agreed to set up the governing of the Achenese people *within* the NKRI and UUD 1945, it suggested that the implementation of the agreement would be determined by the dynamics of Indonesian domestic politics. This had been the spirit of the peace agreement on which the government attempted to convince its critics. Therefore, the lasting peace solution to the Aceh conflict would depend greatly on the interactions among the government, major national political forces primarily the DPR and the military, and the Acehnese elements including the GAM.

Since the government had recommenced the negotiations, politicians in the DPR had been critical about three issues. The first was the way the government conducted the negotiations. They criticized the government for being non transparent. “The process was closed; the public was unable to know, whereas in fact this is about public policy”, a member of the DPR contended.<sup>141</sup> One of the DPR members even said, “If the government remained closed, Aceh could be released as was the case of East Timor”.<sup>142</sup> For these reasons, the DPR had asked the government to halt the negotiations with GAM.<sup>143</sup>

The second issue was the legal status of the negotiations and the agreement. As has been discussed, many politicians were very sensitive about the issue of internationalization. Regarding such fear Jusuf Kalla asserted:

The Aceh problem is a domestic problem which is resolved overseas. So, the MoU between Indonesia and GAM is not an international agreement, because GAM is not a state. This is an agreement between our fellow nationals.<sup>144</sup>

The third issue related to the content of the MoU. However, since the agreement and its implementation were mostly related to Indonesian domestic politics, this debate is not discussed here. One part of the content that needed to be discussed further is the role of the Aceh Monitoring Mission (AMM). This is particularly important because it was widely debated in Indonesian national politics; but, more importantly, the role of the AMM is central to the problem examined in this research.

According to the Helsinki MoU, the Indonesian government and GAM agreed to the establishment of an Aceh Monitoring Mission (AMM), which “will be established by

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<sup>141</sup> “DPR Minta MOU Dijelaskan”, *Kompas*, 23 August 2005.

<sup>142</sup> “Jaga Keutuhan NKRI; MOU RI-GAM Dikhawatirkan Menjebak”, *Kompas*, 14 August 2005.

<sup>143</sup> “Anggota Komisi I DPR Kecewa Pemerintah Lanjutkan Perundingan Babak Kelima”, *Kompas*, 11 July 2005.

<sup>144</sup> *Kompas*, 6 August 2005 and 7 September 2005.

the European Union and ASEAN contributing countries with the mandate to monitor the implementation of the commitments taken by the parties”.<sup>145</sup> Before signing the MoU, on 12 July 2005, the government of Indonesia had sent an invitation to the European Union and ASEAN to participate in the AMM to assist Indonesia in implementing the final agreement on Aceh. On 18 July 2005, the Council of the European Union agreed that the EU was prepared to provide observers to monitor the implementation of the MoU.<sup>146</sup> On 9 September 2005 the Council established an “European Union Monitoring Mission in Aceh (Indonesia)”, named the ‘Aceh Monitoring Mission (AMM)’ with the mandate pursuant to the Helsinki MoU.<sup>147</sup>

Many politicians in Jakarta were very critical for the government of agreeing to the formation of the AMM. They feared that the AMM would internationalize the Aceh problem and that the AMM had a hidden agenda. DPR spokesperson Agung Laksono put forward: “We don’t want the internationalization of the Aceh problem. The DPR warned us to be alert to the hidden agenda of foreign parties”.<sup>148</sup> There was also anxiety about the AMM’s authority in its actions and control of operations without the government of Indonesia having a veto.<sup>149</sup>

In responding to those criticisms and fears, President Yudhoyono said,

There is no reason to be worried. Aceh will not be separated from NKRI. And there is no space for foreign intervention including by the UN. Aceh is our sovereign territory. We don’t need to worry as it happened in East Timor. East Timor was like that because it was taken over by the UN. In Aceh, there is no any party who takes over its resolution.<sup>150</sup>

Previously, Vice President Jusuf Kalla had stated that the government approved the presence of foreign monitors in Aceh because the GAM demanded it.<sup>151</sup> About the AMM’s

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<sup>145</sup> *Memorandum of Understanding between the Government of Indonesia and the Free Aceh Movement*, 15 August 2005, point 5.1.

<sup>146</sup> *Council Joint Action 2005/643/CFSP*, 9 September 2005, point 3, 4 and 5.

<sup>147</sup> *Memorandum of Understanding between the Government of Indonesia and the Free Aceh Movement*, 15 August 2005, point 5.2.

<sup>148</sup> “Waspadai Agenda Tersembunyi”, *Kompas*, 10 August 2005. See also “Jaga Keutuhan NKRI; MOU RI-GAM Dikhawatirkan Menjebak”, *Kompas* 14 August 2005.

<sup>149</sup> *Memorandum of Understanding between the Government of Indonesia and the Free Aceh Movement*, 15 August 2005, point 5.7. See also “Jaga Keutuhan NKRI: MOU RI-GAM Dikhawatirkan Menjebak”, *Kompas*, 14 August 2005.

<sup>150</sup> “Presiden: Jangan Khawatir Aceh Lepas”, *Kompas*, 10 August 2005. See also, “NKRI Tak Bisa Ditawar; Presiden: Kita Akan Bela dan Pertahankan Hingga Akhir Hayat”, *Kompas*, 15 August 2005.

<sup>151</sup> See in Edward Aspinall, *Op.cit.*, p.36.

power, he said that the AMM had the credibility and professionalism needed to carry out its tasks.<sup>152</sup>

While the TNI Commander said that the controversy did not have any impact on the military, the Aceh regional military commander, Supiadin, made it clear that “The politics of the TNI is the politics of the state. Whatever the policy made by the political authority, there is no reason for the TNI to reject it”.<sup>153</sup>

So far, there had not been any rejection of the AMM, even though DPR members remained critical. This led to a condition where the AMM could carry out its mandates. For around 17 months, the AMM operated without resistance from Indonesian political elements.<sup>154</sup> This was because of AMM commitment, credibility and professionalism. Asked by reporters whether Aceh would become the second East Timor, the head of the AMM Pieter Feith asserted:

This is different. The AMM is not authorized by the UN. Its mandate is from the EU. And the EU was not involved in East Timor. Unlike East Timor, Aceh will not be separated from Indonesia. I can guarantee it.<sup>155</sup>

He also said that the AMM had no hidden agenda. “Indonesia has to be strong, united and sovereign under the NKRI”. This statement was in accordance with the EU’s policy in establishing the mission, namely it respected “a united, democratic, stable and prosperous Indonesia” and “the territorial integrity of the Republic of Indonesia”.<sup>156</sup> As for ASEAN, ASEAN and its individual member countries had no interest in intervening in Indonesian domestic affairs.

It has to be noted that formally the AMM was not the party to the Helsinki MoU. The parties to the peace agreement were the Indonesian government and the GAM. The agreement set out that the government of Indonesia and GAM agreed on the AMM which was “established by the European Union and ASEAN contributing countries with the mandate to monitor the implementation of the commitments taken by the parties in this

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<sup>152</sup> *Kompas*, 16 and 30 August 2005. The Defence Minister Juwono Sudharsono also said that the AMM had the integrity, commitment and professional capability. *Kompas*, 18 August 2005.

<sup>153</sup> “Kontroversi MOU Tidak Pengaruhi TNI”, *Kompas*, 26 August 2005.

<sup>154</sup> The AMM was firstly established for six months from September 2005 to March 2006. Its presence was then extended twice from March to September and then to December 2006. On 15 December 2006 the AMM concluded its tasks. See the AMM homepage, <http://www.aceh-mm.org>.

<sup>155</sup> “Pieter Feith: Tidak Akan Ada “Timor Timur Kedua””, *Kompas*, 24 August 2005.

<sup>156</sup> *Council Joint Action 2005/643/CFSP*, 9 September 2005, point 2.

Memorandum of Understanding.”<sup>157</sup> Therefore, the establishment was formally based on an invitation sent by the Indonesian government to the EU on 12 July 2005.<sup>158</sup>

The decision to invite the EU and ASEAN countries to form the AMM was clearly contradictory to Indonesia’s longstanding position of not allowing foreign governments to intervene in Indonesian domestic affairs. It was also clear that the government was inconsistent in its arguments. The Helsinki MoU was not an international agreement, as Jusuf Kalla asserted, but the agreement did clearly demand that foreign countries monitor its implementation. If the government had not invited the EU and ASEAN countries, the implementation of the peace agreement would have been highly uncertain.

Even further, the decision was also one of the foundations of the peace agreement; without the Indonesian government approving GAM’s demand for the presence of foreign monitors, GAM would have been very unlikely to sign the Helsinki MoU. According to Foreign Minister Hassan Wirajuda, the decision was constructive for Indonesian foreign policy in general and in resolving the Aceh conflict in particular. He said that the modified decision was related to the changing global realities and particularly to the lessons drawn from the arrival of foreign troops in Aceh in the aftermath of tsunami. He further explained:

Similar to a peace-keeping mission, Indonesia has accepted the presence of the AMM consisting of experts from the EU and ASEAN. The AMM team is to monitor the implementation of the peace agreement between the GAM and RI.<sup>159</sup>

Unlike in the case of the conflict resolution in Maluku where the government consistently rejected foreign intervention, unlike in the case of East Timor where the government was severely pressured to accept INTERFET, in inviting the AMM the Indonesian government seemed to be acting autonomously. This is not to deny the international encouragement for the Indonesian government to return to peace negotiations. The point is that the Indonesian government was better prepared for the international involvement in seeking a peaceful solution to the Aceh conflict. Hassan Wirajuda said: “This means that we don’t need to be too suspicious and defensive. We have to use our freedom to maintain peace, for confidence-building, to be problem solver and to develop international communication”.<sup>160</sup>

The increasing autonomy of the Indonesian government, which was specifically shown by the strong and consolidated power around the President and Vice-President,

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<sup>157</sup> *Helsinki Memorandum of Understanding* point 5.1. See also *Council Joint Action 2005/643/CFSP*, 9 September 2005, Article 1.

<sup>158</sup> *Ibid.*, point 3. It was said that the Indonesian government sent a similar invitation to the ASEAN countries Brunei, Malaysia, Philippines, Singapore and Thailand.

<sup>159</sup> “Kebijakan LN Harus Diredisain”, *Kompas*, 19 August 2005.

<sup>160</sup> *Ibid.*

contributed significantly to the tasks allocated to the AMM in its monitoring of the implementation of the Helsinki MoU.<sup>161</sup> Nevertheless, the AMM was powerful. Unlike in the case of CoHA where the Joint Security Committee acted on behalf of the HDC and its members did not represent their respective states, the AMM was authorized by the EU and funded by the EU, five country members of ASEAN, Norway and Switzerland. “AMM is not a NGO, but a joint mission of the EU and five ASEAN country members which have experience in monitoring peace processes in a number of countries”, Pieter Feith asserted.<sup>162</sup> In this sense, the AMM had more powerful support that enabled it to fulfil its mandate.

Theoretically the role of AMM could be categorized as a peacekeeping mission, as Hassan Wirayuda claimed. It was formed and deployed after a peace agreement had been achieved by the Indonesian government and GAM. It was a non-military form of humanitarian intervention in conflict.<sup>163</sup> AMM was a civilian and not a military mission. Its monitor members did not carry weapons, although some of them had a military background.<sup>164</sup> According to the Helsinki MoU, the AMM carried out military functions (particularly in decommissioning of the GAM armaments and in monitoring the relocations of the TNI), political functions (particularly in monitoring of the process and the issuing of the Law on the Governing of Aceh) and humanitarian functions (in monitoring the human rights situation and facilitating the reintegration of GAM members).<sup>165</sup>

Under the AMM the Indonesian military and the GAM fulfilled their commitment. The Indonesian security forces had relocated the non-organic troops and left the region with the maximum strength as required by the MoU, while the GAM had decommissioned all their armaments.<sup>166</sup> In the meantime the Indonesian government had fulfilled its commitments to enact the Law of the Governing of Aceh and other commitments regarding the amnesty and economic compensations.<sup>167</sup>

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<sup>161</sup> Before the AMM commenced its mission Pieter Feith said that the leadership of the president and vice president would affect the implementation of the AMM's tasks. *Kompas*, 16 August 2005.

<sup>162</sup> *Kompas*, 24 August 2005.

<sup>163</sup> Additional principles for this form of non-forcible humanitarian intervention are the impartiality and the voluntary contributions of countries in forming the mission. See Oliver Ramsbotham and Tom Woodhouse, *Op.cit.* pp. 123–8.

<sup>164</sup> <http://www.aceh-mm.org>.

<sup>165</sup> See *Helsinki Memorandum of Understanding* and in <http://www.aceh-mm.org>. See also “Speech by AMM Head of Mission, Pieter Feith, on the occasion of the last TNI departure ceremony”, 29 December 2005; AMM Press Statements on 12 May 2006 and 14 November 2005.

<sup>166</sup> By the end of December 2005, GAM had decommissioned all of its 840 weapons and the military had relocated 31,681 non-organic military and police from Aceh. See the AMM homepage <http://www.aceh-mm.org>. Non-organic troops are usually associated with the Special Force Command (*Kopassus*), Army Strategic Reserve Command (*Kostrad*), and the mobile-brigade of police (*Brimob*)

<sup>167</sup> See the AMM homepage <http://www.aceh-mm.org>. See also, CMI, *Building Peace in Aceh; Observations on the work of the Aceh Monitoring Mission (AMM) and its liaison with local civil*

### 5. Concluding notes:

The discussion above suggested that there were several factors that enabled the solutions to the Aceh conflict to be found without the presence of foreign military force – except for the AMM framework. More than just the absence of international military intervention, the solution to the conflict in Aceh was clearly marked by its democratic and peaceful characteristics. However, the whole process that had brought the Indonesian government and GAM to a peace agreement and had created a peace situation in Aceh would be hard to be characterized as a domestic solution in the strictest sense, as many nationalist politicians and military officers in Jakarta demanded.

The continuing interest of the international community in supporting Indonesian territorial integrity and the democratization progress was the first main factor which not only encouraged the GAM to retreat from its claim for independence from NKRI but considerably boosted the confidence of the Indonesian government to solve the conflict based on Indonesian political dynamics. The involvement of the CMI in mediating the peace negotiations between the Indonesian government and GAM and the role of AMM in monitoring the implementation of the peace agreement were clear evidence of the international role in resolving the Aceh conflict. Although the role cannot be categorized as a military intervention for humanitarian purposes, it is reasonable to suggest that the peaceful resolution to the conflict was made possible by the involvement of the international community particularly the CMI, EU and ASEAN member countries.

Political progress in Indonesia was the second main factor which made the initiative to solve the Aceh conflict workable and reasonable. The growing consolidation of the central government made producing effective policy more feasible as shown by the imposition of martial law under President Megawati. But the emergence of President S.B. Yudhoyono and Vice President Jusuf Kalla enabled the peaceful negotiations to be the means of solving the conflict. Yudhoyono and Kalla were strongly committed to a negotiated solution to the conflict. They had the political power to ensure its success. More importantly, they used the power effectively in both domestic and international areas. Domestically, the government had effectively eliminated political resistance, suspicions and fears so that they could secure the negotiation process and reach the peace agreement.

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*society* (Finland, n.d.); and ICG, *Aceh: So Far, So Good*, Asia Briefing No.44, Jakarta/Brussels, 13 December 2005. See also the ICG subsequent briefings and report: *Aceh: Now for the Hard Part*, Asia Briefing No.48, 29 March 2006; *Islamic Law and Criminal Justice in Aceh*, Asia Report No. 117, 31 July 2006; and *Indonesia: How GAM Won in Aceh*, Asia Briefing No. 61, 22 March 2007.

Internationally, the government confidently and cooperatively invited the CMI to facilitate the peace negotiations and invited the European Union and ASEAN to form AMM to ensure the implementation of the peace agreement.

#### **D. Final Notes (for the two cases)**

The international community played different roles in the resolutions of the conflicts in Maluku and Aceh, even though they tended to see the two internal conflicts in the same general light. They saw the perpetuation of the violent conflicts as closely related to the process of democratization in Indonesia. They also believed that the conflicts were Indonesian domestic affairs and expected their resolutions to domestic too.

In the resolution of the Maluku conflict, the role of the international NGOs such as HRW and ICG and foreign governments appeared to be consistent with their views. Apart from providing humanitarian aid for the people affected by the conflicts, the roles were mostly those of encouraging the Indonesian government to be more decisive in bringing the conflict to an end. The official visits by the EU delegation and foreign representatives from Jakarta to the conflicting region were mostly to suggest that foreign intervention in the region was unnecessary and would even jeopardize the democratization process. Realizing the conflict was aggravated by the elements of Indonesian security forces, HRW and ICG, for instance, asked foreign governments to help the Indonesian security forces to improve their capability and performance. Practically, this meant placing the solution of the conflict in the hands of the Indonesian government and security forces.

In the case of the resolution to the Aceh conflict, the international community played more active roles. Foreign governments and international NGOs not only encouraged the government of Indonesia to seek and to return to peace negotiations with GAM. The HDC took the initiative of facilitating the peace dialogues. The CMI later mediated the negotiations which led the two parties to sign the Helsinki peace agreement. Furthermore, the EU and ASEAN established the AMM to monitor the implementation of the agreement.

The roles of the international community in the two cases, however, were limited in the sense that the roles did not meet the form of military intervention for humanitarian purposes that took place in East Timor. The limited roles were obviously determined by the international perceptions about the two conflicts, but they were also determined by two principal changes within Indonesian domestic politics: ongoing democratization and gradual political reconsolidation.

Within the democratization process, about which the international community showed more interest than in directly resolving the conflicts, President Wahid sought to solve the communal conflict in Maluku. He also initiated peaceful dialogues with GAM by inviting the HDC to solve the Aceh conflict. However, the facts showed that a democratic government and peaceful initiatives alone were inadequate to solve the conflict. Coming to power with a broader political base and support from the military, President Megawati, in just half a year, brought the two conflicting parties to the Maluku conflict to a peace negotiation which concluded in the Malino peace agreement.

The continuing reconsolidation of the government under President Megawati enabled it to be more effective in seeking a solution to the Aceh conflict. Her placing Aceh under a state of military emergency not only had political support from the DPR and the military but also significantly reduced the GAM's military strength and political influence. This policy, however, made pro-democracy elements and foreign democratic government anxious about the future of national democratization and human rights principles.

The democratic solution to the conflict in Aceh took place under President S.B. Yudhoyono and Vice President Jusuf Kalla. Directly elected by the people, having had experience in peacefully settling the Maluku conflict, and having broader political support from the military and the DPR were sound initial conditions for negotiating a peaceful solution. In addition to these were the substantial reduction of GAM's strength caused by the massive military operation under President Megawati and the psychological impetus generated by the tsunami disaster.

The strong position and firm commitment of Yudhoyono and Jusuf Kalla in seeking a peaceful solution to the Aceh conflict was accompanied by their realization of the importance of international support. They invited the CMI to mediate negotiations with GAM and signed the Helsinki peace agreement. While they made every effort to convince national political elements that the agreement was workable, they invited the EU and ASEAN to send in the AMM in order to secure its implementation. Two years after the signing of the Helsinki MoU, the solution to the Aceh conflict was not only achieved peacefully but also helped to preserve Indonesian territorial integrity (NKRI).

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## CHAPTER EIGHT

### CONCLUSION

This thesis has focused on international humanitarian intervention, defined here as *the threat or use of military force by states or an international organization for the purpose of protecting the people of the target state from widespread deprivation of internationally recognized human rights*. This is one of the most controversial issues in the fields of international relations and conflict resolution studies. Much of the controversy revolves around the central question of the circumstances under which such interventions take place, when the international community is faced with a situation where the lives of a large number of people have been lost or where many others are at risk. What is at stake here are the traditional principles of non-intervention in the affairs of states and national sovereignty, which continue to be seen as the foundations of the international political order. International humanitarian intervention is also controversial in regard to the use of military force in order to put a halt to humanitarian tragedy resulting from armed conflict, communal violence and gross violation of human rights.

The cases proposed in this research are related to these controversies. However, it was the difference in the responses of the international community to the violent conflicts in East Timor, Maluku and Aceh that chiefly inspired this research. Whereas the United Nations and major international powers agreed to the sending of a multinational force to East Timor (INTERFET) with the main task to restore order and security in the region, they refrained from taking similar step in the conflicts in Maluku and Aceh.

Considering the humanitarian values of humanitarian intervention and considering that the conflicts in East Timor, Maluku and Aceh were in many respects similar, it was reasonable to expect that the United Nations, major foreign states and international non-governmental organizations (NGOs) would have acted in the same way. The similarities included the fact that the escalation of violence in the three regions was closely associated with the political circumstances prevailing in Indonesia following the collapse of Suharto's authoritarian regime. The three conflicts were also similar in the sense that they caused large scale loss of life and hundreds of thousands of internally displaced persons. And more importantly, they were similar in the sense that the post-Suharto governments had failed to put those regions under control and to end the conflicts immediately.

The different responses of the international community to the three conflicts could have been caused by imprecision in the application of the principles of international humanitarian intervention. Or, they might be a reflection of different interpretations of the controversies surrounding international humanitarian intervention. Consideration of these aspects directed this research to examine the international domain of humanitarian intervention. This was done by an in-depth investigation of the factors moving a state or group of states to use military force. These factors I characterize as the push factors: ones which might make states feel they are compelled to act.

The different international responses to the cases of East Timor, Maluku and Aceh could also have been caused by the political circumstances prevailing in the domestic domain in Indonesia when each crisis erupted. The introductory chapter and then Chapter Three and Four elaborated that, politically, the early post-Suharto period were characterized by paradox. On the one hand, there were weak governments which seemed incapable of maintaining order and at times appeared to be on the verge of collapse. On the other hand, there were growing expectations from both within the state and internationally that the governments would be forceful in establishing a state which was democratic and respectful of the people's lives and other basic rights. These domestic circumstances might be more influential in determining the different international responses than the factors external to the state. The factors included in this domestic domain are categorized in this research as pull factors.

This research focused on three specific questions. The primary question was: why were foreign governments and the international organization prepared to send military force to East Timor but declined to intervene militarily in the conflict in Maluku and Aceh? This was followed by two further questions: to what extent can the different international responses to the crises be explained by reference to Indonesia's domestic politics? and: how were the conflicts in Maluku and Aceh ultimately resolved, if not through international humanitarian intervention?

To answer those questions, I have explored a number of key theories and concepts, as presented in Chapter Two. As noted above, the use of military force for humanitarian purposes is generally considered to be justified under certain prescribed conditions. The justification is primarily founded on international morality, ethics, human rights law and the emergence of the kind of a solidarist international system. Respect for human rights is seen as the basic condition for international peace and security. Accordingly, it is widely argued that the United Nations, which has broad responsibility for international peace and security, in principle has the legitimacy to authorize the use of military force to end existing or prevent imminent grave, large scale violations of fundamental human rights irrespective of their national location or the

nationality of their perpetrators. Nevertheless, other theories recognize that humanitarian intervention is not always motivated solely by humanitarian values. The self-interest of individual states in economic, political and security fields is also often decisive in determining whether humanitarian intervention will take place. The presence of both of these humanitarian and non-humanitarian motives makes humanitarian intervention very likely to happen. The absence of one of them makes humanitarian intervention less likely. This condition ultimately makes humanitarian intervention a very contentious concept.

Instead of focusing on the international motives that could justify the use of military force abroad, however, I deliberately focus on humanitarian crises with which the use of force is proposed.

As a means of framing my consideration of these international issues, in this thesis I have made extensive use of the guidelines proposed by the International Commission on Intervention and State Sovereignty (ICISS). The ICISS suggested that for humanitarian intervention to be justified it must meet the threshold criterion (which involves a conscience shocking situation marked by a large scale loss of life) and precautionary criteria (which include that the military intervention has to have a right intention, right authority, prospect of success, and has to be as the last resort and used proportionally). These two sets of criteria make it clear that the use of military force for humanitarian purposes not only has to be justified (in terms of its being intended to halt people's suffering) but also has to be feasible in the sense that the intervention is able to meet its humanitarian objectives.

In determining whether the use of military force can be justified and is feasible, the pull factors of the state where the humanitarian crisis occurred are likely to be decisive. This is the theoretical basis for my hypothesis that the international military intervention in East Timor (INTERFET) was primarily caused by a condition where Indonesia at that time was for all intensive purposes a failed state, while international intervention did not occur in Maluku and Aceh because Indonesia steadily showed signs of democratization and consolidation. Furthermore, these domestic developments not only made humanitarian intervention in Maluku and Aceh unnecessary but were also crucial to the peaceful and domestic solutions of the conflicts.

Since the different international responses have been investigated and the resolutions to the three cases of internal conflicts have been discussed throughout the analytical chapters, this chapter draws several conclusions that address the three research questions and confirms the hypothesis sketched out in the theoretical chapter.

The international intervention in East Timor through INTERFET seems to have met all the criteria to justify the deployment of thousands of foreign troops in the region. In the first place, the UN Security Council Resolution 1264/1999 provided formal, legal justification. INTERFET was intended to provide protection for the East Timorese people and foreigners from massacre and acts of terror launched by pro-integration supporters. The intervention was necessary because the Indonesian security force elements had also been involved in arming and directing pro integration militias instead of responsibly maintaining order and security. Related to this fact was that the Jakarta government was unable to control the security forces. In such a circumstance, the use of military force in the region was morally, ethically and legally justified.

That nearly a thousand of people had lost their lives, the Indonesian security forces were unwilling to maintain order, and that the central government had failed to control the situation created a condition that could meet the threshold criterion for humanitarian intervention. What is also important to note is that at that time, the government was very weak, the major national political forces were fragmented and there was no meaningful resistance to international intervention. These weaknesses enabled the intervention to succeed. And this success completed the justification of INTERFET.

However, it is important to note that the multinational force was not deployed in the region until after nearly a thousand of people had been massacred, and what is more striking, the decision to establish INTERFET was made only after the Indonesian government gave its consent to such intervention.

The theoretical framework of humanitarian intervention used in this thesis does not require consent from the state concerned. Still, the Australian and the US governments, as the leading members of the international community regarding the issue of East Timor, made it clear that the sending of an international peacekeeping force to the region not only had to be authorized by the UN but also required Indonesia's consent. As stated in the UN Security Council Resolution 1264/1999, the establishment and the sending of a multinational military force in East Timor (INTERFET) was made only after the UN had accepted the Indonesian government invitation for the UN to send in the peacekeeping force to the region. That Indonesia at last gave its consent, was the result of fragile circumstances at both the national and international levels. Nationally, the central government had failed to get a commitment from the security forces to restore order and security in East Timor. Furthermore, the government, which was strongly dependent upon international support, was under heavy pressure and even threats of suspension of financial aid and allegations of crimes against humanity, if the UN intervention was not agreed to.

The requirement of Indonesia's consent for INTERFET raised concern about the role of Indonesia's domestic politics in the decision to send INTERFET. From the outset of political reform process in Indonesia, the US, the European Union and Australia not only welcomed the reform but also played a significant role in supporting and securing the democratization process. Leading members of the international community, including those major countries, saw that political developments in East Timor were part of the democratization process in Indonesia. The international community was of the view that this democratization needed to be encouraged. Accordingly, there was a common perception that the international military intervention to end violence in East Timor should not jeopardize the democratization process in Indonesia.

The Asia-Pacific Economic Cooperation summit in Auckland, where the US, Japan, Australia and ASEAN were the key participants, was prominent in constructing the view that an international peacekeeping force in East Timor was necessary and that it was aimed at helping Indonesia to restore peace and security there. This view was spelled out in efforts to convince the Indonesian government and major political forces in Jakarta that the presence of international troops in East Timor would not destabilize Indonesian democratization and jeopardize Indonesia's territorial integrity.

The interest of the leading members of the international community in not disrupting democratization in Indonesia was likely at the expense of the humanitarian values of humanitarian intervention. However, what the delay in making a humanitarian intervention in East Timor was more likely to show was that the moral and ethical principles or the threshold criterion of a justified intervention had to be considered equally with other principles such as the authorization by the UN and the prospect that intervention would achieve what it set out to do.

From the case of international humanitarian intervention in East Timor, three main conclusions could be drawn: first, there had been conditions in East Timor such as a humanitarian crisis, weak government and fragmented major political forces which together made the international humanitarian intervention in the region justified and successful. Second, the leading members of the international community required that deployment of a foreign military force in the region had to have Indonesia's consent. This consent was required because it was in the interest of the US, the UK and Australia to allow the democratization process in Indonesia to progress. Third, Indonesia's domestic politics were crucial not only in justifying INTERFET but also in delaying the implementation of the humanitarian intervention in East Timor.

The absence of international intervention in the cases of Maluku and Aceh – on the surface at least, similar to the case of East Timor – was a challenging issue for the international community. The humanitarian conditions in those two regions were no less tragic than in East Timor. As has been proposed, comparing the root causes, the dynamics and the effects of the violent conflicts in those two regions with East Timor, their situations *prima facie* would have justified humanitarian intervention.

All this notwithstanding, no members of the international community ever called for the UN or any individual states to use military force in order to halt or avert human suffering in Maluku and Aceh. Although religious leaders and human rights activists in the two regions had made appeals for the intervention of the UN or the EU to help resolve the conflicts, international NGOs such as Amnesty International and International Crisis Group (ICG) asserted that international intervention in Maluku would destabilize Indonesia. Other members of the international community such as the US and the EU also argued that the progress in democratization process in Indonesia was the key to end the conflicts in Maluku and Aceh.

The no individual states or international organizations had any intention to use military force to stop the humanitarian crises in Maluku and Aceh was based on perceptions that the violent conflicts were chiefly triggered and/or exacerbated by the ongoing process of democratization in Indonesia, that the conflicts were Indonesia's domestic affairs, and that solutions had to be sought domestically. Perceptions of the international community of the domestic nature of the conflicts and possible domestic solutions clearly demonstrated that the Indonesia's political dynamics were central in prompting the international community to respond to the two cases differently to the case of East Timor.

In relation to the international perceptions, when communal violence was escalating and perpetuating, there were two significant changes within Indonesia's domestic politics. The first was a growing anti-international intervention sentiment and the second was the continuing development of democratization. It has been suggested that a humanitarian intervention is not justified if the intervention triggers a larger conflict or if the consequences of the intervention were likely to be worse than without intervention at all. In this sense, it can be concluded that changes within Indonesian politics led to a common view that the crises in the two regions should be resolved within the democratic progresses in Indonesia rather than by international intervention.

To some degree, the dynamics of national politics at the outset of *reformasi* era were central to the intractability of the conflicts in the three regions and also to their resolutions. In the early years of *reformasi*, the central government, as presented in Chapter Four, was very weak,

to the point of being virtually unable to govern the country. While the traditionally strong political forces such as the military and *Golkar* were under political pressures to abandon their privileges inherited from the New Order regime, other main political parties and individual leaders were fervent in their struggle for power. In the first place, the weak government and fragmenting major political forces had allowed communal violence in Maluku to perpetuate and armed conflict in Aceh to intensify. The conflicts had gradually worsened because elements of the security forces and political elite had obstructed every effort to solve them.

In the case of East Timor, the international intervention in the region was without meaningful resistance, including from the military, nationalist politicians and the people at large. This fragmentation among the government institutions and major national political forces had not only exacerbated the regional conflicts but also reduced significantly national resistance to the international intervention. The situation contributed greatly to the success of INTERFET.

Nevertheless, *reformasi* also showed some positive changes. *Reformasi* originally expressed a national expectation for a political reform and was gradually more closely associated with democratization of the state. After successfully forcing Suharto to step down, the reform movement forced Habibie to release all political prisoners, to free the political parties, to free the media, to adopt the international conventions on human rights and to introduce the regional autonomy program. The initiative of Habibie to offer special autonomy for East Timor was made in the context of democratization process.

Political fragmentation among the government institutions and major national political forces could also be seen as another sign of the democratization process. In its simplest form, the fragmentation meant that state power, which was previously centralized in the hands of the central government and its principal institutions, was now distributed to a number of political institutions, social organizations or individual figures. Although the government became inoperative as an authoritative decision making institution, which in turn allowed the violent conflicts in East Timor, Maluku and Aceh to continue, it could no longer force people to follow government policy. The previously oppressed political and social organizations now had political rights to take part in public affairs.

Democratization continued to show progress from 1999 to 2004. Prominent in this progress were the conduct of the democratic general elections in 1999 and the introduction of the regional autonomy program. 2004 was particularly important because, for the first time in Indonesian history, the president and vice-president were elected directly by the people.

Closely related to the democratic progresses was the growing consolidation among government institutions and major political forces. With this consolidation, the condition needed

to ensure that a policy could be implemented without being undermined by political opponents was present. In other words, it was crucial to have a political circumstance that made the national decision making process effective, as many scholars have suggested.

The positive changes within Indonesia's domestic politics contributed greatly to the possible solutions to the conflicts in Maluku and Aceh. And in answering the final research question on how the two conflicts were resolved, this research found two important conditions. The first condition was the international community, both international NGOs and individual states, had no intention of intervening militarily in the two regions. The second condition was, again, the growing democratization and consolidation among Indonesian political forces. The combination of these two conditions made it possible to find resolutions to the conflicts in accordance with national and international expectation that the two conflicts would have been resolved domestically and/or democratically.

For Maluku, domestic conditions dominated the agenda. Given the political fragmentation in the early years of democratization, President Wahid failed to end the Maluku conflict because his policy was gravely undermined by political opponents from the military and some Islamic groups. When he was succeeded by Megawati, endeavours to bring the conflict to an end became more effective. Having prioritized national territorial integrity and not blaming the security forces, regional bureaucracy or other political elites for having exacerbated the conflict, Megawati enabled the government institutions to run without any significant challenges from other political groups. As a result, within six months of being in power, Megawati's government had successfully brought the conflicting groups to a formal agreement to cease violence in the region.

The Malino Agreement, which was an agreement between the Christian and Muslim groups in Maluku to end the communal violence, did not resolve the conflict completely. To achieve such an agreement, the government deliberately avoided tough and sensitive issues particularly about the involvement of the military in engineering the conflict, religious issues, and the gross violations of human rights. Violent incidents in the aftermath of the agreement demonstrated that the agreement only partially addressed issues. Furthermore, it seems only parties marginal to the conflict came to an agreement.

However, that there was an agreement was an important sign that under Megawati, the government had regained the capacity to end this kind of communal conflict even if that resolution was rather fragile. This outcome was different to Habibie's dealings with the violence in East Timor and to Wahid's government seeking peaceful solutions to the conflicts in Maluku and Aceh. These two governments were constantly challenged, and their policies to restore order

and security in the regions were continually undermined by the military and other political forces. That the Maluku conflict was resolved through negotiations also seemed to be symbolic of the ongoing democratization process in Indonesia. After all, it was a clear sign that an international military intervention for humanitarian purposes was unnecessary in Maluku when the Indonesian government was able to solve the conflict according to the dynamics of domestic politics.

The return of the Indonesian state to effective capacity to resolve particular domestic conflicts and, in general, to maintain order has been one of the important issues within humanitarian intervention. Since most of the recent practices of gross violation of human rights and most of internal violent conflicts stemmed from collapsed or failed states, there has been a growing awareness in the international community for the restoration of the state capacity in order to address humanitarian crises. This is then followed by another condition such as the government legitimacy. In the case of Maluku, Indonesia under Megawati appeared to have back its capacity. This was achieved primarily by avoiding any dispute among government institutions and political forces that could be counter-productive to efforts in resolving the conflicts.

Compared with Maluku, the resolution to the conflict in Aceh, however, was more complex. Instead of relying solely on the growing reconsolidation among the government institutions and political forces, the resolution to the conflict was clearly marked by democratic initiatives. The final resolution of the conflict was not simply a product of domestic political dynamics, as the military and nationalist politicians thought and strongly demanded. The role of various members of the international community was crucial to bringing the conflict to an end, although that role was clearly less than it had been in East Timor. To a great degree, the solutions to the Aceh conflict from Presidents Wahid to Megawati and Yudhoyono were strongly affected by national political development in general and political orientation of the government towards democratization in particular. The international community did not adopt a purely passive position, merely reiterating that the Aceh conflict was associated with democratic process in Indonesia, was Indonesia's domestic affair and had to be resolved domestically. Both international NGOs and foreign governments were pro-active in encouraging the Indonesian government and the Free Aceh Movement (GAM) to seek a peaceful solution to the conflict.

The pro-active role of the members of the international community was clearly in line with political development in Indonesia. When President Wahid initiated a peace dialogue with GAM, international NGOs and various foreign governments welcomed and supported the dialogue. Later, when President Megawati imposed martial law in the region, national and international human rights NGOs criticized the policy while major foreign governments said it

was Indonesia's domestic affair. Finally, when Yudhoyono and Jusuf Kalla resumed negotiations with GAM, both international NGOs and foreign states again showed their support.

The influence of democratization in seeking a resolution to the Aceh conflict was demonstrated when President Wahid initiated negotiations with GAM. More importantly, Wahid involved the international NGO, Henry Dunant Centre, to facilitate and mediate the negotiations. While these democratic efforts failed to bring the conflict to an end, the failure was partly caused by domestic Indonesian criticisms of the involvement of the HDC, but more due to Wahid's weak political position and ineffective leadership.

This research suggests that after Wahid was replaced by Megawati, the efforts to resolve the conflict were more influenced by the growing political consolidation within the government and major political forces than by democratic development. This was quite similar to the way Megawati government resolved the Maluku conflict. Although Megawati initially continued the negotiation process, she was more prepared to end the armed conflict domestically by enforcing the Aceh special autonomy law or by military operations in order to crack down on GAM. Her preference for such domestic solutions was broadly supported by the DPR members and the military. With this political support, Megawati not only withdrew from the negotiation but later on took the decision to place Aceh under a state of military emergency. With massive military operations, Megawati government believed that it might enable the regional administration to function again and maintain national integrity, at least in the short term.

The experience in seeking resolution to the conflict in Aceh under the Wahid and Megawati presidencies showed two different lessons. First, the democratic government of Wahid attempted to solve the conflict peacefully, but his government was not strong enough to make the peace initiatives workable. Second, the stronger and more consolidated government under Megawati was able to be more effective in solving the conflict, but it was clear that the military solution did not really work. At the same time, there was a growing expectation nationally and internationally that the conflict had to be settled peacefully.

The rise to power of President S.B. Yudhoyono and Vice-President Jusuf Kalla, through the democratic presidential election in 2004, made a peaceful solution to the conflict in Aceh more viable. With a stronger political position and a commitment to bringing a peaceful solution to the conflict, the Yudhoyono government had the political conditions needed to secure its policy to resolve the conflict democratically and domestically.

The tsunami that devastated Aceh province in the end of the 2004 made a solution to the protracted conflict more urgent. The international response and presence in the region and the need for an unhindered reconstruction process prompted the Indonesian government and GAM

to resume peace negotiations. More importantly, the influx of thousands of foreign troops in the region for humanitarian emergency operations provided the country with an experience that cooperation with the international community, including foreign military, could be beneficial in the sense that the presence of these troops did not threaten national security.

With domestic situation conducive to negotiations and strong encouragement from the international community, the Indonesian government resumed peace negotiations with GAM. This time the negotiations were facilitated by the Crisis Management Initiative (CMI). The Yudhoyono government recognized the strategic importance of NGO such as CMI in mediating the negotiations. Since CMI had no coercive power, the government could argue that its involvement was not a threat to Indonesian sovereignty and security. With respect to criticisms of having internationalized the internal conflict, the government contended that the negotiations were essentially between fellow citizens (*sesama anak bangsa*); foreigners simply facilitated these negotiations. The talks concluded in the signing of the Helsinki Memorandum of Understanding, on 15 August 2005. Widely seen as a peace agreement between the Indonesian government and the GAM, the Helsinki MoU is expected to ensure sustained peace in the region.

In agreeing the demands for the governing of Aceh, political participations of GAM members, economic incentives, recognitions of human rights, amnesty and reintegration into society of GAM members, and security arrangement, the Indonesian government also agreed to the establishment of the Aceh Monitoring Mission (AMM) to monitor the implementation of the agreement and to settle any dispute that may arise in the ground.

The importance of the AMM, established by the European Union and five ASEAN members, was particularly related to the Indonesian political arena. From the field research in this study, it is clear that many politicians in Jakarta continued to see the involvement of international organizations in seeking a solution to the Aceh conflict and, even more, the presence of foreign representatives in the region as a serious threat to Indonesian security and sovereignty. In its response, the Yudhoyono government asserted that the AMM was not a threat to Indonesian sovereignty. It asserted that the AMM was needed to monitor the Helsinki agreement and that the AMM members had the credibility and professionalism needed to bring the peace agreement into effect.

It is also important for this research to note that the government invitation for the European Union and ASEAN to establish the AMM was clear evidence of a crucial development in Indonesian politics. Indonesia not only had democratic institutions, such as political parties and had conducted democratic general elections, but also had a government which was able to cooperate with foreign governments and international organizations on a basis of equality.

Unlike in the case of East Timor, where the Habibie government attempted to collaborate with the United Nations and other foreign governments but failed to fulfil its international commitment, the Yudhoyono government was effective in carrying out its international commitment by securing domestic politics and support for the implementation of the Helsinki agreement.

Furthermore, the field research suggests that the CMI and AMM were effective in facilitating the peaceful negotiations and in monitoring the peace agreement. While the presence of multinational force in East Timor (INTERFET) finally brought the violent conflict and the humanitarian crisis in the region to an end, in Aceh, the constant political support of the international community helped the Indonesian government bring the conflict to a peaceful end.

In summary, the conflicts in Maluku and Aceh were resolved domestically and peacefully. Though the solution in Maluku was hardly democratic, the conflict was resolved when the government under President Megawati had reached a level of consolidation domestically to allow a solution to be effective. On the other hand, the solution to the Aceh conflict was achieved when the government under President Yudhoyono had domestic political position and commitment strong enough to hold peaceful negotiations and was able to work together with the members of the international community.

The central concern of this research was to examine the relationships among international humanitarian intervention, domestic politics of the state concerned and intrastate conflicts. Considering the international principles of humanitarian intervention and taking into account the humanitarian crises resulting from violent conflicts in East Timor, Maluku and Aceh, this study concludes that Indonesia's domestic politics was a determining factor in shaping the different international responses that occurred. When Indonesian politics was marked by an ineffective government and fragmented political forces, international humanitarian intervention such as that which took place in East Timor (INTERFET) could take place and was justified and successful. When the Indonesian political climate had shifted towards democratization, members of the international community saw humanitarian intervention in those two regions as being necessary, much less feasible. This is the second conclusion this research put forward: that the development of democratization in Indonesia was central in seeking resolutions to the conflicts in Maluku and Aceh. The solution to the Maluku conflict was not in and of itself a democratic one; however the solution was the product of a consolidated domestic politics. Although the solution to the Aceh conflict involved the CMI, the European Union and ASEAN, it was this same change in domestic politics, leading to democratization that made resolution possible.

The significance of progress towards democratization in Indonesia found by this research has implications for humanitarian intervention in other societies experiencing the early stages of democratization. The case of East Timor has shown that democratization in Indonesia influenced the leading members of the international community not to send immediately an international force to the region in order to protect the lives of civilian people because of an interest to allow democratization process in Indonesia to develop. The cases of Maluku and Aceh showed that the members of the international community were more prepared to assist the government institutions to democratize Indonesia rather than to militarily intervene hastily to halt the humanitarian crises in these two regions.

The roles of the HDC and CMI in the case of Aceh were significant, in particular in seeing the dynamics of international interactions. The two international NGOs had significantly bridged the growing anti-international intervention sentiment in Indonesia on the one hand and the international interventionist tendency particularly of the major international powers on the other hand. The conflict that had caused humanitarian crises in Aceh, however, could not have been resolved properly either by the Indonesian government alone or by the use of international military force. Given that the international NGOs such as the HDC and CMI have no military force that could be seen as a threat to Indonesian sovereignty, the conflict could have been resolved in accordance to the internationally recognized principles. However, it is important to note that it was only when the Indonesia's domestic politics were conducive and the international support, particularly from major international powers, that could make the role of the international NGOs effective.

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