

EU mediation activities outside Europe: The Case of Aceh

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INTRODUCTION

Aceh is a small autonomous region situated in Sumatra, Indonesia. Violence had ravaged the region for twenty five years as a result of a conflict between the separatist group, the GAM, and Indonesian armed forces until 2005.⁴² A peace deal, the Memorandum of Understanding (MOU),⁴³ was finally brokered between the warring parties by Crisis Management Initiative (CMI) in August 2005. What is unique about this peace deal is that its implementation was monitored and overseen by a joint mission between the EU and five ASEAN member states, called the Aceh Monitoring Mission (AMM). The EU was not an acceptable mediator as such but was able to support the track-1 mediation process led by private mediator, CMI. This chapter seeks to analyse the role of the EU in the peace process in Aceh with a view to assessing whether this could be a successful transferrable model in a peace mediation context.

42 For further analysis of the conflict in Aceh see N HIGGINS, *Regulating the Use of Force in Wars of National Liberation: The Need for a New Regime. A Study of the South Moluccas and Aceh*, Martinus Nijhoff, The Netherlands, 2010, pp. 193 – 211.

43 Memorandum of Understanding between the Government of Indonesia and the Free Aceh Movement. Available at: http://www.who.int/hac/crises/international/asia_tsunami/sitrep/en/.

PEACE NEGOTIATIONS IN ACEH

A number of previous (and ultimately unsuccessful) mediation attempts⁴⁴ had been undertaken in Aceh before the negotiations which led to the MoU. However, the work of the CMI, led by Martti Ahtisaari, began at a time when both of the conflicting parties were eager to see a conclusion to the conflict, an eagerness which was amplified in the aftermath of the December 2004 tsunami which devastated Aceh and many other surrounding areas.⁴⁵ The tragedy provided an impetus for the parties to bring peace to the region and they entered peace negotiations in January 2005⁴⁶ under the auspices of the CMI.⁴⁷ The CMI prepared the MoU, which was signed by the Indonesian Minister for Law and Human Rights, Hamid Awaludin, and Malik Mahmud of the GAM leadership in Helsinki on 15 August 2005.⁴⁸ The MoU itself contains various provisions regarding the governance of Aceh and it foresaw the adoption of new legislation on governance in the region.⁴⁹

THE ACEH MONITORING MISSION

Article 5 of the MoU foresaw the establishment of the Aceh Monitoring Mission (AMM).⁵⁰ The EU and ASEAN contributing countries were tasked with the establishment of the AMM, which would be responsible for monitoring, among other things, the disarmament and demobilisation of GAM members and the relocation of non-organic Indonesian military and police forces. Article 6 empowered the AMM to settle any disputes which could arise between the parties,

44 With regard to the mediation attempts in Aceh, see N HIGGINS and B DALY, 'Resolving armed conflict: The Acehese experience of mediation' (2010) 7(3) *US-China Law Review*, pp. 1–14.

45 See 'After 29 years, an Aceh peace pact', *Christian Science Monitor* (2007). Available at: <http://www.csmonitor.com/2005/0718/p06s02-woap.htm>.

46 Malik Mahmud in an interview with Kanis Dursin in *The Jakarta Post* on his first visit to Aceh in over thirty years. He had been living in exile in Sweden. *The Jakarta Post*, Sunday, 28 May 2006.

47 See the official website of the organisation at <http://www.cmi.fi/>.

48 Memorandum of Understanding between the Government of Indonesia and the Free Aceh Movement, available at: http://www.who.int/hac/crises/international/asia_tsunami/sitrep/en/.

49 The Law on Governing Aceh, Law No. 11/2006, was passed on 11 July, 2006. The text of this piece of legislation is available at: http://www.aceh-eye.org/data_files/english_format/indonesia_government/indogovt_decrees/indogovt_decrees_2006_08_01_11.pdf.

50 The website of the Aceh Monitoring Mission is: http://www.aceh-mm.org/english/info_menu/archive.htm

with regard to amnesties, etc., and to investigate violations of the MoU. The AMM's rulings were binding on all parties, and it is clear that it was given a vital role in ensuring the successful implementation of the MoU. However, it is important to note that the role of the AMM was not to mediate; this activity came within the sole remit of the CMI. Rather, the AMM ensured that the mediated agreement was adhered to and implemented effectively and efficiently. This oversight and monitoring aspect of the mediation process is one which had been overlooked in previous mediation attempts in Aceh, and is one of the main reasons behind the success of the MoU.⁵¹ It is clear, therefore, that the EU was not the main mediation actor in the Acehese peace process, but it did play a vital supporting role.

The AMM was a civilian crisis management mission within the framework of the European Security and Defence Policy (ESDP) and was comprised of people from various backgrounds of expertise. It included monitors from the EU, Norway, Switzerland and five ASEAN states (Brunei, Malaysia, The Philippines, Singapore and Thailand). This was the first EU ESDP mission in Asia and also the first mission which combined the EU and members of ASEAN.

The AMM was launched on 15 September 2005 for an initial period of 6 months, and followed on from the IMP interim monitor which oversaw the signing of the MoU. Its mandate was extended three times and it finally completed its mandate of monitoring and supporting the peace process in Aceh on 15 December 2006. The mission was led by Mr Pieter Feith (EU Council Secretariat) and comprised approximately 230 unarmed personnel from participating countries, who were divided between 11 District Offices and 4 Mobile Decommissioning teams, with a headquarters in Banda Aceh. €9 million was provided by the EU through the CFSP budget and a further €6 million was contributed by EU states and other participating states.

The AMM organised weekly meetings between the GAM, government representatives, members of the military and the police in order to deal with and try to resolve difficulties with regard to the implementation of the MoU, which were known as Commission on Security Arrangements (COSA) meetings. These were supplemented by District meetings (DiCOSA). These meetings were central to the success of

51 See E ASPINALL, 'The Helsinki Agreement: A More Promising Basis for Peace in Aceh?', *Policy Studies* 20, East-West Center, Washington, 2005, p. 47.

the AMM as they facilitated dialogue between all parties on a regular basis and allowed difficulties to be resolved before they escalated into insurmountable problems.⁵²

It has been claimed that the peace process in Aceh succeeded “beyond all expectations”,⁵³ with a lot of the success attributed to the strong enforcement mechanism built into the MoU in the form of the AMM.⁵⁴ The decommissioning of weapons and release of amnestied GAM prisoners went smoothly⁵⁵, with the GAM handing over all of its weapons to the AMM and disbanding its military wing (TNA) in 2005. *Tentara Negara Indonesia* (TNI) (the Indonesian military) personnel also withdrew without too much trouble or delay from Aceh under the terms of the MoU and with oversight from the AMM.⁵⁶ However, some criticisms have been levelled at the mission’s lack of progress with regard to human rights issues. Under the MoU, the AMM was tasked with monitoring the human rights situation after the establishment of both the mission and a Human Rights Court and Truth and Reconciliation Commission.⁵⁷

THE EU IN ACEH

The involvement of the EU in Aceh has been multifaceted. It had financially supported previous attempts at peace negotiations before the MoU and was also heavily involved in Aceh due to tsunami relief

52 See K SCHULZE, *Mission Not So Impossible. The Aceh Monitoring Mission and Lessons Learned for the EU*, International Policy Analysis Report, Berlin 2007, p.4.

53 INTERNATIONAL CRISIS GROUP, *Aceh: So Far, So Good*, Asia Briefing Number 44, Jakarta / Brussels, Dec 13 2005). See also INTERNATIONAL CRISIS GROUP, *ACEH: Now for the Hard Part*, Asia Briefing Number 48, Jakarta / Brussels, Mar 29 2006). There have been some instances of violence in the region since the signing of the MoU which have been generally attributed to pro-independence groups – see WORLD BANK / DECENTRALISATION SUPPORT FACILITY, *Aceh Conflict Monitoring Update*, May 2007. Available at: <http://www.conflictanddevelopment.org/data/doc/en/regCaseStudy/aceh/mon/Aceh%20Conflict%20Monitoring%20Update%20-%20May%202007.pdf>.

54 See generally, K SCHULZE, *Mission Not So Impossible. The Aceh Monitoring Mission and Lessons Learned for the EU*, International Policy Analysis Report, Berlin 2007.

55 INTERNATIONAL CRISIS GROUP, *Aceh: So Far, So Good*, Asia Briefing Number 44, Jakarta / Brussels, Dec 13 2005), at 2.

56 See K SCHULZE, *Mission Not So Impossible. The Aceh Monitoring Mission and Lessons Learned for the EU*, International Policy Analysis Report, Berlin 2007, p.7.

57 *Idem.*, pp. 8 – 9.

and reconstruction work.⁵⁸ The European Commission provided a grant for a period of six months to facilitate the peace talks which led to the signing of the MoU. These talks were also endorsed by Javier Solana, High Representative for the CFSP. Therefore, the EU already had a stakeholder role in the peace process in Aceh before the establishment of the AMM.⁵⁹ This role facilitated the eventual involvement of the EU in the AMM and the monitoring of the implementation of the MoU. However, it is important to remember that the EU was not the only funder of the negotiations and that the role of the smaller funders, such as Finland and The Netherlands, was crucial so that the negotiations could actually be launched. The EU funding was provided one month later.

While the role of the EU was vital to the achievement of a lasting peace deal, it is doubtful if an organisation such as the EU would have been successful in bringing peace to the region on its own. Indonesia did not want to internationalise the Acehese conflict, particularly in the aftermath of the unsuccessful involvement of the UN in Timor-Leste,⁶⁰ and therefore the EU would not have been an acceptable mediator. It is clear that the multi-track mediation⁶¹ approach was necessary to address the requirements of the parties to the conflict, so co-operation with, and the support of, the CMI was a very suitable role for the EU.

The relationship with the ASEAN states was also very important in ensuring the implementation of the MoU, with the Asian states having a better understanding of the culture and history of the people of the region and the EU having strong logistical capacities.

58 See 'EU Ends Peace Monitoring Program in Aceh', *The Jakarta Post*, Friday May 25, 2012. In total the EU and member states donated €1.5 billion for all tsunami-affected areas, most of which was eventually channelled to the Indonesian Multi-Donor Trust Fund.

59 See K SCHULZE, *Mission Not So Impossible. The Aceh Monitoring Mission and Lessons Learned for the EU*, International Policy Analysis Report, Berlin 2007, p. 3.

60 'Thank You EU', *The Jakarta Post*, Monday May 28, 2012.

61 See D CHIGAS, 'Track II (Citizen) Diplomacy' in *Beyond Intractability*. G Burgess and H Burgess (eds), Conflict Research Consortium, University of Colorado, Boulder, 2003. Available at: <http://www.beyondintractability.org/bi-essay/track2-diplomacy>

RECOMMENDATIONS BASED ON
THE EXPERIENCE OF THE EU IN ACEH

Given the success of the MoU, which has led to a fairly stable period of peace in Aceh since 2005, it is interesting to note what lessons can be learned from the Acehnese experience and whether the Acehnese model is one which could be transferred to other areas and other conflict resolution initiatives. However, it must first be emphasised that one thing which cannot be replicated in other peace process is the readiness of the parties to engage in dialogue with a view to the completion of a peace agreement. This ‘readiness’, or, to use Zartman’s⁶² phrase, ‘ripeness’, cannot be forced. In Aceh, both of the conflicting parties were open to dialogue. In addition, the tsunami provided a further push towards the urgent settlement of the dispute.

In addition, two of the main challenges with regard to the EU’s role in Aceh were funding and training.⁶³ There was difficulty in releasing money at short notice, while the training was *ad hoc* and, at first, “rudimentary”.⁶⁴ However, the establishment of the European External Action Service in 2010 should help to avoid, or at least decrease, funding and training difficulties in future EU mediation activities.

Based on the role of the EU and the AMM in the Acehnese peace process, a number of recommendations for future similar activities can be made:

Acceptability The EU effectively supported the mediation process in Aceh through their role in the AMM, although it would not have been accepted as a mediator. The role of the EU was vital, both in terms of funding and the monitoring of the MoU, to securing peace in Aceh. The EU can, therefore, play various roles in future peace processes, depending on how they are viewed by the conflicting parties. Its expertise in logistics and obvious funding capabilities mean that many states and groups would desire a role for the EU in a mediation process. However, this role must be clarified and agreed on by all parties.

62 See I ZARTMAN, ‘The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments’, 1(1) *The Global Review of Ethnopolitics*, 2001, pp. 8 – 18 and I ZARTMAN, *Escalation and Negotiation in International Conflicts*, Cambridge University Press, Cambridge, 2005.

63 See K SCHULZE, *Mission Not So Impossible. The Aceh Monitoring Mission and Lessons Learned for the EU*, International Policy Analysis Report, Berlin 2007, p. 5.

64 *Ibid.*

- Co-operation* Co-operation with the ASEAN states was central to the success of the AMM. The understanding of, and sensitivity to, local culture, history and context are vital to ensuring the success of an external actor in a peace process. Similar co-operation with ASEAN and other regional organisations is to be recommended in any future EU mediation activities outside the EU.
- Mandate* Given the multifaceted capacities of the EU, its mandate in future mediation activities could be expanded to post-conflict and peacebuilding activities. In Aceh, the role of the AMM was to monitor and enforce the MoU. However, there were calls for the EU and the AMM to continue their work for longer than they did. While the EU continued to financially support various projects in the region, some felt that it could have stayed on longer and supported additional peacebuilding activities in Aceh.⁶⁵ In agreeing mandates for future peace processes, the possibility of encouraging EU participation in peacebuilding activities, as well as the length of its involvement in such activities, should be considered.
- Staff* The AMM consisted of staff who had expertise in various backgrounds, which was important to the successful implementation of the MoU. A similar approach should be taken in future EU mediation activities. Given the central role that human rights disputes often play in conflict situations, experts in this field should form part of the mediation team. However, the issue of cultural relativism must be taken into account, and staff with a background in the region and/or insight into the culture of the people in question should be selected.
- Continuing Dialogue* One of the main factors in the success of the AMM was the series of regular meetings it convened between all the stakeholders in the peace process (COSA meetings). These meetings acted as a form of preventative diplomacy, and this model should be employed in future mediation activities.

65 Interview with Bahktiar Abdullah, GAM Spokesperson, 13 September 2010.

CONCLUSION

The EU's broad peace support programme, which included the AMM, finished in June 2012.⁶⁶ This kind of long-term support is important when implementing the agreement and strengthening local capacities. In Aceh there would have been a willingness to see the EU continue its support even longer, but this was not as welcomed by the Indonesian government. The EU, for political reasons, is not able to focus on peace-related support, but it is committed to continuing its active interest in the region with attention on other issues. EU representative Giovanni Serritella said that the EU will continue to support forestry, environmental, climate-change and economic development programmes in Aceh in the future.⁶⁷ Given the success of the AMM, it is clear that the EU has the capacity to engage in future peace processes outside its own region, as long as it considers the limitations highlighted in this chapter.

66 See 'EU Ends Peace Monitoring Program in Aceh', *The Jakarta Post*, 25 May, 2012.

67 'Thank You EU', *The Jakarta Post*, 28 May, 2012.