ACEH : THE IMPEDIMENT IN REMAINING THE CESSATION OF HOSTILITIES AGREEMENT

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SUMMARY

The signing of CoHA (Cessation of Hostilities Agreement) between RI and GAM on December 12th 2002 is the utmost achievement since the Humanitarian Pause, in the effort of ceasing and bringing the hostilities in Aceh to an end. The Agreement consisted of 9 points of agreement and 4 major issues, which are security, humanitarian assistance, reconstruction and civilian reformation.

There is a reduction of acts of violence and armed conflict in the beginning of CoHA implementation. This has proven the fact that the mediation launched in term of the settlement of Aceh dispute is the right thing to do. But it is not a guarantee for CoHA to be applied easily and in a long term in Aceh. There's still possibility of the repetition of the Humanitarian Pause failure in CoHA. The signs of the failure emerged in the end of January 2003. The violations of the Agreement and the acts of violence that continually happened during January – April 2003 has become a threat to CoHA, that CoHA will end up just like the Humanitarian Pause. The emerge of rejection in doing the obligation to hold a demilitarization from both parties is also the sign of CoHA's breakdown.

The flunk of Humanitarian Pause in mid 2000 is a valuable experience to RI, GAM and the civilians in Aceh. The content of the Agreement seems unable to put the root of Aceh conflict into perspective and that means the Agreement is unable to reduce the number of armed conflict and acts of violence towards the people. The lack of stability between the political will of RI and the capacity to do so, makes the Humanitarian Pause ran ineffectively.

We have to admit that CoHA still have its weaknesses. The failure of putting the root of Aceh conflict into perspective and the lack of stability between the political will of RI and its application, is a proof of CoHA limitedness. The Agreement did not attach the issue of the protection of human rights . Whereas in fact, the root of Aceh conflict is the increase of violations of human rights committed by both sides.

The effectiveness of JSC and HDC which questioned by both parties, make them pay no attention to the implementation of the Agreement. The mediation did not give any solution in reducing the anxiety of both parties. The ineffective monitoring role caused by the lack of personal capacity, both quality and quantity, has made this institution loose its legitimacy in penalizing the violator of the Agreement.

Why can't we remain the Agreement on ceasing the hostilities? This briefing paper intend to answer the question by explaining the result of implementation and barriers of both parties. This briefing paper also intend to elucidate the role of the third party in helping the CoHA implementation process.

RECOMMENDATION :

To the Government of RI :

1. To postpone all policies relating to Aceh's settlement of dispute by empowering the military until the time limit determined by CoHA.
2. To review the content and the implementation of CoHA, by allocating some experienced civilian figures and experts in Aceh, to analyze the assumption of the failure of CoHA implementation in Aceh.
3. During the review process, the Government of RI must defend the well being of CoHA and HDC in Aceh.
4. To nullify the practice of corruption, collusion and nepotism in the local government of NAD and support them to be fully involved in the process of restoring the peace.
5. To hold an observation on the allocation of the military forces and Polri in Aceh, and to withdraw the soldiers who weren't supporting the CoHA implementation and then replace them with soldiers who has experienced in being UN peacekeeping force or with ones who highly committed to restore the peace.
6. To strengthen the Brimob reformulating process in Aceh by maintaining the discipline of its personnel, clarifying the operational budget and to create mechanism of responsibility for the police who committed violation.

To GAM :

1. Urging to support any policies made by the Government of RI in term of holding a peaceful settlement of Aceh dispute, by not making any political maneuvers against them.
2. Urging not to use CoHA as a media in achieving their political goals because the spirit of CoHA is basically to cease the hostilities.
3. To stop any illegal extortion towards the civilians.

To Civil Community :

1. To reduce making any statements which precisely creating the possibility for the Government of RI, especially TNI to settle Aceh dispute by holding military operations.
2. To support any policy made by the Government of RI and figures of GAM in remaining the peaceful settlement of Aceh's disputes.
3. To support any policy made by the Government of RI in reviewing the positions of some TNI soldiers and Policemen in Aceh.
4. To accumulate any endorsement from international community in emphasizing both designated parties to be persistent to the framework of the Agreement

To International Community:

1. To force the Government of RI and GAM to once again hold a mediation.
2. To monitor the gathering between the Government of RI and GAM in Joint Council court in Switzerland.
3. To urge the government of RI and GAM in reporting the implementation of the agreement as an output from the Joint Council.

To Donor States :

1. To suppress the Government of RI and GAM to consequently implementing the substances of CoHA and transparently reporting the result of the implementation.
2. To confirmed the commitment of the Donor States in participating in the rehabilitation and reconstruction of Aceh.

I. INTRODUCTION

The armed conflict between the Indonesian Army (TNI) and GAM in the last 10 years brought an extra ordinary impact to the community. About 3000 people died during this conflict and hundreds of thousands Aceh civilians have to be evacuated from their homes. In the big cities in Aceh, the politic and economic area are forbidden for the civilians and that fact has deteriorated their standard of living in the last 26 years.

CoHA (Cessation of Hostilities Agreement) between the Government of RI and GAM held in December, 9th 2002 is the utmost achievement in term of settling the disputes in Aceh. Besides controlling the armed conflict, the Agreement has also create an opportunity to build more democratic and transparent political, economical, social and cultural life. Therefore, both of the signing parties and Indonesian civil society are responsible in maintaining the Agreement.

The first two months implementation of the Agreement was enormous. The intensity of conflict and acts of violence, including the demolishing of people's residences and public facilities were decreasing. The obstructed people's activities, and even renounce in some places in the last 10 years, were slowly took their place. The people have started to go to work, do the gardening and socializing again. Those indicated that the mediation held was accurate.

But the composure did not last long. Soon, extortion and armed conflict emerged, protested by the people. Once again, the Government of RI and GAM argued about the violation of the substances of the Agreement. Joint Security Committee (JSC), pointed as the supervisory body of the implementation of the Agreement, became the target of criticism from both sides. Those resulted in the deterioration of the credibility of JSC, which create opportunity for further violations. There even a destruction of the office of the supervisory body in East of Aceh and Middle of Aceh.

The accusation made towards each other between Government of RI and GAM indicated their difference of opinion about CoHA. For example, the difference of opinion about arsenalization of GAM and relocation of TNI troops, which was one of the most important issue in the Agreement. They also argued about the status of NAD and Special Autonomy Region as a starting point. The Government of RI considered it as a necessity (as stated by Megawati Soekarnoputri, the President of RI), meanwhile GAM only considered it as basic of the dialogue and that means there was no obligation for them in accepting the special autonomy region.

The quarrel started in mid April 2003 has resulted in the decline of the commitment of restoring the peace. Both parties continually assailed each other through mass media and the Government of RI even stated that the Agreement was neglected.

The Government of RI also stated that Henry Dunant Centre (HDC), the one who facilitated the congregation between Government of RI and GAM, was not neutral. The civilians in Aceh also criticized HDC for not being opened up for their opinions

and critics. Those facts have weakened the position of HDC and also ceased the possibilities in settling the dispute peacefully.

This briefing report intend to witness the participation of both parties in implementing the Agreement and also to analyze the achievement and the failure of the implementation. This briefing report will also take us to see what were really the barriers in holding the peaceful settlement of Aceh dispute. Besides reading all documents and reports, the writer of this briefing report has also held a research by interviewing some civilian figures, researcher of Aceh dispute, the activists of human rights and the people of Aceh themselves.

II. MEMORANDUM OF SIGNIFICANT INCIDENTS 2000-2002 PERIOD

The change of politic after the fall of Soeharto in May 1998, has given opportunities to the groups of civilians in Aceh to hold further revolution. The confession of Government of RI and GAM especially about the violence committed in DOM (1989-1998) was a major step, but did not automatically change the situation about the issue of human rights and local government in Aceh. There were still repressive actions taken, meanwhile the development were still colored by corruption.

The held of *Koneksitas Court* (a kind of hybrid court) in term of the case of the slaughtering of Tengku Bantaqiah and his accompany and the attacking of KNPI office in 1999 have weaken the trust of people in Aceh. They criticized the court's mechanism used and believed that the penalty is inappropriate. Further more they believe that law can only be affected on the executors but can not be affected on the officers who made the policies and that fact has create an opportunity for further acts of violence.

The civilians movement especially the victims of acts of violence, ones who require for justice, precisely accused as the arm's length (perpanjangan tangan) of GAM by the Government of RI. Many citizen and victims turn to GAM in facing those repressions. The Government of RI made it worse by organizing some "limited military operation" in some districts considered as the center of GAM.[1] Those operations have strengthen the armed groups instead of destructing GAM.

The change of government after the 1999 election which brought Abdurrahman Wahid into the chair of President of RI did not automatically change the situation in Aceh. Unlike the previous government, Wahid chose to seek for a peaceful settlement of dispute. He sent special delegation to meet some figures and the leader of GAM in

[1] With pursuing Ahmad Kandang and accompany who has been accused on kidnapping and murdering TNI soldier in 1998 as an excuse, TNI held some operations in many Aceh districts. There are at least 5 limited military operations held after 1998, which are Operasi Wibawa, Operasi Sadar Rencong, Operasi Meunasah, Operasi Pemulihan Keamanan Aceh.

term of starting a dialogue. Afterwards the effort gain response from Henri Dunant Center (HDC), a non-governmental organization centered in Switzerland. After holding an assessment during October-December 1999, this organization started to formulate a program in term of reducing the intensity of acts of violence and to handle the impacts of armed conflicts made to the civilians.

The next step is facilitating the gathering of delegation of Government of RI and the leader of GAM (centered in Sweden). HDC have a strong connection with European and United States ex State officers and these fact has helped the implementation of the plan. In January 2000, HDC succesfully facilitating the first dialog between Government of RI and GAM. Afterwards the result of the dialogue was transformed into proposal of the peaceful settlement of Aceh dispute, consisted of the agreement on reducing the armed conflict and the distribution of humanitarian assistance.

In May, 12th 2000, the result of the dialogue has transformed into Humanitarian Pause Agreement, signed by both parties, entry into force in June, 2nd 2000. The agreement determined the reducing of violence and armed conflict in Aceh and the distribution of humanitarian assistance in Pidie, North of Aceh and East of Aceh. Both parties also stated that the war in Aceh has caused suffering to people in Aceh.[2]

Both parties along with HDC, formed Tim Modalitas Keamanan Bersama (TMKB) in term of observing the implementation of the Agreement. Its responsibility is to observe the security situation and to become the distributor of humanitarian assistance. At first, the Agreement will only be effective for three months, but considering the fact that there was a decrease in armed conflict and acts of violence, both parties agreed to extend three more months.

Although it was proven effectively reduced the acts of violence, the Humanitarian Pause Agreement do not succeed in touching any other important issues demanded by the victims of violation of human rights and any other civilians, which are to reveal the cases of violence and effective court mechanism toward the ones who committed violations. The issue of social-economical problems and the effort of raising standard of living of the people were not getting any attention. The lack of participation from local government, local police department, the organizations of civilians community, religious institution and public figures is the other factor. Focusing on the Government of RI, TNI specifically, and GAM on the other hand, was the main reason of the infectivity of the Agreement.

The core impediment of the Government of RI is the incomplete political transition process and the economical crisis Indonesia suffered. Despite of having the political will, it was clear enough that they was having a hard time in controlling the military troops located in Aceh.[3] On the contrary, the leader of GAM in Sweden also admitted

[2] The statement of the Government of RI dan GAM in Swiss, June 2nd 2000 ; Both sign parties believed that the conflict between both military forces has caused deep suffering to Aceh.
[3] ICG Briefing Paper No 17, June, 12th 2001., p. 13.

the impediment of controlling their troops which were indiscipline and mostly were committed to the violation of the Agreement.[4]

The worsen security situation after the failure of the Humanitarian Pause has made the government of Abdurrahman Wahid issued a policy relating to Aceh dispute. President Wahid issued *Inpres* No. 4/2001 on April, 21st 2001 concerning the comprehensive steps in settling the Aceh dispute. Its function is to deal with the risen acts of violence and armed conflicts after the Humanitarian Pause. Despite the fact that TNI held a very immense authority, this policy gave an authority to the police department as holder of the command of the implementer of security restoring process.

After the *Inpres*, the LSM and humanitarian activists continually reporting the acts of violence such as kidnapping and the arrest of the civilians committed by TNI and GAM. Accusation made towards each other along with the increase of acts of violence. This kind of situation remain until Megawati Soekarnoputri replaced Abdurrahman Wahid as the President of RI in mid 2001.

The other step made by the government of Abdurrahman Wahid was giving the special autonomy region status by changing the Daerah Istimewa Aceh into Nanggroe Aceh Darussalam (NAD).[5] But still, the implementation of this Law of NAD was still far beyond all hopes. In fact, there was an increase of corruption cases caused by the use of the autonomy for private matters of the officers. The law enforcement ran ineffectively caused by the fact that military operations appear to be immune to law.

In mid 2001 to early 2002, almost half of the government at the district level ineffectively functioned. Government's office were empty and some of it were used as military posts.[6] *Inpres* No.1/2002 made by Megawati Soekarnoputri in term of recovering the civilian government, has failed to change the situation. The acts of violence and violation of human rights were continually happened and the intensity was increased.

After the failure of Humanitarian Pause, HDC once again try to facilitate a gathering between Government of RI and GAM. In January 2001 gathering, both parties have agreed to hold a moratorium of the acts of violence, hold a gathering between military commandants and to discuss about making the framework of demarcating process and peace in Aceh that involved many other elements. The gathering resulted in the agreement of both parties to establish Joint Council in term of monitoring the peace restoring process in Aceh. The result of JC were discussed afterwards in further gatherings between Government of RI and GAM in 2001, in the middle of the increase of acts of violence.

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[4] *Ibid*., p.6.
[5] Law No. 18 Year 2001 Regarding Special Autonomy Region was legalized in August 9th 2001 by Megawati Soekarnoputri, after replacing Abdurrahman Wahid as the President of RI.
[6] Interview with the humanitarian activists of Aceh, in Jakarta, April 17th 2003.

In February 2002, HDC once again facilitating the gathering between both parties to discuss the continuity of the result of the previous gathering. In March 10th 2002, both parties agreed to hold a dialogue in term of settling the Aceh dispute. Another agreement reached was the signing of the agreement of ceasing the hostilities in Aceh, facilitate by HDC.

After the gathering, HDC submitted the proposal of the settlement of Aceh dispute through a mechanism of dialogue which encompass the plan of ceasing the hostilities, demilitarization, rehabilitation and the post conflict reconstruction of Aceh, and also political reformation in Aceh. Actually, it was very obvious that the preparation of the plan was made a long time ago by HDC. It was obviously revealed from the demeanor and commitment made by some of the Donor States in fully supporting the proposal. The Government of RI supported the proposal because the proposal also obligate GAM to accept the status of NAD as a solution.

Meanwhile GAM refused the proposal because of the contradiction between the point of accepting NAD status and their intention in disintegrating Aceh from Indonesia. The Government of RI response the rejection by running the comprehensive steps intensively, based on *Inpres* Number 1/2002.[7] Afterwards, the Government of RI organizing military operation to take action against GAM, who refused Law of NAD as a solution.

After a long debating, GAM finally willing to compromise with the mediation process and accepting the NAD Law as a starting point in settling the Aceh dispute on the last day of dialogue. Afterwards, HDC started to compose the text of ceasing the hostilities agreement to be discussed and agreed by both parties in the next assembly. At first, the signing of the agreement was scheduled in November 2002. But GAM was not ready so the signing was rescheduled. The Agreement were actually signed later in December, 9th 2003. At the same time TNI discontinue the attacking of GAM headquarters.

III. THE IMPLEMENTATION OF CoHA

At first, the implementation of CoHA ran effectively. Each parties were starting to make a preparation in implementing the points of the Agreement. But dissatisfactions repeatedly emerge in the last two months and once again there are accusations made towards each other between Government of RI and GAM, relating to the rejection and

[7] *Kompas*, February 8th 2002. According to Coordinating Minister of Politics and State Defense, Susilo Bambang Yudhoyono, the Government of RI intend to multiply the military operations because there's a tendency that GAM will not cease the armed conflict and will not accept the status of NAD as a solution. After failing to reach the agreement, TNI held an operation by attacking the headquarter of GAM in Cot Trieng. There's a tendency of TNI being arrogant and they feel the need for public to know that TNI can easily defeat GAM.

the delay. The debates hampered the implementation.[8] Before elucidating the violation of the agreement committed by both parties, this report will give us a brief explanation.

Cessation of Hostilies Agreement (CoHA)

Basically, the initiative of CoHA, signed in Switzerland, December 9th 2002 has four (4) major issues / focuses :

- Security, covered the ceasing of armed conflict and acts of violence, the establishment of peace zones, demilitarization (relocating the TNI troops and GAM arsenalization) and reformulating the role of Brimob into civilian police.
- Humanity, covered the humanitarian assistance to the refugee.
- Reconstruction, covered the rehabilitation and the reconstruction of broken and smashed instruments caused by the armed conflict.
- Civil reformation, by organizing dialogues to strengthen the demarcating process in Aceh.

The issue in this agreement is the fact that the schedule of the implementation was not distinct. Only the process of ceasing the hostilities and acts of violence and the demilitarization process that has time-frame of implementation.[9] Meanwhile, the implementation of humanitarian assistance, reconstruction, rehabilitation, civil reformation and all-inclusive dialogue was not hold in certainty.

Joint Security Committee or JSC was established in term of monitoring the implementation of the agreement, with senior military representatives from TNI, GAM and HDC, represented by High Command of Thailand and Philippines. Its mandate was to monitor, investigate, report and spread the information.[10] HDC holds responsibility in supplying the donation and logistic and also responsible for the administration. Joint Council or JC further established in term of settling the dispute between both signatory parties left by JSC.

[8] In the last days, the mass media broadcast the accusation made by the Government of RI relating to the issue of GAM in settling Aceh dispute, in the frame of NKRI in term of making NAD as a starting point of the dialogue. GAM also being accused in violating the agreement by multiply its personel and its military equipment and also refusing the arsenalization.

[9] Article 3 (b) CoHA stated, "Two months after the signing of the COH and as confidence grows, GAM will begin the phased placement of its weapons, arms and ordinance in the designated sites. The JSC will also decide on a simultaneous phased relocation of TNI forces which will reformulate their mandate from a strike force to a defensive force. The GOI has the right to request HDC to undertake no-notice verification of the designated sites. With the growth in confidence of both parties in the process the phased placement of GAM weapons will be completed within a period of five months."

[10] CoHA, article 3 (b).

Table. 1
Summary of CoHA, in the issue of ceasing the hostilities

Commitment	Executor	Implementation	Information
To cease the hostilities and all forms of violence towards each other and civilians in Aceh. To control each forces on the ground, both TNI/Polri and GAM. To control the groups that do not share their objectives but claim to be part of their forces	Government of RI : Panglima TNI Kepala Staf Angkatan Darat Pangkostrad Pangdam Iskandar Muda Pangkoops TNI GAM: Panglima GAM	Pangdam Iskandar Muda and Komandan Lapangan all over Aceh thoroughly inform their respective forces on the ground of the terms of this Agreement. To smaller the patrol officers from 10 to 2 soldiers. Unknown	In January 2000, store owners, bus agent, contractor and other transportation complained on the extortion committed by GAM and TNI/Polri soldiers in posts locating along the way to Medan, Bireuen. Becak drivers and RBT drivers (ojek) also complained.
To guarantee that both parties will not increase their military strength, which includes re-deployment of forces, increase in military personnel or military equipment into Aceh.	Government of RI : Panglima TNI Pangdam Iskandar Muda GAM: Panglima GAM	No information	There's a report relating to the rolling of the TNI forces in Aceh. The existence of the new troops were not balanced by withdrawing the previous troops. Another report stated that GAM has smuggled weapons to Aceh and added its personnel.
To reformulate the mandate and mission of Brimob.	Government of RI : Mabes POLRI Komandan Jenderal BRIMOB POLDA NAD	In February 2003 Mabes POLRI and POLDA Aceh have trained 1.400 personnel of Brimob, assigned in Aceh.	Kabid Human POLDA NAD AKBP Sayed Hoesainy stated that he wasn't yet informed about the change of function of Brimob. The estimated amount of personnel of Brimob is 12.000 personnel over all Aceh. Reported that GAM has shot three personnel of Brimob in Simpang Leubue Cot, Kuta Makmur, Bireuen.
Both parties will allow civil society to express without hindrance their democratic rights.	Government of RI : POLDA Aceh Pangkoops TNI GAM: Panglima GAM	No information	The people were still pretty influenced by TNI and GAM. The peace demonstration held by the people was dispersed upon the arrival of Brimob in January 9th 2003. Caused four victims.

The hampered of the ceasing acts of violence has proven the fact that the confidence between Government of RI and GAM has not fully formed yet.[11] The attack and occupation of the office of JSC in Middle of Aceh in early May, the plan of kidnapping Tengku Amri Wahab in April 4th, the ignition of the office of JSC in Langsa, East of Aceh, April 6th and the shooting of two police instructors in Lamtamot, Aceh Besar in April 7th and also the shooting of nine armed civilians in *Kecamatan* Tiro, Mutiara and Delima, *Kabupaten* Pidie have proven the fact that the Agreement has not fully implemented by both parties.[12]

[11] Muzakir Manaf: "Saya Hanya Memikirkan Soal Angkatan Perang", *Tempo Interaktif*.
[12] *Suara Pembaruan*, April 15th 2003.

The term of reducing military activities (demilitarization) by not increasing personnel or military equipment often breached. Reports stating the existence of weapon smuggling/infiltration, the inauguration of Panglima GAM in Pidie, the forming of civilian government officers by GAM and the NAD tax levied to civilians were the problems emerged in term of the implementation process of the agreement.[13]

On the other hand, the reformulation of mandate and mission of Brimob in Aceh has not fully implemented. In the terms of CoHA, it was stated that Brimob has obligation to inventoried the violations, filed reports to JSC, give warning and give public information. While in term of violations committed by other parties except GAM, the process will be held and adjusted with the Indonesian Law. The personnel of Brimob will be located all over Aceh to help the posts in the area of Polda Aceh.

In mid February, Polri will start to implement the Agreement. Starting with the training of 1.400 personnel in the first phase, afterwards Polri will trained all 3.000 personnel of Brimob who were assigned in Aceh.[14] However, those steps taken were unable to reduce the acts of violence and the practice of corruption committed by the officers on the ground. The shooting of participants of GAM by Brimob -justified by Kapolri Jenderal Da'i Bachtiar- has proven the fact that those steps taken were not effectively working in term of changing the character of Brimob into civil security officers as it was stated in CoHA.[15]

Relocation of TNI Forces and The Arsenalization

Article 4 CoHA stated that JSC, with direct participation of the senior leadership for security from both sides, will immediately identify and prepare locations of conflict to be designated as "Peace Zones". Forces of both parties will refrain from operations, movements, activities or any proactive acts that could lead to contact or confrontation with each other. The whole process will be monitored by the tripartite teams, Government of RI, GAM and HDC. This article also stated that JSC will be informed by both parties of any significant movements or activities in these areas.

Table. 2
Summary of CoHA, in the issue of rellocating TNI forces and arsenalization

Commitment	Implementer	Implementation	Information
Forces of both parties will refrain from operations, movements, activities or any provocative acts that could lead to contact or cinfrontation with each other.	Government of RI : Panglima TNI Pangdam Iskandar Muda Pangkoops Kapolri Kapolda Aceh GAM: Panglima GAM	No information	Both parties were still organize sweeping operations Kodam Iskandar Muda trained three battalion of his troops. GAM inaugurated the new Panglima

[13] *Suara Pembaruan*, February 7th 2003.
[14] *Kompas Cyber Media (KCM)*, February 14th 2003.
[15] *Kompas*, February 22th 2003

Relocation of TNI forces which will reformulate their mandate from a strike force to a defensive force GAM will begin the phased placement of its weapons, arms and ordinance.	GAM: Panglima GAM Government of RI : Panglima TNI Kepala Staf Angkatan Darat Pangkostrad Pangdam Iskandar Muda Pangkoops	No information No information	TNI were still in the level of formulating the concept of the relocation of the troops. Meanwhile, the armed conflicts were still continually happened such as in kec. Trumon, South Aceh in February 16th. The impact is that both parties refused to implement the Agreement and accusing the other party not doing its obligation as an excuse.
The designation of identified areas of demilitarised zones such as schools, mosques, health institutions and public places, bazaars, Acehnese meunasahs, market-places, foodstalls, communication centres including bus-terminals, taxi-stations, ferry-terminals, public roads, river transportation services and fishing ports.	Tidak ditetapkan	No information	Some of the designated peace zone areas were still used as the posts of TNI/Brimob.

The commitment of designating the peace zones has not been seriously concepted and implemented. CoHA did not provide any details of the process and it created the possibility for any party to commit violations[16] It was obvious in the issue of relocation of TNI forces and GAM arsenalization. Both parties were still with their own opinion and perception as it was seen in the long debates during the negotiation. Until the time of signing, it was obvious that there were still many objections left unsaid and the transfer made to HDC was only a reflection of stagnation instead of making any concrete solution.

HDC held a meeting with some high military officers and leader of GAM to discuss the demiliterisation process, a month before the process was started. But the proposal made by HDC has caused a different of opinion between Government of RI and GAM.[17] The demand of TNI for GAM to cease fire was refused by the negotiator of GAM. After a long discussion process, both parties finaly agrred to start the process in February, 9th 2003. But the fact is both parties has not organize any framework of the implementation with fixed time frame, until several weeks after the negotiation.[18]

Meanwhile, GAM refused to hold an arsenalization before TNI relocating its forces and reformulating the role and mission of Brimob. TNI denied the argumentation by saying that TNI has issued the plan of relocationing the forces. GAM otherwise stated that the relocation held were only for one (1) kilometre away from the previous place, so it could

[16] *Masuknya pasukan TNI dari Yon 112/Dharmajaya, Mata Ie, Banda Aceh ke daerah Indrapuri tanpa melapor JSC, adalah bukti bahwa pihak RI masih setengah hati untuk konsisten dengan isi kesepakatan.* ***Serambi Indonesia****, 18 Februari 2003. Sebaliknya tindakan GAM yang masuk ke zona-zona damai membawa senjata juga menunjukkan sikap serupa.* ***Media Indonesia****, 29 April 2003.*

[17] Kompas, February 7th 2003. Menjelang Proses Demiliteriasi, Februari 9th; GAM Jangan Berkeliaran Membawa Senjata

[18] KCM, February 20th 2003, Sepuluh Hari Pelaksanaan Demiliterisasi, GAM Belum Letakkan Senjata.

not be categorized as a relocation at all. The debates between the parties were continually happened during the time this report was made.

The quarrel occured again in the last days and has caused the cease of other implementation of the Agreement. Various violations of the Agreement were once again occured during the end of February and March. Violence and armed conflicts were increased during April and May while TNI did not take any action to stop it. Finaly, the Government of RI asked GAM to attend the court of JC, to discuss about the dispute and the violations that had happened during the implementation of CoHA last April. But GAM refused the invitation by saying that GAM was not ready to hold a negotiation.

The rejection of GAM later responsed by the Government of RI by making a statement in organizing new military operations in Aceh. Menko Polkam Susilo Bambang Yudhoyono stated that the Government of RI will be focused on four (4) operation plans, which are humanity, law enforcement, the consolidation of the government and the recovery of security operation.[19] Both parties were not planning to organize a new forum of dialogue up till this report was piled.

All-Inclusive Dialogue

Article 6 CoHA stated that the parties agree to ensure, through this Agreement, the necessary security and freedom of movement for all participants in the All-Inclusive Dialogue. The dialogue is a forum for civil society to participate in settling the Aceh dispute by involving all elements of the society. This article also stated that both parties have agreed that the process of All-Inclusive Dialogue be facilitated by HDC. But up till now, there was not any plan, agenda and the election of the people involved in the dialogue organized. The civil society organization in Aceh said that they have not been reached by HDC in term of discussing further process. The lessen confidence of Government of RI (esp. TNI) to HDC has provoked the other parties in term of doubting the further implementation process.[20]

Public Information and Communications

CoHA stated that to ensure national and international support for the peace process in Aceh, the Agreement and its implementation have to be publicised as widely as possible. Both parties were also agreed that the process of implementation has to be as transparent as possible and the people have to be regularly informed of the progress made and difficulties encountered.

[19] Kompas, May 1st 2003, Pemerintah Fokus Pada Empat Operasi.
[20] *Media Indonesia*, April 17th 2003

Table. 3
Summary of CoHA, in the issue of Public Information and Communications

Commitment	Implementer	Implementation	Information
To publish the Agreement and its implementation as widely as possible within one month of the signing of this Agreement. The process of implementation has to be as transparent as possible.	Government of RI : Menko Polkam Minister of Internal Affairs Pemda Nanggroe Aceh Darussalam Pangdam Iskandar Muda Kapolda NAD	Menko Polkam, Panglima TNI, KSAD and Kapolri visited East Aceh. *Pemda Aceh:* formed TP-5 (Tim Pusat Pengendalian Penguatan Pemeliharaan Perdamaian) in district level. *Pangdam:* ordered Komando Operasi (Koops) TNI to spread out 16.000 flyers about the declaration of CoH Agreement between Government of RI and GAM in Kabupaten Aceh Besar dan East Aceh.	Most of the people were apathetic with the effort making in settling Aceh dispute peacefully committed by both parties. The people evaluate that instead of socializing the terms of the Agreement, both parties were just campaigning in term of achieving their political interest.
To hold community meetings, seminars, flyers, bumper stickers, t-shirts and other media.	Government of RI : Pemda Nanggroe Aceh Darussalam Pangdam Iskandar Muda POLDA Aceh	Pemda Aceh: Organizing a gathering religious leader	Meetings, seminars and other forms of public activities were rarely organized. And the participants were also limited in a certain level of people.
HDC is requested to look for sources of funding these public information and communication activities.	HDC	Unknown	The Government of RI stated that the donation for socializing process were limited. Other source stated that there's a tendency of the practice of corruption committed by the civilian officers and people on the ground.

The government of NAD also emphasized the fact that their activities in visiting the regions were hampered by the threat of GAM. They have tried to handle it by asking the personnel of TNI to join and guard them but it turned out to be a mistake. The people were so terrified of the armed forces and they chose not to attend such a socialization forum.[21] Otherwise, the program of GAM in socializing the Agreement has gained protests from many parties because the program were attached to the forming of civilian government by GAM.

The Role of Joint Security Committee (JSC).

The functions of JSC stated in CoHA are :

a. To formulate the process of implementation of this Agreement
b. To monitor the security situation in Aceh
c. To undertake full investigation of any security violations
d. In such cases, to take appropriate action to restore the security situation and to agree beforehand on the sanctions to be applied, should any party violate this Agreement

[21] In some cases, GAM have tried to cabotage the effort of Government of RI by holding some closed meeting with the religious leader in term of asking the people not to attend the forum. Interview with source in Aceh, April 2003.

e. To publish weekly reports on the security situation in Aceh
f. To ensure that no new paramilitary force is created to assume previous functions of Brimob
g. To design and implement a mutually agreed upon process of demilitarisation. Relating to this last function, JSC will identify and prepare locations of conflict to be designated as Peace Zones.

This following table is an observation of the progress of those functions.

Table. 4
Summary of The Implementation of Mandate dan Obligation of JSC

Mandate	Implementation	Information
To reactivate JSC, which was established during the implementation of the Humanitarian Pause	Has not fully implemented	JSC started in December ,20th 2002.
To commence discussion, in order to reach agreement expeditiously, on a plan of action for the JSC in discharging its duties..	Implemented	JSC have two committes, which are monitoring committee (TMT) and verification committee (VSPC). JSC have opened representation offices in most Kabupaten in Aceh. But still coloured by the rejection of the civilians
To identify and prepare locations of conflict to be designated as Peace Zones.	Has not fully implemented	JSC along with the local government designated the peace zones. JSC have designated six (6) Peace Zones which are, Kecamatan Indrapuri, Kaway XVI in West of Aceh, Kecamatan Peusangan di Bireuen, Kecamatan Tiro in Pidie, Kecamatan Sawang in South of Aceh, Kecamatan Simpang Keramat in North of Aceh and Kecamatan Idi Tunong in East of Aceh.
To formulate the process of implementation of this Agreement	Has not fully implemented	This team has formulated the categorizing of the violations. But the demiliterisation proposal made by JSC cq HDC were rejected by both parties, TNI and GAM.
To monitor the security situation in Aceh	Implemented	The cappacity of JSC in monitoring the implementation process of the Agreement was restricted. In this moment, there were only 150 personnel of TMT in eight (8) kabupaten of NAD.
To undertake full investigation of any security violations	Implemented	The investigation held by JSC, was not fully succeded because of the fact that TNI and GAM in each team has a tendency to covered their own mistakes.
In such cases, to take appropriate action to restore the security situation and to agree beforehand on the sanctions to be applied, should any party violate this Agreement	Implemented	The fact that both parties were not pay any attention to the sanctions made by JSC, has made this function ran ineffectively.
To publish weekly reports on the security situation in Aceh	Implemented	JSC has issued three (3) monitoring reports, but the repoerts only mentione the violations without investigating the motivation.
To ensure that no new paramilitary force is created to assume previous functions of Brimob.	Belum dilaksanakan	Unknown
To design and implement a mutually agreed upon process of demilitarisation.	Belum dilaksanakan	Demiliterisation should be launched since February 11th, but it never did up till now. The mechanism offered by JSC was unable to convinced both parties.

Both parties were having trouble with building confidence in such a short time because of the continues armed conflict in Aceh. The signing of the Agreement of ceasing the hostilities did not automatically reflected the confidence between both

parties. Thus, one of the function of JSC was to build confidence and monitor the implementation of the Agreement.

JSC started to operate in December 20th 2002 by monitoring and do the verification of the implementation of the Agreement. JSC was not a brand new institution established to monitor the implementation of CoHA, it was once established during the Humanitarian Pause in June 2000. The participants were the representatives of Government of RI, GAM and the third party, HDC. But HDC asked both parties to choose international party as their representatives. Both parties agreed with the proposal of HDC and choose Thailand and Philippines to be in the structure of JSC.

JSC formed two (2) committees in term of smoothen the ground activities, which were monitoring and verification. One of its first obligation is to formulate the implementation process of CoHA in details, starting with ceasing the hostilities between both parties. It was not comprehensible whether the articles have successfully be clarified, but both parties have agreed to lessen the weapon and reduce the acts of violence towards the civilians. Going through the third week of the implementation process, the acts of violence were still continually happened in several places. Coordinator of JSC from Thailand, Mayor Jenderal Thanongsuk Tuvinun stated his regret on the armed conflicts and the extortion happened in Aceh.[22]

The next action made by JSC is identifying and preparing locations of conflict to be designated as Peace Zones. Some areas filled with acts of violence were chosen. Afterwards, JSC summon the Government of RI and GAM to make provisions relating to the operation of Peace Zones. Both parties agreed that they were not allowed to have any military posts in the are of peace zones. The participants of GAM and the personnel of TNI were allowed to be in the peace zones area as long as they were not armed, and only for those who were assigned there. There was not allowed any political activities and underground movements, including any acts that could provoke confrontation between both parties.

Meanwhile, based on the ground observation and the consideration of the problems occurred on the ground, the relocation of the forces were handed to the tripartit monitoring team (TMT). Also, both parties agreed to start the whole process in 72 hours.

The first area designated as Peace Zone is kecamatan Indrapuri, Aceh Besar.[23] During February, JSC choose six more of the areas designated as Peace Zones and meanwhile the monitoring committee started to build offices in those areas. Mid February, Indonesia protested JSC and HDC by sending a letter in term of the shooting of the personnel of TNI in Lokop, East of Aceh. In the letter, the Government of RI asked JSC to hold an investigation. JSC responded and stated that the case will be investigated with other 32 cases existed in the list of violations.

[22] Kompas, December 26th 2003, Hentikan Kontak Senjata di Aceh.
[23] Kompas, January 26th 2003, Indrapuri, Zona Damai Pertama di Aceh.

In the end of January, JSC announced the result and the investigation of the monitoring process. It was mentioned that there was a decrease of armed conflicts but on the contrary with the acts of violence towards civilians.[24] The report also stated that JSC has given both GAM and TNI a sanction for violating the agreement. But GAM refused the sanction and stated that his participants were innocence. Senior Representative KKB from GAM, Sofyan Ibrahim Tibba, stated that GAM will not penalize its participants.

Mid February, JSC once again gave both parties sanction for violating the agreement. This time, it was the Government of RI who claimed innocence. They stated that the shooting of participants of GAM in Ulee Kareng – used as a foundation for JSC in giving the sanction – was a form of law enforcement. According to the information given, the shooting was caused by the fact that the participant of GAM was going to seize the weapon out of the hand of the personnel of TNI. Because of the protest, JSC withdrawn the given sanction.[25]

There was a fluctuation in March 2003. JSC was rejected by the society in Middle of Aceh. Hundreds of people were reported came, damaged and burned the office of JSC in that particular area and caused the withdrawn of all the personnel back into Banda Aceh.[26] According to some witnesses, this action was made because of the dissatisfaction of the civilians relating to the fact that JSC was not being neutral and never take action on the violations. Thus, JSC asked the Government of RI to give guarantee of their security in term of their obligation to hold operations again in the particular area. Similar action was happened again in the East of Aceh, in the beginning of April. JSC was not being proactive and the fact that JSC has never responded the society were their motive in holding such action.

Later, there was an increase of acts of violence after the destruction of offices of JSC. The conflict between the civilians and GAM and the extortion were continually happened. The increased of acts of violence has made the Government of RI asked JSC to investigate those cases, such as the killing and burning of between ten and twenty vehicles belong to the civilians in the area of Burlintang, Pegasing, Middle of Aceh. Anxiety emerged in JSC, between Government of RI and GAM caused by the objection of GAM regarding the statement made by the representatives of TNI in JSC in term of the action.

[24] Kompas, January 26th 2003, Indrapuri, Zona Damai Pertama di Aceh.
[25] KCM, February 27th 2003, JSC Cabut Dua Pelanggaran TNI/Polri.
[26] KCM, Mach 3rdt 2003, Massa Rusak Kantor dan Bakar Tiga Mobil.

IV. THE CHALLENGE OF SETTLING ACEH DISPUTES THROUGH MEDIATION

Regardless of all the weaknesses of its concept and implementation, CoHA is one of the small possibility in settling the Aceh dispute. The explanation above has proven the fact that both parties can still do a lot of things. We have to deal with all the weaknesses and limitedness. It took perseverance from both parties to revise the terms of the Agreement.

The Revision of CoHA.

Just like any other agreement of peace in the armed conflict areas, CoHA was not determined. Its focuses were only the demilitarization, the distribution of humanitarian assistance, and the rehabilitation and reconstruction. Regarding the condition of Aceh in the last 26 years, CoHA is a progress. The establishment of the terms were referring to the assumption that there was an equal position between Government of RI and GAM, reflected the transform of the government's way of behaving into the separatist movements as if it was in the past.[27] The accomplishment of CoHA is depend on the motivation of both parties in term of settling the dispute peacefully. The armed conflict between Government of RI and GAM could be taken to the negotiation by revising the CoHA.

Clarifying the Purposes and the Phases of CoHA.

The process in restoring the peace is basicaly completed with its concrete steps. Every phase in the process must have comprehensible vision and orientation and these two elements were not subsisted in CoHA. There won't be any difference of interpretation if the process in building the confidence were comprehensible. The muddle of demilitarization and democratization (that automatically touched the political status), has made both parties inclined to maintain their own position.

The revision of CoHA must underline the time frame and the phases of the peace restoring process with the result that reducing the possibility of different interpretation. The agenda of ceasing the armed conflict and the distribution of humanitarian assistance have to be our first priority. Meanwhile, the agenda of rehabilitation, reconstruction and dialogue could be done separately. Both parties have to observed every detail in the phases in term of fully doing their obligation.

[27] For example in the case of Timor Leste, the Government of RI was not willing to admit the existence of CNRT and Falintil as an equal force with the Government of RI and TNI. The agreement of peace in this area was never succeed because of the fact that TNI, the most significant party, was never willing to be included in the forum of negotiation.

The Development of the Capacity and Control.

It was seen in the description above that the lack of capacity of both parties were the reason of the failure of the implementation of the Agreement. Limitedness, both institutional, financial and personnel, have to be the consideration in revising CoHA. Corrupted government, the ineffective civilian government practice in Aceh down to the local district and various other obstacles are the problems we have to deal with in term of supporting the implementation of the Agreement. So is with the accountability of both parties relating to the acts of violence that continually happened.

It was obvious that the Government of RI has its limitedness in civil bureaucracy in term of controlling the movement and the conduct of TNI forces in Aceh. The accomplishment of the implementation of CoHA is basicaly depends on the ability of the Government of RI to organize its military forces.

The Support and Participation of the Civil Society in term of the Implementation of CoHA.

One of the assumption of accomplishing the settlement of Aceh dispute peacefully is the participation and support from the civil society. CoHA was very frail in this context. All of the negotiation process, the abbreviation of the terms and the signing only involved Government of RI (TNI esp.) and GAM, and HDC as a facilitator. The civil society was never directly involved in the whole process, while the fact is the implementation of the terms of the Agreement depends on their participation.

Further known that both, the Government of RI and GAM, were not gaining any support and participation from the civil society. And it caused the ignorance of the civil society of Aceh and Indonesia in perceiving the accomplishment, right after the signing of the Agreement. The non-governmental organizations were not showing any interest in supporting the implementation because they were not asked to be involved from the first place.[28] Lately after the threat of the cancellation of the Agreement, some institutions decided to maintain the Agreement because they have seen was no other way in peacefully settling Aceh dispute.

Basically, the fact that there was no participation from the civil society has influenced the frail of controlling and monitoring role. Both parties will feel more pressure in obeying the Agreement, if the civil society organizations were given their role specifically.

[28] At first, most of the LSM were critisizing the Agreement and became very pesimistic in term of its accomplishment in restoring peace to Aceh. Interview with humanitarian activist in Jakarta, April 30th 2003.

Supporting the Role of JSC to be Effective.

The fundamental issue faced by JSC is its dependence to the good faith of the Government of RI. The Agreement did not delegate enough mandate to the institution relating the role of monitoring and the role as a mediator in term of the occurance of violation. The consequence is both parties were not having any confidence in JSC and only used the institution to strengthen their position. The "balanced" policy made by JSC has caused the distrust from both parties.

The limitedness of the capacity of personnel was also becoming an issue in term of accomplishing and making the ground activities of JSC to be effective. The passive monitoring method has proven the fact that JSC were dawdling and disappoint many parties, including the civil society. The frail connection between this institution and the local people of Aceh, the language problem and various other technical problems have deflected the information consumed by JSC and that automatically omitted the confidence from both parties. All elements must give their thoughts in term of forming better team and agenda.

Although considered as mediator, JSC still taking sides. It should have been committed in the future that both parties should give extra confidence to the third party by establishing new committees (inside the JSC) in term of doing some certain unfulfilled functions. The safety of a neutral third party (not the representatives of the conflicting parties) in term of doing its functions, must be guarantee by both parties.

Causing The Role and Participation of the Third Party To Be Effective.

HDC's role as a third party in this peace restoring process, was not optimum. The burden that has to be carried by the institution was clearly beyond the capacity of its personnel and it has slowed or delay the handling. This institution has to be more realistic in the future in reading its role as a mediator. It is proper for HDC to see the potential of other civil society organizations in term of helping the planning and the implementation process.

The international committee who has supported the peaceful settlement of dispute were not supposed to make the existence of HDC as an excuse for not making any active and concrete steps. The involved of other international community will automatically motivated the Government of RI to implement the Agreement seriously and strengthen its position in facing the parties who were intended to sabotage the implementation.

IV. CONCLUSION.

Cessation of Hostilities Agreement (CoHA) made in December 9th 2002 was the utmost achievement during three years of armed conflict in Aceh. Since the beginning, the dialogue process were nicely responded by the civilians, especially in the middle of the increase of acts of violence committed by both parties.

But the achievement did not automatically guarantee that the dispute of Aceh will be peacefully settled. The thought of CoHA being some kind of efficacious medicine was proven wrong. The problems can only be effectively handled if only the Government of RI and GAM willing to make a revision by clarifying the rule of the game, schedule and sanctions for those who committed violation.

Basically, the implementation of the Agreement depends on the political will of both parties, and also the capacity in fulfilling the will, both institutionally, financially and personally. The corrupted bureaucracy structure, the lack of control on the movements of the ground military forces are high influenced institutional obstacles, regardless the good faith of both parties. The Indonesian and Aceh civilian government has to be able to show the conflicting armed forces that the peaceful settlement of dispute was the best and the ultimate choice in term of best implementing the CoHA.

The frail monitoring and verification role of JSC also took part in strengthen the distrust from both sides and become barriers for most of the terms of the Agreement. The limitedness of the participants compare to the mandate carried by the institution has lessen the ability of JSC in responding the complaints. This institution is supposed to build a stronger connection with the society and given bigger mandate – esp. in the application of the sanctions – to gain confidence from the society.

The role of HDC as a facilitator in this peace restoring process is better be studied over. Learning from the weaknesses and failure during the process, HDC should consider more realistic role in term of working effectively than having bigger role without knowing how to handle it. For the sake of it, the parties involved in the mediation should consider the involved of other elements of civil society in term of strengthen the role of facilitator held by HDC in the future.

The involved of international community, including the Donor States, has to be augmented and not restricting itself to the reconstruction and rehabilitation which ended up with short-term projects and often left behind. It is proper for the international community to give pressure through various media so that the conflicting parties will fulfill their commitment in settling the dispute peacefully. Without any of those supports, both the Government of RI and GAM will not be able to effectively face the party, who refused to settling the dispute peacefully.