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## Security sector governance (SSG) and conflict management in Indonesia: The Aceh case

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## **Abstract**

This paper examines the evolution of security sector governance (SSG) in Indonesia, focusing in particular on the effects of security sector reform (SSR) on the management of the secessionist conflicts in the country. It discusses the military's use of force as an instrument of conflict management in the years immediately following Indonesia's Independence, arguing that while it is possible to suppress conflicts through military force, such a strategy brings about several problems. The underlying causes of the conflicts may remain unaddressed, and military impunity could increase. These could lead to rising resentment, and eventually escalation of conflicts, as occurred in Indonesia in the late 1990s. This paper argues that to resolve such conflicts, SSR is vital, and it illustrates this through the case of Aceh as an instance of successful resolution of conflict achieved against a backdrop of reform of the military sector.

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## Biography

Rizal Sukma is Executive Director of the Centre for Strategic and International Studies, Jakarta; Chairman of International Relations, Muhammadiyah Central Executive Board; and a member of the Board of Advisors of the Institute for Peace and Democracy (IPD). Since receiving a PhD in International Relations from the London School of Economics and Political Science in 1997, he has worked extensively on such issues as Southeast Asian security, ASEAN, Indonesia's defence and foreign policy, military reform, Islam and politics, and domestic political changes in Indonesia.

Dr Sukma has served as a member of the National Committee on Strategic Defence Review at the Ministry of Defence, and as a member of the National Drafting Committee for the National Defence Bill (2000–2002) and the Armed Forces Bill (2002–2003). He was the first Indonesian to receive the Nakasone Award (in July 2005); and he was named one of the top 100 Global Thinkers of 2009 by *Foreign Policy* magazine.

His most recent publications are 'The Asean Political and Security Community (APSC): Opportunities and constraints for the R2P in Southeast Asia', in *The Pacific Review* 25, no. 1 (2012); and 'Indonesia finds a new voice', in *Journal of Democracy* 22, no. 4 (2011). He has also written several books: *Security operations in Aceh: Goals, consequences, and lessons* (Washington, DC: East-West Center, 2004); *Islam in Indonesia's foreign policy* (London: Routledge, 2003) and *Indonesia and China: The politics of a troubled relationship* (London: Routledge, 1999).

## Introduction

Immediately after Indonesia declared independence on 17 August 1945, the country began to face problems of secession as well as communal and religious violence and ideological tension. These threatened territorial integrity, national unity, internal order and political stability. Indeed, the first two decades of Indonesia's post-independence era were replete with conflicts. After the destruction of the Indonesian Communist Party (Partai Komunis Indonesia, or PKI), these tensions culminated in dramatic political change in 1966, with power passing from President Sukarno to Suharto.

During the 32 years of Suharto's rule (1966<sup>1</sup>–1998), his regime, known as the New Order, managed to impose a degree of stability on Indonesia, allowing the country to enjoy high economic growth. However, despite the apparent internal stability, Suharto's Indonesia was also filled with tensions and conflicts. The remnants of communism and the secessionist movements in the provinces of Aceh and Irian Jaya (now Papua) were regarded as major security challenges. In addition, the New Order regime was also concerned about the threats posed by communal violence and religious extremism.

The New Order's conflict management strategy in dealing with these challenges to its rule revolved around the politics of suppression. Threats to internal stability, especially in the form of separatist movements, were met with an uncompromising response, in particular, with the use of force by the Armed Forces of the Republic of Indonesia (Angkatan Bersenjata Republik Indonesia, or ABRI), which at that time included the police.<sup>2</sup> In Aceh and Irian Jaya, President Suharto and the military ignored the social and economic conditions behind these provinces' aspiration for independence, and saw the use of force as the only mechanism able to effectively deal with the problem. As the backbone of the authoritarian regime, the Indonesian military had free rein to use whatever means available to suppress the rebellions in the two provinces. It also employed a similar coercive approach in preventing communal violence and tackling religious extremism. In other words, the use of military force was an essential part of the New Order's strategy to uphold national unity and territorial integrity, ensure regime security, and maintain public order and internal stability across the country.

As Indonesia began the transition towards democracy after the collapse of the military-backed Suharto regime in 1998, the country was overwhelmed by outbreaks of major conflicts, especially the escalation of armed insurgency by the Free Aceh Movement (Gerakan Aceh Merdeka, or GAM) in Aceh, the separatist conflict in Papua, and the communal violence and religious conflicts in Kalimantan, Maluku and Poso. Successive civilian governments were locked in attempts to address these conflicts while trying to

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<sup>1</sup> Suharto became the leader of the New Order in 1966, after then President Sukarno gave him the order of 11 March authorising him to employ whatever means necessary to address post-abortive-coup problems.

<sup>2</sup> Until April 1999, Indonesia's police was part of the Armed Forces of the Republic of Indonesia (Angkatan Bersenjata Republik Indonesia, or ABRI).

manage a difficult democratic transition. The government had no choice but to rely on the security apparatus, especially the Indonesian National Armed Forces (Tentara Nasional Indonesia, or TNI; formerly ABRI) and the police, to address the problem.

At the same time, the Indonesian government also embarked on security sector reform (SSR) with the aim of improving security sector governance (SSG). Various laws and regulations were enacted stipulating that the military withdraw from politics, accept civilian control and democratic oversight, respect human rights, and transform itself into a professional force. As democracy began to gain momentum, the government also tried to use peaceful methods – such as dialogue, negotiation and peace talks – to resolve the conflicts in the country. By 2004, with the exception of Papua, the conflicts had been resolved.

This paper examines the SSG initiatives in post-Suharto Indonesia and their effects on the management of the secessionist conflicts in the country, most notably in Aceh. The discussion is divided into four sections. The first section discusses the nature and causes of the conflicts in Indonesia, the military's use of force as an instrument of conflict management, and the escalation of the conflicts in the country in tandem with the process of democratisation. The second section examines the scope, progress and limits of Indonesia's SSR policies, with particular reference to military reform, a central component of SSR in Indonesia. The third section assesses the impacts of military reform on the management of secessionist conflicts in Aceh.

## **The military and conflict management in Indonesia**

Internal security has been, and remains, the preoccupation of Indonesia's security actors. Successive post-Independence governments have treated secessionist activities, communal and religious violence as well as ideological tensions as major threats to territorial integrity, national unity, internal order and political stability. Under Suharto's New Order in particular, political stability and social order were a top priority, to be pursued at all costs and by whatever means. In this context, two forms of conflicts – secessionist movements, and ethnic and religious violence – were considered the most salient, warranting the use of force as an essential element of conflict management. As a consequence, ABRI became the dominant security actor in the New Order's strategy to curb the two types of conflict.<sup>3</sup>

For decades, violent conflicts were contained by the New Order's security apparatus, mainly through the use of force by the military. However, the role played by the military in tackling such conflicts, and its propensity to use excessively coercive and violent means to do so, clearly made conflict management in Indonesia highly problematic. As the military often ignored the nature and causes of conflict, the use of force only resulted in the suspension,

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<sup>3</sup> The military served as the backbone of the New Order government. It functioned not only as a defence force, but also played a dominant role in internal security and politics.

rather than resolution, of the conflicts. When the New Order government fell in 1998, and the military lost its political dominance, the brutal use of force as a means to address conflict was no longer acceptable. The state in effect lost the only conflict-management 'skill' it had known for decades, with the result that conflicts resurfaced on an unprecedented scale – with devastating results, in terms of human life as well as other costs.

### ***The nature and causes of conflict in Suharto's Indonesia<sup>4</sup>***

At the risk of oversimplifying, the root causes of contemporary conflicts in Indonesia can be located in the authoritarian nature of the New Order government. After taking over from Sukarno's regime in 1966, Suharto's New Order did not take Indonesia on to a democratic path. Instead, authoritarianism continued, but with a more concrete sense of purpose, defined in terms of the imperative of development, which is conceived as consisting of three essential elements: stability, growth and equity. To achieve its development objectives, the New Order government imposed centralisation of power and encouraged exploitation of natural resources.

The politics of centralisation was realised through the creation of a highly centralised state and the imposition of a sense of national identity. All political and economic aspects – from budget allocation and development plans, to the structure of government at village level and the shape of government buildings and offices – were tightly controlled by the central government in Jakarta. In order to ensure the loyalty of regional-level governments, governors and regents were appointed by Jakarta. This practice marginalised indigenous leaders and prevented them from participating in formal politics and from gaining access to local power. In order to create a sense of national identity, Jakarta believed that 'national unity would be strengthened by the mixing of ethnic groups'.<sup>5</sup> With that, Jakarta pursued a transmigration policy, ignoring the attendant anthropological and social implications of promoting the migration of certain ethnic groups to other parts of Indonesia populated by other ethnic groups. This policy planted the seeds of the communal conflicts that exploded in the post-Suharto years.

The politics of resource exploitation, while allowing the New Order to deliver sustained economic growth, led to significant environmental, economic and social impacts, which in turn fuelled conflicts in the country. For example, excessive logging resulted in serious deforestation problems, as well as growing scarcity of resources and land. The expansion of the logging and wood-processing industry reduced the amount of access local people had to forest resources. When such impacts were coupled with the social consequences of the

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<sup>4</sup> For a more detailed discussion of the root causes of conflict in Indonesia, see: Rizal Sukma, 'Ethnic conflict in Indonesia: Causes and the quest for solution', in *Ethnic conflict in Southeast Asia*, ed. Kusuma Snitwongse and W. Scott Thompson (Singapore: ISEAS Publications, 2005). See also: Jacques Bertrand, *Nationalism and ethnic conflict in Indonesia* (Cambridge: Cambridge University Press, 2004).

<sup>5</sup> International Crisis Group (ICG), *Communal violence in Indonesia: Lessons from Kalimantan*, Asia Report no. 19 (Jakarta/Brussels: ICG, 27 June 2001), 14.

transmigration programme, the potential for conflicts became even greater; either in the form of community-level conflicts (between different ethnic groups); or conflicts between local communities and state-linked business agents, or between the state (central government) and ethnic-based regions (provinces). Resource exploitation resulted in strong resentment against Jakarta's rule, especially in natural resources-rich regions such as Kalimantan, Aceh and Papua. The bloodiest conflicts of the democratisation era (after 1998) occurred in such resource-rich regions.

The politics of centralisation and resource exploitation provided fertile ground for grievances to flourish. Complaints about economic inequality and marginalisation were common, especially in areas experiencing conflicts. Also, local populations felt that they had been denied political rights and access to local power. Issues of cultural alienation and domination were also often raised. While the government insisted that it was trying to develop a modern Indonesia with a distinct national identity, Acehnese and Papuans simply regarded the effort as 'Javanisation'. These resentments gave way to occasional protests, and in the case of Aceh and Papua, armed resistance to Jakarta's rule.

### ***The use of military force and the resurgence of conflict in the post-Suharto era***

The New Order government treated the grievances that arose from their policies as threats to stability and development that had to be suppressed. In Aceh and Papua, Suharto and the military chose to ignore the social and economic conditions behind the two regions' aspiration for independence, and instead saw the use of military force as the only viable solution.<sup>6</sup> For decades, the Indonesian military resorted to the (excessive) use of force to quell the rebellions. There was widespread abuse of human rights, including arbitrary killings, rapes, torture and intimidation. Thus, while the use of military force was successful in suppressing conflicts, it left the populace with feelings of bitterness and hatred against the central government and the military.

The ability of the government and the military to suppress conflicts began to weaken by the end of the 1990s, as growing disillusionment with the New Order rule reached its peak. Protests began to take place across the country, and demands for regime change were increasingly voiced by important segments of society. These protests focused on the poor governance practices of Suharto's New Order over the decades of its rule.<sup>7</sup> The people complained about the nature of Suharto's personalised rule, where he 'stood at the apex of the pyramid; his appointees sat in each of the key executive, legislative, and judicial

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<sup>6</sup> For the use of force in dealing with the problems in Aceh and Papua, see, for example: Rizal Sukma, 'The Acehnese rebellion: Secessionist movement in post-Suharto Indonesia', in *Non-traditional security issues in Southeast Asia*, ed. Andrew T.H. Tan and J.D. Kenneth Boutin (Singapore: Select Publishing, 2001), 377–409.

<sup>7</sup> For a more comprehensive discussion of the bad governance practices of Indonesia's New Order, see: Rizal Sukma, 'Democratic governance and security in Indonesia' (paper presented at a conference on Governance in Your Backyard, Tokyo, 22–23 January 2003).

branches of government'.<sup>8</sup> Top government officials were engaged in collusion, corruption and nepotism. Corruption was rampant, from the very top echelons of leadership down to the lowest levels of state institutions. The country also lacked an effective and fair legal system; and the people did not have much scope for participation in politics and the policy process, if at all. Furthermore, the New Order government did not see accountability as a necessary principle of governance.

Popular demonstrations demanding the resignation of President Suharto became widespread in early 1998 amid the growing economic problems stemming from the 1997 Asian financial crisis. The shooting of four students in Jakarta on 12 May was soon followed by the mass riots of 13–15 May. On 21 May, President Suharto announced his resignation and Vice President B.J. Habibie was sworn in as Indonesia's third president.

Indonesia soon entered a period of transition from authoritarian rule. That shift proved to be a difficult one. Indonesia plunged into deeper crisis, with communal and religious violence in Kalimantan and Maluku, and the resurgence of secessionist conflicts in Aceh and Papua. These outbreaks clearly demonstrated that Indonesia's use of military force as an instrument of conflict management had only served to suspend, rather than resolve, the conflicts in the country.

The worst communal and religious violence occurred in Kalimantan and Maluku. In Kalimantan, the conflict between native Malays and Madurese in 1999 left more than 150 dead and around 10,000–15,000 displaced. In February–March 2001, the conflict spread to other parts of the island, with native Dayak and Madurese getting involved. In Maluku, conflict erupted on 19 January 1999 when Christian mobs stormed and attacked Muslims who were celebrating Idul Fitri (an Islamic holiday celebrated at the end of the fasting month of Ramadhan). A cycle of violence soon ensued between the two religious groups. Thousands of houses and shops were either set on fire or damaged in other ways.<sup>9</sup> It was estimated that more than 8,000 people were killed from January 1999 to March 2001, and around 230,000 displaced.<sup>10</sup> The International Crisis Group (ICG) put the number of displaced persons as high as 500,000, while the Indonesian government claimed that the number reached 570,000.<sup>11</sup>

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<sup>8</sup> David Jenkins, *Suharto and his Generals: Indonesian military politics, 1975–1983*, Monograph Series no. 64 (Ithaca, NY: Cornell University, Modern Indonesia Project, 1984), 13.

<sup>9</sup> For a detailed account of how the conflict started, see: Human Rights Watch, *Indonesia/East Timor: The violence in Ambon* (1 March 1999), <http://www.unhcr.org/refworld/docid/3ae6a7f6c.html> (accessed 3 September 2012).

<sup>10</sup> 'GPM congress begins in Maluku', *The Jakarta Post*, 6 March 2001, <http://www.thejakartapost.com/news/2001/03/06/gpm-congress-begins-maluku.html> (accessed 3 October 2012).

<sup>11</sup> See: International Crisis Group (ICG), *Indonesia: Overcoming murder and chaos in Maluku*, Asia Report no. 10 (Jakarta and Brussels: ICG, 19 December 2000), 1.



The secessionist conflict in Aceh also worsened after the collapse of Suharto's authoritarian rule. Encouraged by East Timor's successful attempt to cede from Indonesia, leaders of GAM were convinced that there was no reason why the 4.2 million Acehnese could not do the same. With public support for independence rapidly growing, the demand for a referendum was strongly voiced by key segments of Acehnese society. As the fighting between GAM and security forces escalated, the conflict affected a large part of Acehnese society.

In Papua, the collapse of the New Order also led to renewed demands for independence. In June 2000, delegations to a West Papuan national congress held in Jayapura declared that the province would seek independence from the Republic of Indonesia. The central government dismissed the declaration as illegal, and the TNI maintained that it was prepared to take military measures. The security situation worsened in late 2001 with the assassination of Theys Eluay, a prominent leader of the Papuan independence movement, by members of Indonesia's Special Forces (Komando Pasukan Khusus, or KOPASSUS).

### ***Problems stemming from poor security sector governance (SSG)***

In the early years of the democratisation process, successive civilian governments – those of B.J. Habibie, Abdurrahman Wahid and Megawati Sukarnoputri – faced great difficulties in addressing the conflicts. The use of the military and the police to defuse the communal and religious violence in Kalimantan and Maluku, and to quell the armed insurgencies in Aceh and Papua, continued. However, these efforts were largely ineffective, and the conflicts escalated. One important reason for this was the bad practices of the military and the police that had accumulated during the Suharto era as a result of the absence of good SSG. Such practices hampered any attempt to resolve the conflicts through democratic means such as dialogue and negotiation.

During this transitional period, four major problems stemming from poor SSG can be identified. The first is the lack of discipline and professionalism among the military and the police which led to their being part of the problem rather than the solution. In Maluku, for example, the security forces were themselves involved in the conflict. It has been noted that 'fighting between police and the military, between units of the police, between units of the military, and between the police and the military on the one hand and the militias on the other hand, [was] common.'<sup>12</sup> Indeed, there have been detailed reports and analyses which point to such lack of professionalism as a cause of the inability of the security forces to deal with violent conflicts in Indonesia.<sup>13</sup> Consequently, the people no longer trusted the military and the police as the provider of security or the guarantor of stability.

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<sup>12</sup> Samsu Rizal Panggabean, 'The challenges of conflict management and peace in Maluku' (paper presented to the Workshop on Ethnic Conflict in ASEAN Region, Singapore, 15–16 April 2002), 7.

<sup>13</sup> See, for example, the various International Crisis Group (ICG) reports on Kalimantan and Maluku, and also reports by Human Rights Watch on the same conflicts.

The second problem applies to the cases of Aceh and Papua, where the population's lack of trust stems from the military's propensity to violate human rights during counter-insurgency operations (because of the 'culture of violence'<sup>14</sup> ingrained in the military). The use of brutal military repression inflicted a deep sense of trauma among Acehnese and Papuans. When the violation of human rights by security authorities persisted even after the fall of Suharto's New Order, the feeling of anger among the Acehnese and Papuans against the military in particular, and Indonesia's rule in general, reached an unprecedented level. It has been noted that, due to gross violations of human rights perpetuated by the military in Aceh, 'any tolerance of Indonesian rule was almost entirely extinguished'.<sup>15</sup> Distrust towards the military was further exacerbated by the problem of impunity, manifested in Jakarta's inability (or unwillingness) to provide justice by bringing to trial those responsible for gross violations of human rights. In this regard, the escalation of conflicts in Aceh and Papua had also been fuelled by the absence of serious efforts to address the justice-seeking motives of the rebellions.

Third is the problem of impunity. Security actors, due to the privileged and dominant position of the military during the New Order era, could act without accountability demanded of them. The military was a powerful political force under the New Order, second only to President Suharto himself. After the fall of Suharto, the military remained a potent actor and retained considerable political influence. At the same time, the post-Suharto regime led by President Habibie was not in a strong enough position to impose reform on the military. Civilian politicians were also not able to immediately exert effective democratic oversight over the military. In fact, the notion of civilian control of the military was alien to many newly elected members of the House of Representatives (Dewan Perwakilan Rakyat, or DPR). Moreover, as the transition period was characterised by power struggles among competing elites, civilian politicians often tried to court the support of powerful elements of the military.<sup>16</sup> Within this context, the military did not come under much scrutiny from Parliament, and thus continued to enjoy a degree of autonomy in conducting counter-insurgency operations in Aceh and Papua.

The fourth problem is that key state institutions, especially the judicial system and law enforcement bodies, were incompetent and corrupt. There was 'a lack of impartial institutions that can address grievances, resolve disputes, and offer justice'.<sup>17</sup> In the case of Maluku, for example, the judiciary simply ceased to function. There were no prosecutions or

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<sup>14</sup> See: Geoffrey Robinson, 'The fruitless search for a smoking gun: Tracing the origins of violence in East Timor', in *Roots of violence in Indonesia*, ed. Freek Colombijn and J. Thomas Lindblad (Singapore: ISEAS Publications, 2002), 273–4.

<sup>15</sup> Richard Barber, ed., *Aceh: The untold story* (Bangkok: Asian Forum for Human Rights and Development (Forum-Asia), 2000), 36.

<sup>16</sup> Dewi Fortuna Anwar et al., *Gus Dur versus militer: Studi tentang hubungan sipil-militer di era transisi* [Gus Dur versus the military: A study of civil-military relations in the transition era] (Jakarta: Gramedia and Pusat Penelitian Politik-LIPI, 2002), 213.

<sup>17</sup> John McCarthy, 'Conflict in Central Kalimantan: The festering wounds of outer island Indonesia', *Asia View* 11, no. 1 (Perth: Murdoch University, May 2001): 4.

investigations of individuals that had precipitated or instigated the violence. In Kalimantan, the failure of the legal system to quickly and effectively deal with isolated fighting between individuals often allowed the clashes to develop into wider communal conflicts.<sup>18</sup> In Aceh and Papua, as mentioned earlier, the law had not been able to reach the perpetrators of the human rights abuses there. Consequently, the people continued to resent the military and the police, whom they saw as not being willing to abandon ‘the habit of placing themselves above the law’.<sup>19</sup>

### **Security sector reform (SSR): Scope, progress and limitations**

Such conflict-ridden transition towards democracy – during which the military continued to operate under flawed SSG – formed the backdrop against which SSR was carried out in Indonesia. Initiatives to reform the security sector did not begin with a clear, let alone comprehensive, framework in place. Indonesia’s SSR started with a strong focus on reforming the military. Even though the reform of the police and the role of the Parliament were from the outset seen as essential components of SSR, the reform of these two institutions was closely tied to the overall agenda of military reform. The reform of other actors – the judiciary, customs, the prison service, and private security groups – is hardly addressed within Indonesia’s SSR framework, though there is general acknowledgement of the imperative of, and the demand for, such reform. Within the context of the thrust of this paper, the discussion below focuses narrowly on the reform of the military, with a view to assessing the impacts of SSR on Indonesia’s ability to resolve the secessionist conflict in Aceh.

The process of Indonesia’s military reform began with, and was made possible by, the fall of the New Order in May 1998. With the regime’s collapse, the public immediately singled out the military as one of main actors responsible for the nation’s problems. The military became the target of severe criticisms from almost all segments of society. The complaints centred primarily, but not exclusively, on the *dwifungsi* (dual function) doctrine,<sup>20</sup> which was manifested in ABRI’s extensive and dominant role in politics. As the media began to expose cases of military abuse of power, primarily its propensity to violate human rights, the military’s role in politics, and indeed the *dwifungsi* doctrine itself, came to be seen as an obstruction to democracy in Indonesia, and it was recognised that that role should therefore be abolished.

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<sup>18</sup> ICG, *Communal violence in Indonesia*, 23.

<sup>19</sup> Thomas Carothers, ‘The rule of law revival’, *Foreign Affairs* 77, no. 2 (March/April 1998): 100.

<sup>20</sup> The *dwifungsi* doctrine, which stipulates the Indonesian military as both a defence and a socio-political force, provides the basis for the military’s role in politics.

### **Early reforms: The military's New Paradigm**

At the beginning of the reform era, however, the new government was not prepared to challenge the military directly. Indeed, under Suharto's immediate successor, President Habibie, the reform of the military was very much left to the ABRI leadership.<sup>21</sup> As early as September 1998, the military embarked on a series of initiatives aimed at restoring its image by issuing an internal guide for reform called *Paradigma Baru ABRI* (ABRI's New Paradigm). It envisages that ABRI's internal reform would be based on four principles: (1) it is not always necessary for the military to be at the forefront of politics; (2) the military no longer seeks to 'occupy' positions in the state but would only 'influence' government decisions; (3) the method of influencing the political process would be changed from 'directly' to 'indirectly'; and (4) the military would act on the principle of 'role-sharing' (a partnership in making decisions on important state and governmental affairs) with other national components.<sup>22</sup> As Harold Crouch notes, *Paradigma Baru ABRI* was 'by no means a comprehensive blueprint for the overhaul of the military but rather an indication of the direction of change'.<sup>23</sup>

The release of *Paradigma Baru ABRI* was soon followed by a series of steps to reduce the military's role in day-to-day politics. Within two years, the military had (1) liquidated social and political offices within its organisation; (2) introduced (limited) doctrinal and curriculum changes; (3) banned its members from taking up civilian jobs while still in service; (4) separated the police from the military; (5) severed its ties with Golkar, the then ruling party; (6) exercised a relatively neutral stance in the 1999 general elections; and (7) accepted the reduction of reserved seats for the military in national as well as local governing bodies. The military, for the first time since 1966, also accepted the appointment of a civilian as Minister of Defence and a non-Army officer as Commander-in-Chief. These measures clearly constituted no small achievement for a nation that had just departed from authoritarian rule backed by a military with a dominant and entrenched role in national politics. The main characteristic of military reform in the early years, then, was that the military itself initiated and determined the scope, pace and direction of its own reform.

### **Codifying reform through decrees and laws**

A more comprehensive reform began in 1999 when the Ministry of Defence started the process of revising defence- and military-related laws. This effort was led by reform-minded generals within a civilian-led Ministry of Defence and included substantial inputs from elements of civil society.<sup>24</sup> Meanwhile, Indonesia's highest civilian law-making body, the People's Consultative Assembly (Majelis Permusyawaratan Rakyat, or MPR), set the

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<sup>21</sup> Harold Crouch, *Political reform in Indonesia after Soeharto* (Singapore: ISEAS Publications, 2010), 130.

<sup>22</sup> See: *TNI Abad XXI: Redefinisi, reposisi, dan reaktualisasi peran TNI dalam kehidupan bangsa* [The TNI in the 21st century: Redefinition, reposition, and reactualisation of the role of the TNI in national life] (Jakarta: Headquarters of the Indonesian National Armed Forces (Tentara Nasional Indonesia, or TNI), 1998), 16–17.

<sup>23</sup> Crouch, *Political reform in Indonesia*, 133.

<sup>24</sup> *Ibid.*, 143.

general direction for military reform in the form of two decrees. Decree No. VI/2000 mandated the separation of the police from the military.<sup>25</sup> Decree No. VII/2000 stipulated the functions each should perform: (internal) security would be assigned to the police, while the military would be responsible for defence.

However, the two MPR decrees did not specify how the general provisions should be implemented, nor did they mention the need to establish civilian control over the military as the core objective of military reform. These requirements were outlined later in the two pieces of legislation prepared by the Ministry of Defence, namely, Law No. 3/2002 on State Defence, and Law No. 34/2004 on the TNI.

According to the Law No. 3/2002, the TNI is 'a defence instrument of the unitary Republic of Indonesia'.<sup>26</sup> This law also stipulates that the military has four main functions: (1) to uphold national sovereignty and maintain territorial integrity of the state; (2) to safeguard the safety of the people and the nation; (4) to undertake military operations other than war; and (3) to participate actively in international and regional peacekeeping missions. A separate legislation, Law No. 2/2002 on the National Police, stipulates that the police is a civilian force, serving as an instrument of the state responsible for maintaining public security and order; and that it is tasked to protect, guide and serve the public as well as uphold the law.

More importantly, Laws No. 3/2002 and No. 34/2004, despite some shortcomings, provide a clearer, more comprehensive framework that specifies the authority (rights and responsibilities) of key actors (the President, the Minister of Defence, the TNI Commander and Parliament), places limits on the role of the TNI, and stipulates parliamentary oversight over defence matters (see Box 1 for several important aspects of the regulations).

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<sup>25</sup> The initiative to separate the police from the military was in fact taken by military leaders themselves before the People's Consultative Assembly (Majelis Permusyawaratan Rakyat, or MPR) issued a decree mandating that the military do so.

<sup>26</sup> Republic of Indonesia, Law on State Defence (No. 3/2002), Article 10.

*Box 1: Key legislation related to security sector reform (SSR) in Indonesia.*

Two laws – Law No. 3/2002 on State Defence, and Law No. 34/2004 on the Indonesian National Armed Forces (TNI) – represent important milestones for SSR in Indonesia. There are several important aspects to the two pieces of legislation:

- The President must seek approval from Parliament on the deployment of the military, and the appointment and dismissal of the TNI Commander.<sup>27</sup>
- The Minister of Defence has wide-ranging responsibilities, including the formulation of the country's defence policy,<sup>28</sup> the use of military force,<sup>29</sup> budgeting, procurement, recruitment, the management of national resources for defence purposes, the development of the defence industry and defence technology,<sup>30</sup> the issuance of defence white papers, and the conduct of bilateral, regional and international defence cooperation.<sup>31</sup>
- The military is banned from any involvement in politics and business, and must follow the state's policy based on democracy, civilian supremacy, respect for human rights, national laws and ratified international laws.<sup>32</sup>
- The military is used primarily to address internal and external military and armed threats against the sovereignty and territorial integrity of the state and the safety of the nation.<sup>33</sup>
- The use of military force by the TNI commander must be based on a political decision by the President.<sup>34</sup>
- Parliament is responsible for oversight over the conduct of defence policies,<sup>35</sup> including budgetary issues.

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<sup>27</sup> Ibid., Article 14(2).

<sup>28</sup> Ibid., Article 16(3).

<sup>29</sup> Ibid., Article 17(5).

<sup>30</sup> Ibid., Article 17(6).

<sup>31</sup> Ibid., Article 17(7).

<sup>32</sup> Republic of Indonesia, Law on the Indonesian National Armed Forces (TNI) (No. 34/2004), Article 2(d).

<sup>33</sup> Ibid., Article 6(1a).

<sup>34</sup> Ibid., Article 17(1).

<sup>35</sup> Republic of Indonesia, Law on State Defence (No. 3/2002), Article 24.

## ***Examining the progress on military reform***

The process of military reform was clearly a formidable challenge for Indonesia. As mentioned earlier, the highly competitive political system of the time, which was characterised by intense struggles among major political groups, preserved the space for the military to retain political significance and influence. While it is true that many of the reforms promised by the country's military leaders were implemented within two years of the release of *Paradigma Baru ABRI*, certain conservative elements within the military opposed demands for further reforms. The military leadership argued that it had fulfilled the people's demands that it withdraw from politics and focus instead on defence matters. However, with the passing of Laws No. 3/2002 and No. 34/2004, the TNI increasingly found itself in a new democratic environment where it could no longer easily resist a degree of civilian control.

There has been definite progress in the reform of the military, the most important of which is that the military has maintained a position of strict neutrality in the country's general elections. Also, since the end of 2004, the DPR has increasingly exercised its oversight role in a more meaningful, albeit still limited, way (under the civilian government of President Susilo Bambang Yudhoyono, who was elected in 2004 in Indonesia's first direct presidential elections).<sup>36</sup> By the end of 2009, the government had undertaken major steps to significantly reduce the military's involvement in business as mandated by Law No. 34/2004. Another sign of progress is the increasing participation of civil society organisations (CSOs) and the media in playing a societal oversight role over the military. By the end of 2010, as Crouch notes, 'the likelihood that the military could regain control of the government seems slight'.<sup>37</sup> Indeed, after 10 years of reform, the military's role and influence in politics has waned.

However, even though 'the reform movement had largely succeeded in pulling the military out of direct involvement in day-to-day politics', it still 'stopped well short of allowing the government to establish full civilian control over the military'.<sup>38</sup> Four unfinished agenda of reforms remain. The first is the failure to address the problem of impunity manifested in the inability (or unwillingness) of the civilian government to bring the justice process to bear on the military officers involved in the violation of human rights. For example, the government and the military have resisted the attempt by Parliament to reform the military justice system. Second, there is still the problem of the way the military is deployed. The territorial command system (Komando Teritorial, or KOTER), in which military units are deployed in tandem with civilian administrative units from the province down to the village level, remains intact. Third, even though the authority to formulate the defence policy now officially rests with the Ministry of Defence, in reality the military still plays a dominant role in this area. Fourth, the problem of military financing, manifested in the government's inability to fully fund the military, continues to create potential space for elements of the military to defy government authority.

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<sup>36</sup> Crouch, *Political reform in Indonesia*, 176.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*, 177.

However, it is important to note that there has been a significant increase in Indonesia's defence budget since 2006.

### **Managing secessionist conflicts in Aceh**

How did the abovementioned military reform measures affect conflict management in Indonesia? What role did military reform play in the resolution of conflicts in post-Suharto Indonesia? Any comprehensive understanding of the resolution of conflicts in Indonesia would require an analysis of the many complex factors at work. It is difficult to establish a direct link between military reform and the resolution of conflicts after the Suharto years. Nevertheless, it is possible to assess the role of the TNI in addressing the secessionist conflict in Aceh within the context of the government's changing approach to conflict resolution and further democratic consolidation in the country, and this is addressed in the discussion below.

#### ***The government's changing approach to conflict resolution***

The inability of two transitional governments – first under President Habibie and then President Wahid – to put an end to the conflicts that escalated after Suharto's downfall has been well studied. With regard to the communal and religious violence in Maluku, for example, it has been noted that 'successive governments in Jakarta had never given high priority to Maluku'.<sup>39</sup> President Wahid, for example, often insisted that the conflict in Maluku could only be resolved by the people themselves, implying that there was nothing the government could do. It is also possible that the government was more concerned with its own political survival amid intensified political challenges posed by rival political groups at the centre of national politics. The central government gave greater attention to resolving the conflicts only after President Megawati replaced President Wahid following his impeachment by the MPR in July 2001.

It is important to note that this greater focus on conflicts cannot be separated from the role of two senior ministers in the Megawati Cabinet, Susilo Bambang Yudhoyono and Jusuf Kalla. Both ministers were known as 'doves' within the largely 'hawkish' Megawati Cabinet when it came to the question of conflict resolution. Yudhoyono and Kalla believed that under a democratising Indonesia, it would be inappropriate to manage conflict through the use of force, nor would it be effective. Both men advocated the use of dialogue and other peaceful means to resolve the raging conflicts. This change in the approach to conflict resolution was reflected in the initiative taken by Yudhoyono and Kalla to promote peace talks at the end of 2001. Their efforts paid off with the signing of the Malino peace agreement in February 2002 between the parties involved in the conflict in Sulawesi, officially bringing an end to one of the bloodiest intra-state conflicts in Indonesia.

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<sup>39</sup> Ibid., 243.



Yudhoyono and Kalla also dealt with the Aceh issue. Having persuaded President Megawati of the merits of using peaceful means to resolve that conflict, they initiated peace talks with GAM. The result was a Cessation of Hostilities Agreement (COHA) in December 2002, which collapsed within a short time due to strong opposition from the political elite. Both military and civilian actors within Indonesia argued that the agreement compromised Indonesia's territorial integrity and sovereignty. After Megawati's decision in early 2003 to declare military emergency status and go back to the use of military force to quell the armed insurgency in Aceh, Yudhoyono and Kalla's preference for a political settlement gave way to one of the largest military operations against regional rebellion in Indonesia.

Nevertheless, peace was not long in coming. When Yudhoyono became President, and Kalla Vice President, another attempt at finding a peaceful solution to the Aceh conflict was initiated. The talks led to the Helsinki peace accord signed in 2005 (discussed further in the next section). Peace had been made possible, as Edward Aspinall notes, by 'the willingness of the newly elected leaders, President Susilo Bambang Yudhoyono and Vice President Jusuf Kalla, to compromise as well as to recognize that a military solution was impossible'.<sup>40</sup>

The emergence of a better environment for the peaceful resolution of conflicts coincided with a gradual return of stability to Indonesia's politics in general. The Megawati presidency, despite its many shortcomings, had put an end to the power bickering among the political elite that had characterised the erratic and crisis-ridden Wahid presidency. The relationship between the general improvement in the political atmosphere and the ending of conflicts in Indonesia is also observed by Aspinall: 'with the passing of Indonesia's transitional phase, and the settling into place of a new institutional structure, these conflicts have gradually declined in intensity.'<sup>41</sup> It is also worth noting that, despite criticisms that military reform had largely stalled under the Megawati presidency, it was during her tenure that Laws No. 3/2002 and No. 34/2004 – which provided the basis for the restructuring of civil-military relations – were passed by Parliament, thus providing a legal basis for the next government under President Yudhoyono to exercise greater control over the military.

### ***The military and the Aceh peace process***

Immediately after he was elected in October 2004, President Yudhoyono pledged to make the search for a political resolution to the conflict in Aceh one of the top priorities of his government. Within weeks, Vice President Kalla revived earlier efforts to establish peace talks with GAM leaders.<sup>42</sup> He also approached former President of Finland and Chairman of Crisis Management Initiative (CMI) Martti Ahtisaari. With negotiations for a meeting

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<sup>40</sup> Edward Aspinall, *Islam and nation: Separatist rebellion in Aceh, Indonesia* (Stanford, CA: Stanford University Press, 2009), 222.

<sup>41</sup> Edward Aspinall, 'Politics: Indonesia's year of elections and the end of the political transition', *The politics and economics of Indonesia's natural resources*, ed. Budy P. Resosudarmo (Singapore: ISEAS Publications, 2005), 26.

<sup>42</sup> For initial attempts by the new government to revive the peace process, see: International Crisis Group (ICG), *Aceh: A new chance for peace*, Asia Briefing no. 40 (Jakarta/Brussels: ICG, 15 August 2005).

underway, the 2004 tsunami struck. The devastation wrought by the tsunami radically changed the dynamics of the Aceh conflict and provided a new opportunity for the resolution of the Aceh conflict. Both the government of Indonesia and GAM realised that the ongoing conflict would pose serious risks to relief efforts and reconstruction. They recognised that the need to revive the peace process in Aceh had become more urgent than ever.

Within days of the disaster, Indonesia's government announced that it was prepared to meet with the Sweden-based GAM leadership for a new round of peace talks. Mediated by former Finnish President Ahtisaari, negotiations between Indonesia's government and GAM were re-opened on 28–29 January 2005 in Helsinki. When both sides signed the peace agreement on 15 August that year, a new hope for peace resurfaced among the Acehnese. Many felt that the prospects for the success of the Helsinki peace accord were greater compared to previous agreements, as the Helsinki agreement addresses many (if not all) key issues in a comprehensive manner, from the steps for disarmament, demobilisation and reintegration (DDR), through to governance, Aceh's special autonomous status, economic incentives and compensation, political participation through the establishment of local political parties, human rights, reconciliation, the mechanism for dispute settlement, and the mechanism for implementation, including institutional arrangements.<sup>43</sup>

There was, however, fear that the TNI would once again oppose the agreement. In the context of the Aceh conflict, the collapse of two previous agreements can be partly attributed to the lack of political support from Indonesia's domestic constituencies. As mentioned earlier, many outside Aceh – both within the Parliament and the TNI – were opposed to any negotiation with GAM and favoured a military approach to resolving the conflict. Similar sentiments were initially voiced by some retired military officers. However, such opposition did not lead to any attempt by the TNI to disrupt the peace process. In fact, TNI leaders publicly supported the agreement and expressed their readiness to follow the government's orders.<sup>44</sup> Within weeks, DDR efforts had been smoothly implemented. The military followed the timetable for troop withdrawal closely, and even worked with the European Union-led Aceh Monitoring Mission (AMM) to facilitate the disarmament and reintegration of former GAM combatants.

The military's positive response to the peace agreement can arguably be attributed to the ability of President Yudhoyono to enforce the government's authority over the military. President Yudhoyono quickly convinced the military that the peace agreement would strengthen Aceh's integration with Indonesia. More importantly, by the time the peace agreement was signed, President Yudhoyono had also succeeded in sidelining conservative officers who still believed that the Aceh situation could only be resolved through the use of military force. Indeed, as Marcus Mietzner notes, 'Yudhoyono's success in enforcing military

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<sup>43</sup> For a comprehensive discussion of the Helsinki peace agreement, see: Rizal Sukma, *Security operations in Aceh: Goals, consequences, and lessons*, Policy Studies no. 3 (Washington, DC: East-West Center, 2004).

<sup>44</sup> Edward Aspinall, *The Helsinki agreement: A more promising basis for peace in Aceh?*, Policy Studies no. 20 (Washington, DC: East-West Center, 2005), 52.

compliance in Aceh marked a watershed in post-Suharto civil-military relations', in which 'for the first time, the government was able to secure the military's support for a negotiated settlement with separatist rebels'.<sup>45</sup> After the series of reform measures discussed earlier, the TNI's power to overturn the government's decisions had been largely reduced.<sup>46</sup>

It should be noted here that the TNI's changing attitude towards managing conflict in Aceh did not begin with its support of the Helsinki peace accord. The influence of the reform process on the TNI's attitude and behaviour with respect to conflict management had in fact been evident since President Megawati's decision in 2003 authorising full military operations in Aceh. In that instance, unlike during the New Order era, the TNI's counter-insurgency operations were based on the government's decision (in the form of Presidential Decree No. 28/2003). Furthermore, the operations, while still emphasising the military dimension, also included humanitarian aid, development assistance and other measures aimed at 'winning the hearts and minds' of the people. Moreover, the operations were carried out with a greater sense of concern for humanitarian aspects and human rights. Also, for the first time, the military allowed the media to cover the operations – adopting the idea of embedding journalists into its activities – to give a sense of accountability. Indeed, while questions still arose as to whether those killed during these operations were actually rebels or ordinary villagers, there had been few reports of cases of human rights abuses.<sup>47</sup> Parliamentary and societal oversight mechanisms were also at work, and the conduct of TNI operations in Aceh was closely monitored. The parliamentary committee on defence, for example, routinely called on the military leadership to provide progress reports at parliamentary hearings.

Aceh thus represents a case where military reform has had positive impacts on conflict resolution in Indonesia. More than five years after the signing of the Helsinki peace accord, a sense of normalcy has returned to Aceh. Aceh's elected Governor and several district heads are former GAM leaders. A local party established by GAM, the Partai Aceh, is now a major force in the local parliament. Previous worries that rogue elements of the TNI might act as spoilers have not materialised. This suggests that despite its limitations, military reform, together with the general improvement in political stability, has significantly reduced the military's ability to challenge the civilian government's policies. Moreover, as Aspinall notes, 'members of Indonesia's emerging civilian elite themselves have no direct interest in maintaining military dominance and prerogatives in Aceh.'<sup>48</sup> In other words, while the resolution of secessionist conflict in Aceh is clearly affected by many factors, the impact of military reform could be said to be one of them.

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<sup>45</sup> Marcus Mietzner, *The politics of military reform in post-Suharto Indonesia: Elite conflict, nationalism, and institutional resistance*, Policy Studies no. 23 (Washington, DC: East-West Center, 2006), 51.

<sup>46</sup> *Ibid.*, 64.

<sup>47</sup> For a detailed analysis of the characteristics of the counter-insurgency operations of the Indonesian National Armed Forces (Tentara Nasional Indonesia, or TNI) in Aceh before and after 2003, see: Leonard Sebastian, *Realpolitik ideology: Indonesia's use of military force* (Singapore: ISEAS Publications, 2006), especially 141–7.

<sup>48</sup> Aspinall, *The Helsinki Agreement*, 55–6.

### ***Aceh peace dividend and foreign policy: The new appetite for promoting peace***

The peaceful resolution of the Aceh conflict, while demonstrating the government's ability to control the military, also serves as a new source of confidence for Indonesia's government in playing a more active regional and international role. That it was able to resolve the protracted secessionist conflict in the province of Aceh through peaceful means remains a source of pride for the Yudhoyono government. In the immediate years of the democratisation process, many analysts highlighted the danger of Indonesia's disintegration or 'balkanisation'. That has not happened. Instead, 'the democratic process has encouraged the peaceful resolution of longstanding conflicts',<sup>49</sup> with the Aceh peace accord a significant outcome of that process. Indeed, President Yudhoyono often refers to Aceh as an example of the importance of dialogue in successful conflict resolution. In his address at the 62nd UN General Assembly in September 2007 for example, President Yudhoyono maintained that 'dialogue and soft power have helped resolve various intrastate conflicts, including in Aceh where 2 years ago we reached a peaceful political settlement which permanently ended the conflict.'<sup>50</sup> For Indonesia, the Aceh peace process has become an important component of its engagement beyond its borders, as it allows Indonesia to demonstrate the benefits that democracy has brought to the country.

Since the Aceh success, Indonesia has increasingly sought to play a mediating role in conflicts and to take part in peacekeeping operations. For example, Indonesia hosted the Sunni-Shiite conference in Bogor in April 2007 in an effort to contribute to reconciliation between the two Iraqi factions. Indonesia has also tried to provide a venue for talks between Hamas and Fatah, with the hope that dialogue between the two would lead to a more united Palestine. While the impacts of these two initiatives on the situation in Iraq and Palestine have been minimal to non-existent, Indonesia's willingness to take the lead nevertheless nourishes the country's image as a country always seeking to create peace and harmony among conflicting parties. The decision to send a large peacekeeping contingent to Lebanon in 2006 was also meant to promote such an image.

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<sup>49</sup> Ann Marie Murphy, 'Indonesia's decade of democracy deserves U.S. recognition and support', *PacNet*, no. 54 (Honolulu, HI: Pacific Forum Center for Strategic and International Studies (CSIS), 23 October 2008), <http://csis.org/files/media/csis/pubs/pac0854.pdf> (accessed 3 September 2012).

<sup>50</sup> Susilo Bambang Yudhoyono, 'Speech at the General Debate Session of the 62nd UN General Assembly', New York, 25 September 2007, <http://www.indonesiamission-ny.org/NewStatements/2c092507unga62nd.htm> (accessed 3 September 2012).

## Conclusion

This paper suggests that the strategy of relying on the military to manage conflicts is not one that pays long-term dividends. An analysis of the Suharto-era conflict management strategy demonstrates this. Suharto's New Order, in managing conflicts through the use of military force, ignored the social, ideological and economic roots of the conflicts in the country. In doing so, it put a lid on the conflicts, but left resentments to simmer. The dissatisfaction felt in certain provinces was further exacerbated by poor SSG, which had led to lack of military professionalism and human rights abuses by the military combined with lack of recourse by local populations to justice in the face of military impunity. These underlying tensions erupted in serious conflicts after the fall of the Suharto regime.

This paper thus argues that good SSG is critical to successful conflict resolution. The success of the Aceh peace process is instructive, being achieved against the backdrop of military reform. Since 1998, Indonesia has made several important strides in SSR, including the introduction of legislation delineating the scope of military functions. This had led the military to gradually bow out of any political role. Civilian oversight over the military had also been gradually strengthened. One outcome of the changes instituted was that, when the government signed a peace agreement with the Aceh rebels in 2005, the military expressed its support. The Aceh peace process points to the positive impact of SSR on the prospects for peaceful conflict resolution, and the importance of good SSG for peacebuilding. For Indonesia specifically, the peaceful resolution of the conflict in Aceh has also encouraged it to take a greater role in conflict resolution on the regional and international stage.