

report

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Aceh: Then and Now

By Lesley McCulloch



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Originally from Scotland, Lesley McCulloch has lectured on South-East Asia in Australia and become increasingly interested in Aceh, its people and the Indonesian military. Lesley works as a freelance researcher and writer in Aceh.

Lesley would like to dedicate this report to the work of her many friends and colleagues who lost their lives in the earthquake and tsunami of 26 December 2004. Many of them are cited in this report; their pursuit of justice and peace will be continued by those who survived.

Selamat jalan kawan-kawan saya, persahabatan kita adalah sebuah kebanggaan bayi saya.

Minority Rights Group International

Minority Rights Group International (MRG) is a non-governmental organization (NGO) working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. Our activities are focused on international advocacy, training, publishing and outreach. We are guided by the needs expressed by our worldwide partner network of organizations, which represent minority and indigenous peoples.

MRG works with over 150 organizations in nearly 50 countries. Our governing Council, which meets twice a year, has members from 10 different countries. MRG has consultative status with the United Nations Economic and Social Council (ECOSOC), and observer status with the African Commission on Human and People's Rights (ACHPR). MRG is registered as a charity and a company limited by guarantee under English law. Registered charity no. 282305, limited company no. 1544957.

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For further information please contact MRG. A CIP catalogue record of this publication is available from the British Library **ISBN 1 904584 28 4. Published** April 2005. **Typeset** by Kavita Graphics. Printed in the UK on recycled paper. **Cover Photo** An Indonesian soldier guards a local market in Aceh. Tarmizy Harra/Reuters **Aceh: Then and Now** is published by MRG as a contribution to public understanding of the issue which forms its subject. The text and views of the author do not necessarily represent in every detail and in all its aspects, the collective view of MRG.

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Summary

Aceh hit the international headlines at the end of December 2004, due to a huge earthquake and tsunami that killed thousands, injured many more and wreaked havoc in this northern province of Sumatra, Indonesia. As at April 2005, the clean up operation is underway, with international aid having poured in and international forces, health and aid teams working alongside Acehnese and Indonesian teams. However, much remains to be done. The number of dead in Aceh is estimated to be over 250,000, yet the real number who lost their lives will probably never be known. Whole communities have been decimated, livelihoods destroyed and thousands displaced.

What is not so well known is that before the tsunami hit Aceh, the province was in the midst of a violent conflict that has killed 15,000 civilians since 1976. The conflict is between the Indonesian security forces and the Gerakan Aceh Merdeka (GAM, the Free Aceh Movement). Martial law was declared in Aceh in May 2003 and the province was closed to the outside world. This conflict has benefited the Indonesian military and police, who have run a large number of businesses – including illegal logging, gun running and drug operations – in Aceh. The military and police have also been responsible for numerous violations of human rights in the province and seem to have acted with virtual impunity.

The people of Aceh are a minority within Indonesia, and within the province there are many ethnic groups and minority communities. The four main ethnic groups in Aceh are: the Acehnese, Gayonese, Alas and Tamiang, with the Acehnese representing c 90 per cent of the population of Aceh. There are also smaller ethnic groups in Aceh, including: the Ulu Singkil, Kluet, Aneuk Jamee and Simeulu. Many of these groups have their own language and distinct cultural traits.

It is particularly important now, at a time of major international involvement in Aceh, that those working for peace, reconstruction and development are aware of the different minority communities in Aceh; the background to the conflict in the province; what the conflict has meant to the people; and the extent to which the Indonesian military and police have been involved in formal and informal business, much of which has undermined the local people's, including minority communities', economy. The military and police have also undermined the justice system, with the use of torture to exact confessions, and demanding bribes or sexual favours from those arrested or from their families in exchange for a more lenient sentence.

Such profiteering has inflamed the conflict and hindered prospects for peace.

The tsunami has opened Aceh up to outside involvement and scrutiny. Many political hardliners and others in the Indonesian military did not want foreign involvement in the aftermath of the disaster; however, on 28 December 2004, three days after the tsunami, the Indonesian government finally requested that the United Nations and others help with the relief effort. The province that had remained closed for so long was finally opened. This could represent an opportunity for change in Aceh, with regards to the police and military's violations of human rights and, possibly, an opportunity for progress towards an end to the conflict.

Many international donors have been uneasy at reports of the military and police's record in Aceh but few have done little to encourage change. Many of the military or police-run businesses were destroyed in the disaster, and with the influx of foreign forces, the Indonesian police and military have been able to observe the way in which other military forces have operated in the clean up and relief efforts in Aceh.

International lines of communication had already been established in the wake of the 11 September 2001 attacks in the United States of America (USA), with governments seeing Indonesia as a strategic partner, particularly since the bombs in Bali on 12 October 2002, the Marriott hotel bombing in Jakarta on 5 August 2003 and the bomb outside the Australian Embassy in Jakarta on 9 September 2004. International security forces have been working alongside Indonesian forces on international security, and the Indonesian forces have received substantial financial and technical assistance. Yet Indonesia remains one of the most corrupt nations in the world. Many international actors are recognizing that Indonesia's security forces need encouragement to develop a culture of professionalism and respect for human rights. The international community needs to turn its attention to the Indonesian military and police's activities in Aceh, which have been a disincentive for peace in the province.

Aceh and all of its peoples desperately need assistance in the relief and reconstruction work for the short and longer term. Its peoples also need help to ensure that the abuses and violations of the past are not allowed to take root in the present and future. MRG's report ends with a series of recommendations calling on the Indonesian government and international donors to take action.

Indonesia – Aceh



Methodology

The sensitive and dangerous nature of the topic of investigation necessitates reliance on primary data, mostly extensive field research, some of which was carried out by the author, the remainder by credible contacts in Aceh and elsewhere in Indonesia. For reasons of personal security, much of the primary data contained in this report cannot be attributed to individual interviewees. When interviews are attributed, all names are false in order to protect the identity of those who remain in Aceh.

In 2003, martial law was imposed and foreigners were prohibited from entering Aceh. This policy remained in place under the state of civil emergency until the tsunami

in December 2004. Under martial law, information was more difficult to source, and the (Aceh-based) community of non-governmental organizations (NGOs) no longer functioned in any meaningful way. This necessitated a degree of reliance on secondary data from the media and occasional reports from Aceh. In addition, telephone interviews were conducted and contacts in Aceh conducted interviews on behalf of the author. All data has been verified.

Most of the research and writing of this report was carried out before the tsunami, with an update following the disaster.

Abbreviations

ADB	Asian Development Bank	IMET	International Military Education and Training
AIPRD	Indonesian Partnership for Reconstruction and Development	IMF	International Monetary Fund
ASEAN	Association of Southeast Asian Nations	JCLEC	Jakarta Centre for Law Enforcement Cooperation
BPK	Supreme Audit Agency	JI	Jemaah Islamiya
BPKM	Coordinating Investment Board	JSC	Joint Security Committee
CGI	Consultative Group on Indonesia	KKN	Corruption, collusion and nepotism
CMI	Crisis Management Initiative	KTP	Local identity card
CoHA	Cessation of Hostilities Agreement	LNG	Liquid natural gas
DfID	Department for International Development	LoI	Letter of intent
DMC	Disaster Management Center	MPR	People's Consultative Assembly
DOM	Daerah Operasi Militer – military operations zone 1989–98	SIRA	Information Centre for an Aceh Referendum
DPR	People's Legislative Assembly	SSR	Security Sector Reform
EDF	Environmental Defense Fund	TNI	Indonesian military
GAM	Gerakan Aceh Merdeka (GAM, the Free Aceh Movement)	UN	United Nations
HDC	Centre for Humanitarian Dialogue	UNDP	United Nations Development Programme
ICRC	International Committee of the Red Cross	USAID	United States Agency for International Development
IFI	International financial institution	WFD	World Food Programme
		WHO	World Health Organization

Introduction

At 8 a.m. on 26 December 2005, an earthquake measuring 8.9 on the Richter scale occurred in the Indian Ocean, just 150 km from Aceh. The tremors were followed by a large tsunami that wreaked havoc in 12 countries in the region including Indonesia, Thailand, Sri Lanka, India and others. Over the next few days, the scale of the disaster became apparent and the small Indonesian province of Aceh, with its imposed state of civil emergency and closed borders, became the focus of international attention overnight.

Aceh hit the headlines around the world. But while the world learnt a lot about the impact of the tsunami, it learnt little about the province. The public were given little information on the conflict in Aceh that has left 15,000 civilians dead since 1976; and even less about the Indonesian military and police in Aceh who have applied their own heavy handed 'justice' in the province, including corruption, extortion, intimidation and torture.

This report tells the facts that did not hit the headlines: the human cost of the 30-year conflict in Aceh, which has exacted a heavy toll on the lives of the local people. It tells of the corruption and violence employed by Indonesia's security forces, and the impact their policies have had upon local people in this small province. It tells what has happened since the tsunami and what needs to be done in the future.

By 15 February 2005, the death toll across the region from the tsunami had reached more than 300,000. Of that total, 127,414 have already been buried in Aceh, mostly in mass graves, and 116,368 remain missing.¹ As time passes, it has become clear that more than a quarter of a million people lost their lives in Aceh, the worst-hit area in the region. For some families, not even a photograph remains.

Because of the huge scale of this tragedy, the Indonesian government was forced – for the first time in years – to open its Acehese border, even though it initially denied help. Thousands of relief workers arrived in Aceh after the tsunami: multilateral and bilateral agencies, local and international non-governmental organizations (NGOs), emergency organizations, universities, trade unions, and individual local and national volunteers. There were also hundred of journalists from around the world, who like all foreigners, had been previously banned from the province.

More significant for the Indonesian military (TNI), was the fact that foreign military forces were allowed into Aceh, including troops from the United States of America (USA), Singapore, Germany and Australia to help with water purification, medical care, distributing food, providing tents; helping clean out and rehabilitate hospitals; and repairing roads and bridges.

The door to Aceh was forced open by the earthquake and tsunami. Many living in Aceh hope that these events have initiated a long-term international presence in the province.

This report provides factual backing for concerns already expressed by the European Union (EU), the United Nations (UN), the International Monetary Fund (IMF) and other international financial institutions (IFIs), and several governments about Indonesia's most powerful institution, the military. These concerns include: the involvement of the security forces in human rights abuses; a culture of impunity; the off-budget (business) funding of the TNI; and the organization's lack of transparency and accountability in budgetary processes.

The tsunami relief effort exposes the Indonesian military to the cooperative, collaborative and non-violent ways in which other military forces operate. At the same time, members of the American military were 'suitably impressed' with the way the TNI worked to clear bodies and rubble and to deliver food in the wake of the tsunami.² This experience of a military whose 'public' behaviour, at least in some areas of Aceh, has recently been quite different from that of pre-tsunami days has undoubtedly been instrumental in the recent decision by the USA to lift the restrictions on military-to-military training. On 26 February 2005, a US State Department press release said: Secretary of State Condoleezza Rice has determined that Indonesia has satisfied legislative conditions for restarting its full International Military Education Training (IMET).

It should not be assumed, however, that professionalism is uniform across the Indonesian military, not that good behaviour today translated into best practice tomorrow. This institution has a 30-year history of brutality, corruption and impunity under previous dictator Suharto.

History of Indonesia

Until early 1900s

The Acehese economy is developed around traditional farming, forestry and fishing, as well as local crafts. Aceh becomes an important trading centre for gold, tin, pepper, sandalwood and spices. In the nineteenth century, Aceh's role as a major trading port dwindles. Aceh resists British and Dutch efforts to dominate the region during the colonial era. Despite being rich in natural resources, the people of Aceh become poorer. In 1873, the Netherlands attempts to conquer Aceh and keeps trying up to the Second World War.

1942

Aceh is invaded by the Japanese. A guerrilla war continues whilst the Japanese oust the Dutch.

1945 onwards

In August, Indonesia announces independence which is initially resisted by the Dutch. The Acehese assist the Indonesian government to resist the Dutch, even supplying it with two C-47 aircraft. Because of external threats, the central Indonesian government's attention is elsewhere, leaving the local leadership in Aceh to govern with significant autonomy. But a process of creeping centralization by Jakarta, eventually leads to Aceh losing any meaningful power over its affairs.

The Indonesian military (TNI) starts to accrue power and influence, and the Indonesian Constitution assigns the military a significant role in the affairs of state. Indonesia's first president, Sukarno, is persuaded to abandon 'parliamentary democracy' in favour of a system of 'guided democracy', thereby depriving the civilian legislature and judiciary of their independence.³

1958

The civil bureaucracy becomes more susceptible to 'guidance' by the many serving military propelled into positions of power. The chief of staff Major-General Nasution proposes a 'middle way' for the military – in addition to its traditional security role, it is given a role in political and social affairs. The military's new expanded role includes the management of businesses.

1953–62

The Darul Islam rebellion of 1953 to 1962 is the first expression of Acehese resentment of Indonesian rule. Aceh and several other regions share an aspiration to make Indonesia an Islamic state. The Jakarta-based government's granting of special region status to Aceh in 1959 does not end the dissatisfaction. Special region status means very little and many Acehese feel betrayed.

1966

By the 1960s, Indonesia's civil bureaucracy is dominated by the military. The Provisional People's Congress officially recognizes the concept of *dwifungsi* (dual function). This forms the basis for future military 'intervention' in virtually all aspects of life in Indonesia, including politics and economics. The military secures representation in the government, legislature, the administration and the economy, thereby establishing its role in civil society and fostering a system that encouraged 'bureaucratic capitalism'. The military consolidates its control over some of the most lucrative sectors of the Indonesian economy.

In 1966, Sukarno is finally ousted from power. The Indonesian Communist party is outlawed and suspected members killed. The New Order begins – a regime dominated by the military and led by President Suharto that is to last more than 30 years.⁴ In the face of a weak civilian government and bureaucracy, the military emerges as having the strongest and best-organized institution.

1970s

Foreign exploitation of Aceh's mineral wealth begins with the discovery of natural gas in north Aceh.

1967–98

Former army general and president, Suharto, rules Indonesia as a virtual dictatorship for 32 years. Billions of dollars are plundered by Suharto, his family and friends, and the military and business elite.⁵ Under Suharto, the Indonesian military and, to some extent, the police, become the most powerful institutions in the country. Those who oppose his dictatorship are imprisoned, killed or simply disappear.

Under Suharto's rule, the Indonesian economy enjoys three decades of sustained 7 per cent growth. Yet, while his family and elite groups of military, politicians and business people benefit, the vast majority of Indonesians experience economic stagnation and underdevelopment. Undermined by corruption, collusion and nepotism (known as KKN), the foundations of this growth are weak.

1976

Hasan di Tiro, with a small group of dissenters, establishes Gerakan Aceh Merdeka (GAM, the Free Aceh Movement). On 4 December 1976, di Tiro unilaterally declares Aceh's independence from its 'colonial master' (Indonesia). The small uprising is quickly quelled by the Indonesian military and di Tiro leaves for Sweden. For several years it looks as if GAM has been wiped out.

1980s

GAM members return from Libya, where they have undergone intensive military training and a guerrilla war ensues. The Indonesian government repeatedly deploys its military to crush the rebellion. Several military operations are imposed.

1997

Financial crisis hits South-East Asia in 1997 and Indonesia suffers most from the downturn. Gross Domestic Product (GDP) falls by 13.7 per cent. Even the military loses 40 per cent of the value of its budget as the government seeks to buffer the country from the calamitous monetary crisis.

The economic crisis throws the Suharto government into turmoil. Discontent erupts and spills onto the streets across Indonesia. Many lives are lost and masses of people are arrested as the military crushes dissent. Pressure begins to mount for Suharto to resign and eventually, in May 1998, Vice-President B.J. Habibie is appointed president to oversee the transition from dictatorship to democracy.

1998

Habibie initiates a wide-ranging programme of decentralization giving regions more political and financial autonomy. He makes some sweeping changes in the security forces. The role of the military is to be focused on protecting the nation from external threat, while issues of law and order are to be the prerogative of the police.⁶ Habibie takes steps towards a phased withdrawal of the military and police from their assigned seats in the legisla-

ture. He agrees to hold a referendum in East Timor, which is unpopular with the military. He downsizes the TNI in regional administrations.

However business interests – one of the key privileges enjoyed by the security forces – remained virtually untouched by this *reformasi* (reform).

1990s

The Indonesian security forces have been committing human rights abuses in East Timor for many years. This peaks in Habibie's 1999 ballot when the military uses local militia groups to create a violent response to the massive pro-independence vote.

1999

In October, popular democratic Muslim leader Abdurrahman Wahid becomes President. He aims to achieve civil supremacy over the military and there's hope for a new, democratic and peaceful Indonesia. Wahid seeks, with a measure of success, to contain the power of the generals. Public power struggles intensify as the military fear erosion of its privileged access to power.

The President takes steps to solve the problems in Aceh, initiating a peace dialogue between GAM and the Indonesian government, with the Swiss-based Centre for Humanitarian Dialogue (HDC) acting as a facilitator.⁷ Wahid revisits the issue of autonomy and drafts laws that give Aceh and West Papua a larger share of the profits from natural resources.

2000

Wahid sidelines some hardliners from key positions to appoint pro-reformers. One of the President's main targets is General Wiranto, the key TNI figure in his cabinet. (Wiranto's name features on the list of the United Nations Transitional Authority in East Timor Serious Crimes Unit of those who could be indicted for crimes against humanity, murder, deportation and persecution in East Timor.)

Many in the TNI, view Wiranto's sacking as a declaration of war by the President. Relations between the government and the military deteriorate, resulting in Wahid's impeachment 21 months after taking office.

2001

On 23 July, Megawati Sukarnoputri is appointed President with the strong backing of the military and police elite.

In her first speech to the nation as President, Megawati confirms her commitment to democratic rights and civilian control of the military, but her government

continues to be intertwined with the vestiges of the old military order. Her administration is characterized by political chaos, economic dependency, rising levels of discontent and open rebellion in several areas.

The economy grows at 3 to 5 per cent each year (2001 onwards), but average income levels have yet to return to pre-1997 crisis levels and the financial sector remains stagnant. Corruption continues in the business and financial sector, and in government; poverty and unemployment is rampant. Megawati and those who occupied prominent positions in her administration attribute these ongoing problems, at least in part, to the conflict in Aceh.

*'The financial crisis not only ignited conflicts between ethnic groups but also revived separatist movements in several regions. We are doing all we can to contain and defuse those separatist movements. In the process, we have diminished our capacity to strengthen our economic recovery.'*⁸

2003

The peace process and the Cessation of Hostilities Agreement (CoHA) collapses. Martial law is imposed for a six-month period and then extended for a further six months. It is the biggest military operation since the invasion of East Timor in 1975.

Martial law is meant to be a 'comprehensive operation' – an attempt to defeat GAM militarily but at the same time to win the hearts and minds of the Acehnese people. It is always referred to by the government as an 'integrated operation', consisting of several components: humanitarian operations, law enforcement, the empowerment of the local government and restoration of security operations.

On the first day of martial law, 458 soldiers parachute into Aceh from six US-manufactured C-130 Hercules transport aircraft. Photos of this 'shock and awe' campaign are shown all over the world. The creeping militarization of Aceh that has been taking place over the past four years is finally sanctioned by law. With 50,000

security forces deployed in Aceh, the military to civilian ratio was 1:80 compared to 1:694 nationally, making Aceh the most militarized province in Indonesia.

In the following 12 months, 579 civilians are killed, 123 are seriously injured and 175 are less seriously injured; 2,439 GAM are killed, 1,559 are arrested and 1,553 surrender.⁹ If oral testimonies from eyewitnesses, lawyers and those arrested are to be believed, many of those included in the GAM figures were, in fact, civilians. Moreover, human rights activists and others in the province put the numbers killed and injured much higher.

2004

After one year of martial law, on 19 May 2004, a state of civil emergency is introduced in Aceh by Inpres 1 of 2004. This makes little difference to the situation in the towns and villages of Aceh. The Head of the Civil Emergency Administration (Aceh Governor Abdullah Puteh) says that 'unidentified, suspicious looking people' should be shot on sight.¹⁰ A local activist says:

*'The only difference between martial law and civil emergency is who holds power. Officially, the local governor Abdullah Puteh is in power, but behind him is the military commander – same as martial law.'*¹¹

Puteh comes under investigation for corruption.

In July, the Indonesian people go to the polls to elect a new president directly for the first time. No candidate secures 50 per cent of the vote, so there is a run-off between Megawati and a retired military officer, General Susilo Bambang Yudhoyono. Susilo wins and is inaugurated on 20 October. Susilo's priorities include: counter-terrorism, attracting foreign investment, reforming the military and ending the conflict in Aceh by peaceful means.

On 26 December, an earthquake measuring 8.9 on the Richter scale occurs in the Indian Ocean just 150km from Aceh. Over 127,000 are killed in Aceh and 116,000 remain missing.¹²

Background

Indonesia

Indonesia is demographically the fourth largest nation in the world, with an estimated population of 220 million in 2003. It is the world's largest archipelago, with almost 17,000 islands covering 1.9 million sq. km of land mass.¹³ In 2003, income *per capita* was US \$810, and 52.4 per cent of the population was living on less than US \$2 per day in 2002.¹⁴

Geography

Aceh is a province on the northern tip of Sumatra, covering an area of 250,000 sq. km. It sits on the Straits of Malacca, one of the busiest ocean highways in the world: around 50,000 ships pass through the straits each year, carrying a quarter of the world's trade. Aceh has been a significant trading centre since the sixteenth century.¹⁵ The dominant foreign influences that have shaped modern Aceh are Arabic, European, Chinese and Indian.

Located 1,700 km from central government in Jakarta, Aceh's geographical isolation, and the fact that there has been a simmering rebellion there for almost 30 years, has left it neglected in terms of social development policy. This is visible in the poor quality of health and education provision, and the fact that, in many areas of Aceh, access to drinking water, electricity, telephones and paved roads has been limited.

Much of Aceh is covered by beautiful rainforest, low-land swamp and coastal mangrove forest. The Gayonese, Alas and other groups live in the forested areas. In the late 1990s, the World Bank and the Indonesian government estimated that 69 per cent (3.9 million hectares) of Aceh's total land area was forest.¹⁶ Since then, deforestation in Aceh is estimated to have reached 270,000 hectares per year.

Population

The people of Aceh are a minority in Indonesia, representing around 2 per cent of the country's total population of 220 million. Aceh's population of 4 million is a kaleidoscope of ethnic diversity: the Acehnese, Gayonese, Alas and Tamiang are the four main ethnic groups. Four smaller groups are the Ulu Singkil, Kluet, Aneuk Jamee and Simeulu. Several of these different groups have distinct cultural traits and their own language or dialect.

There are several major different languages in Aceh that vary depending on ethnic group and location.

The Acehnese is the largest group, representing about 90 per cent of the population.¹⁷ Most have settled along Aceh's coastline, with smaller numbers in the inland areas. The second largest group is the Gayonese (numbering 202,000), a parent group consisting of four sub-groups: Gayo Lot, Gayo Luwes, Gayo Lokop Serbajadi and Gayo Linge. The Gayo are descendants of the animist Karo people of north Sumatra.

When Islam spread widely in Aceh hundreds of years ago, clusters of the Karo converted to Islam. In the face of increasing intimidation from other groups of non-converted Karo, the Karo Islamists moved north in waves and settled by the giant lake in central Aceh that is now the home to the district's largest town, Takengon. The area in which they settled was called Gayo – hence the group became known as the Gayonese. The Alas people are descended from the Gayonese, but have since emerged as an ethnic group in their own right, numbering 81,000.

Most Gayonese can be found in the mountainous area of central Aceh: in south-east Aceh, close to the border of central Aceh, and in two new districts of Bener Meriah and Gayo Lues.¹⁸ Some are also scattered on the border of east and central Aceh. In general, Gayonese speak the same language, Gayo. Depending on where they live, dialects can vary, with some vocabulary that is specific to each sub-group.

Some groups suffer particular problems with the security forces because of where they live. Examples include the Gayonese in the hinterland, whose high-value coffee and other crops have attracted the profiteering mentality of the security forces, and the Kluet in the south, who live on the edge of vast virgin forests where much illegal logging takes place.

Language

The Acehnese speak Bahasa Aceh. Gayonese is spoken in the central area of Aceh and the mountainous areas of south-east Aceh. The Alas people speak Bahasa Alas, which is close to the Gayonese language. Deli Malay is spoken by the Tamiang in parts of east Aceh. Kluet and Aneuk Jamee in the southern part of Aceh are influenced by the Minangkabau, of west Sumatra. Although most people in Aceh speak Bahasa Indonesia, many prefer to speak their own local language.

Religion

In Aceh 98 per cent of the population is Muslim.

Economy

The Acehnese economy developed around traditional farming, forestry and fishing, as well as local crafts. In the seventeenth and eighteenth centuries, Aceh was an important trading centre for gold, tin, pepper, sandalwood and spices. In the nineteenth century, Aceh's role as a major trading port dwindled. Despite being rich in natural resources, the people of Aceh became poorer.

Peasant agriculture and fish farming were the mainstays of the economy.

In the mountainous areas of central Aceh, high-quality Gayo coffee grows easily and around 80 per cent of the population grow at least some crops. Of the 263,700 villagers who live in central Aceh, 80.18 per cent are dependent on agriculture. Coffee is a significant crop, with 26,000 tons produced each year.¹⁹ Most civil servants and business people also own small plantations. In 2000, the value of this crop to central government was US \$10,458 million.

When natural gas was discovered in the 1970s, the gas industry developed a modern industrial complex – something that the majority of Acehnese lacked the skills

to be part of. Moreover, many viewed it with deep suspicion. As late as the mid-1970s, the Acehnese were woefully unprepared for such developments, there was not even a technical high school in the district²⁰ so most of the workers employed by the US company Mobil Oil (which later merged with Exxon) were imported, mainly from Java and north Sumatra. The company invested billions of dollars in developing production capacity and building the infrastructure for the 5,000 workers that it planned to employ. A development gap emerged, even as preparations were under way for the production of LNG (liquid natural gas), which began in 1977. Those who benefited were incomers rather than the existing people of Aceh.

As production of oil and gas increased at the PT Arun plant (a joint venture of the US company ExxonMobil and Indonesian Pertamina), employment opportunities in the oil operations or in the service economy around the plant grew. Most of those who migrated to the area in search of work were Javanese. Company executives preferred to recruit the more 'sophisticated' incomers. Not only were jobs denied to the local people, but the profits – that they felt were rightfully theirs – were also diverted. Jakarta sent only 5 per cent of the oil and gas profits back to Aceh, which caused considerable resentment. Aceh and the Acehnese continue to live as they did before the discovery of oil. This ultimately ignited rebellion.

The military before the tsunami

Economic activities

Since the 1950s, the economic activities of the military and police have grown substantially. Both organizations always considered their official budget for operational and readiness costs to be inadequate. As a result, it became customary practice to raise additional income by engaging in ‘business’.

‘The role of the military as an economic actor has been an acceptable part of Indonesian life for decades, “sought after” by the military, and viewed as necessary and legitimate by a majority of the population.’²¹

The military’s business complex composes of a network of *yayasan* (charitable networks), limited liability companies and cooperatives, and extends to activities in both the formal and informal economy. Of more relevance to Aceh and to this report, is the involvement of the military and police in the criminal economy.

Largely unregulated, these sources of funding have been highly problematic and business activities have eroded already low levels of professionalism, decreasing the military’s capacity to carry out its prescribed function – that of defending the state – with any integrity. Moreover, there is a direct relationship between the military’s pursuit of profit and the level of human rights abuses for which the Indonesian military is renowned. After May 2003 when martial law was declared in Aceh, the situation deteriorated further when the long-held military ambition for complete administrative and security control was fulfilled.

Some of these activities are ‘petty’ in nature, such as taking food, cigarettes and other goods without paying, others have been more systematic and well organized. The impact on the population has been the same: poverty, fear and threats to physical security.

Inadequate defence budget

In the mind of the military, the need for a modern security force is unquestionable. One Indonesian Major-General, Sjafrie Syamsuddin, asserted that the navy was unable to patrol the coastal waters effectively because only 30 per cent of its 117 ships were operational,²² leaving the country’s resources open to plundering, while the illegal trafficking of commodities and people went unhindered. But the problems of military financing has gone far beyond an inadequate defence

budget; mismanagement and corruption have been pervasive. Former Minister of Defence, Juwono Sudarsono, said in an interview in July 2000 that:

‘... it is not merely a problem of how much money the military receives, but also of how the money is used. We must do something about the amount of leakage [monies lost to corruption and mismanagement] and wastage from the official budget. I estimate we lose about 65 per cent to “leakage”.’²³

In October 2004, incoming President Susilo Bambang Yudhoyono reappointed Juwono to the role of defence minister. Juwono said that the military needed a defence budget of Rp 44–46 trillion, a 300 per cent increase on the Rp 13.3 billion allocated in 2004.²⁴ The irony is that there was no evidence that the ‘leakage’ from the official defence budget (i.e. monies being diverted) has been stopped. The new law on the TNI, No. 34/2004 of September 2004, said that within the next five years the military must withdraw from its (official) business activities and that the official military budget would by then be adequate.

Troop welfare

Salaries of both the military and police are low, varying according to rank and length of service. Allowances are provided for deployment to conflict-prone zones; an Aceh allowance of Rp 275,000 is paid each month in addition to the regular salary.

Increasing police and military salaries is one of the government’s priorities. The new TNI law stated: ‘Every soldier of TNI has the right to receive a proper income, funded by the state defence budget that comes from the national budget.’²⁵ Police salaries are also set to rise. It appears that there is a significant political will to increase the salaries of the security forces. What remains to be seen is whether the central budget has the capacity to fund this.

Police and military opportunism

For many years it has been a ‘common secret’ that in Aceh some elements of the military are involved in illegal logging, the drugs economy and providing ‘protection’ for oil palm plantations, oil, gas and other companies to boost their income. It is also rumoured that the military and/or

police have been part of the supply chain of arms and other equipment to GAM. While such activities are extremely difficult to quantify, factual evidence is available in some cases and the anecdotal evidence is compelling.²⁶ Profits have helped subsidize local operational costs, but most military and police personnel on a tour of duty in Aceh have been motivated by personal enrichment. There is a standing military joke about troop deployment in Aceh, that one would return home either very rich or dead. The main economic interests have been as follows.

Justice

In Aceh, people have always had to “purchase” the outcome of their trial. It begins in the police stations where money is given to the police to “ignore” evidence. More money is then demanded by the prosecutors to hide even some evidence presented by the police, for leniency in questioning in court and to demand a shorter sentence. That phase is often the most expensive, with the judges usually demanding less than the prosecutors.

I cannot defend my clients against such corrupt practices. I feel so sad when I see my clients and I know that the stress on them and their families to find the money is so great.’²⁷

A report by Human Rights Watch said the failure of due process in many of the trials of those convicted during martial law was rampant and that these were ‘systematic failures, not just the acts of rogue soldiers and police or untrained, poorly resourced judges and prosecutors.’²⁸ In fact, these findings could be applied to the judicial system in Aceh in general, not only for the period of martial law.

The use of torture to extract confessions and/or money has been widespread in the police stations and military posts of Aceh. Not only are sentences purchased, money is paid for freedom from torture, the right to family visits, access to lawyers, and other ‘privileges’.

In Aceh’s judicial system, greed has exacerbated the misery of those deemed to be on the ‘wrong side of the law.’ The concept of ‘innocence’ has been devalued, money is the only currency understood by the police, investigators, the judges and the prosecutors. As the number of those arrested has increased, fear of being accused as a member of GAM has led many to pay the police to overlook their ‘crime’. Those unable to pay suffer the consequences.

Cut Nur Asyikin’s case

‘On 17 May 2003 I received a telephone call from Endang Suwarya (Regional Military Law Administrator). Suwarya asked me to give him Rp 10 million. I told him that I didn’t

have any money at that time. Later that day, Bahrumsyah Kasman, the Regional Police Commander, telephoned me and also asked for Rp 10 million to help finance his operational costs. I replied: “Sir, this is a mistake. As a woman you should be offering me money rather than asking money from me.” Bahumsya replied: “When I receive my operational budget, I will repay the money.”

‘On 19 May, I was asked by Bahrumsya whether I had plans to leave the city. I told him “No, because I must stay here for Khatam Haji” [a final meeting of those recently returned from Mecca].

‘The next day, 20 May 2003, I was arrested. I have been charged with treason and sentenced to 11 years in prison.’²⁹

Illegal ‘fees’ for the release of those arbitrarily and unofficially arrested has, for many years, been one of the main sources of off-salary income for the military and police. Before martial law, the ‘fee’ could be anything from between Rp 1 million for a *becak* (rickshaw) driver, to an almost unlimited amount for a businessman. With more than 2,000 suspected GAM members arrested during the 12 months of martial law, and hundreds charged with treason, the opportunities for profit in this sector increased exponentially. This figure of 2,000 arrested does not include those who were detained but released almost immediately on payment of a fee, believed to number in the several thousands.

Many women have searched at military and police posts for missing husbands, sons, brothers and fathers.

‘If they are lucky, they will be asked to pay a “fee” for the release of their family member or friend – dead or alive. In Aceh, even a dead body must be paid for. If they are unlucky, the security forces will deny all knowledge of the whereabouts of the detained; the family must wait until the body is found, usually dumped close to town.’³⁰

Abuses

‘I think it was either September or October 2003 that my father disappeared. He was farming in the field when the local military took him away in a truck. My brother was with him but at the time the military came he had gone to take a rest at my cousin’s house. He was coming back from his rest when he saw the soldiers put my father in the truck. Later that afternoon, when my brother came home and told us what happened I went to the local military post to try to find my father. One military officer – his name was Aidnun but I don’t know what rank he was, told me that if I pay Rp 6 million, my father will be released. I told him our family has no money. Aidnun said “OK, no problem. You come with me and make me happy – just one hour – then your

father will be free. If you don't pay or make me happy, I can't be responsible for what will happen to him." I told him I would try to get the money from home.

*'One of my brothers has a friend in the military – a commander in Banda Aceh. That friend called to the local post and my father was released. My friend here in the village wasn't so lucky, her family has no connections in the military. She made the military in that post "happy" for two days so that her father could be released. Now all her family has run away to Medan.'*³¹

The increasing number of court cases has been extremely lucrative for those in the judiciary. Juanda's case is typical: during martial law he was arrested with his friend Amiruddin and both were charged with treason. The evidence presented against him in court showed Juanda quite clearly had connections to GAM. It was on the basis of this that he was charged. The request for Rp 45 million by the prosecutor and for Rp 15 million by the judge was met by his family. Juanda's mother said:

'It was difficult for us, but we had to be sure that he would be free while he is still young, and he has a young family. We asked all our relatives, even those living in Jakarta to help us pay the bribe. His brother sold his motorbike so he could contribute.'

The reward for their efforts was a sentence less than half of the one handed down to Amiruddin, whose family was able to pay only 1 million.

Data collected during martial law from more than 900 cases shows that more than half of the defendants appeared in court without a lawyer. Indonesian law states that if a defendant faces a maximum charge of five years or more, they must have legal representation in court. Thus, during martial law, many trials violated domestic law. Almost 80 per cent of prisoners report torture to some degree, and almost half say it was 'extreme' and that they signed confessions under duress. It is interesting to note that 83 per cent of these martial law prisoners report that 'due legal process' for them included payment of a bribe to either the police, military, prosecutors, judges and even to the head of the prison. Some 'customers' were less than happy with the result:

*'I paid Rp 6 million to the judge, 8 million to the prosecutors to hide some evidence, and I still received a sentence of 2 1/2 years. What did I pay for? My wife is angry. We spent all our money and I am still in here [prison].'*³²

The predatory nature of the largely illegal business activities in this report illustrate the environment of fear and

extortion, the phenomenon of murder and human suffering that characterize this criminal opportunism. By tolerating these activities, the international donor community is, in effect, complicit in the 'crimes' perpetrated against the people of Aceh.

Protection

Food store

*'My family owns a shop trading rice, sugar and other bulk foodstuffs. I was there one day with my father – it was about three months ago. The military came for money, the usual Rp 200,000 each month. Last year my father was very sick and was in hospital for along time. After that he couldn't work for a while and the shop suffered. My father couldn't pay the supplier, so the supplier came and took some of the stock. At that time, my father was very stressed and my family was poor. So when the military asked for money my father tried to explain that we had no money that month, but the troops became angry. They took my father and me to the back of the shop and threatened to shoot me unless my father paid. He again said he had no money. One of the military made my father lie down and they put a sack of rice on his chest and began to jump on it. Some blood came from my father's mouth. I begged them to stop. My father passed out and the military shot him in the eye, his head split. I don't know what happened after that, I think I fainted. When I woke up I was in my neighbour's house and my mother was crying. Why did they do that to my father?'*³³

It has become part of the military and police culture in Aceh to treat every shop and restaurant as if it existed to serve the needs of those in uniform. Even petty economic abuse has caused much suffering. In Matang near Bireuen, an area well-known for its coffee shops, the owners are poor, angry, but powerless. Even before martial law, each evening at around 7 p.m., the local police would arrive to collect three packets of cigarettes worth around Rp 20,000. Cash was taken if the shops had no cigarettes.

*'I sell one cup of coffee for Rp 1,000, and my "donation" each day to police welfare is around Rp 20,000. That means the first 20 cups of coffee I sell each day are for nothing. Of course we dare not say anything, they would only take five packets of cigarettes instead of three, and probably cause us other trouble. This is the way in Aceh. With each protest, the price will increase. Better to say nothing.'*³⁴

After martial law was imposed in 2003, police visited more often, taking whatever was available. Several small coffee shops closed. One trader explained:

*'Considering the effort of work and the stress of the police visits, I closed my coffee stall. Now I sell mie [noodles], the police don't really want to eat mie, so it's a better business.'*³⁵

Business owners who can afford to pay a 'security fee' to local military commanders enjoy relative peace.

In central Aceh, the military has controlled much of the local economy. Not only have they underpaid the primary producers, they have also run an extensive retail business, but their goods are often more expensive than they would be on the open market. An example of this is the petrol business in Takengon. The petrol sold by the military was more expensive than usual, but as a local journalist explained: 'This petrol is bought from Bireuen. When the military has a supply to sell, we would not dare to buy elsewhere.'³⁶

Development projects are also subject to exploitation by the security forces. Building, road (and other) contractors say, confidentially, that the military and/or police have routinely expected to receive between 8 and 10 per cent of the total value of the contract. The contractor simply makes allowance for this in the tender, which has a detrimental impact on local government budgets. In addition, vehicles have been routinely seized and owners asked to pay for their release.

Throughout Indonesia, the military and police have been paid to 'protect' companies who fear disruption of their operations. In Aceh, the military has been involved in 'protecting' – for a fee – businesses such as ExxonMobil, oil palm, coffee and rubber plantations, and many more. Early on in the relationship between what was then Mobil Oil and the Indonesian government, provisions were made for the military to protect the company's operations. The source of the perceived threat was never made clear. Exxon was not alone in 'contracting' the services of the Indonesian military for security. In what is now West Papua, Freeport signed a Contract of Work (CoW) with the government in 1967, which locked them into what has essentially become a TNI 'protection racket'.

The revenue from LNG produced in north Aceh amounts to approximately US \$1.5 billion per year. The Indonesian government has designated ExxonMobil operations a 'national vital project', deploying police and military to secure government interests there.

A source previously involved in the security negotiations between ExxonMobil and the authorities, said that not only did the company pay the military officially for its security services, but the company also began, very early on, to pay 'small sums of money here and there to local military commanders for their cooperation'.³⁷ Investigations by Kontras (the Commission for Disappearances and Victims of Violence) suggest that the company paid

the 1,300 (as at October 2001) military personnel guarding the facilities at Lhoksukon a daily allowance of around Rp 40,000.³⁸ The report also suggested that ExxonMobil paid a substantial monthly allowance to the local military command, and provided transport facilities, offices, posts, barracks, radios, telephones, dormitories and other equipment.³⁹

In addition to 'protecting' Exxon, the military has been commonly used by companies to seize land for plantations, and then to prevent the locals from reclaiming their land. Many are killed or injured while trying to protect their property. The Medan office of human rights NGO the Legal Aid Foundation, *Yayasan Lembaga Bantuan Hukum Indonesia* (LBH), reported that land disputes, in particular those involving the military, were their fastest-rising case load.

Drugs and alcohol

A small drugs economy has existed in Aceh for decades, but with the increasing deployment of the military as the conflict intensified, marijuana really developed as a cash crop.

The involvement of the local security forces in the local drugs economy has continued, but manufactured drugs such as amphetamine (known locally as *shabu-shabu*) are more lucrative than marijuana. Growing and trading in marijuana and other drugs is illegal in Indonesia under Law No. 22 of 1997.⁴⁰ Yet, in the remote areas of Aceh, local people have been willing to risk arrest, and to grow and harvest the marijuana, sometimes under duress from locally-stationed security forces. The market for marijuana is a closed one; the customers have been predominantly the military or police. Such activities have provided an off-salary income many times higher than any planned pay rise the government could ever offer in compensation. Meanwhile, the local people have taken all the risks and received little in return: 'The price paid [to the farmers] is significantly below market value; the majority of profit accruing to security forces personnel while the farmers live in both poverty and fear.'⁴⁰

It is almost impossible to buy alcohol publicly in Aceh, but since 2001 the sale of alcohol in this almost 'dry' province has increased, with locally stationed police and some military being the suppliers. Such un-Islamic behaviour has exacerbated feelings of resentment between the temporarily deployed military and police, and the local community.

Arms

Another of Aceh's 'common secrets' is that many of the weapons and ammunition used by the independence movement have been supplied by the military and police. Sometimes troops have sold their personally-issued weapons to GAM but reported to their commander that

their guns and ammunition have been 'seized'. Even more disturbing is that certain key military personnel have provided a supply line for specific weapons.

In 2002, a GAM member said on condition of anonymity: 'Yes, it is true, we do receive weapons from the military – ammunition too. It is a very reliable source.'⁴² In August 2004, the same source reported:

*'The same supply lines remain open. Sometimes delivery from them [TNI] can be a bit slow now as they must be more careful, but it's still quite reliable. The main problem now is that it's more expensive.'*⁴³

Logging

Aceh's forests have been suffering from a corrupt system of assigned concessions and rampant illegal logging. The Gunung Leuser National Park, listed as a world heritage site in July 2004, has been targeted by loggers, often facilitated by corrupt government and forestry officials, military and police.

On the island of Simeulu, off Aceh's west coast, logging companies pay the security forces to protect their operations from angry locals who want the illegal logging to stop. These same security forces have also facilitated the exportation of illegally felled timber.⁴⁴

In response to concerns about flooding and other environmental damage, it was ordered on 5 June 2001 that all logging should cease until further permission was granted. But Thai company PT Panto Teungku Abadi continued to log.⁴⁵ The local police faced a dilemma: on the one hand, officers had already accepted payment from the company to protect the business from local 'disturbances'. On the other hand, the local people had blocked the road into the forest and had threatened to burn the houses of the police if they again removed the makeshift barricades. In the face of this threat the logging was halted – temporarily.⁴⁶

Closely related to logging is the illegal trade in wildlife: birds and small mammals are regularly taken from the forests for sale elsewhere in Indonesia.

The Indonesian forestry NGO network, SKEPHI, estimates the financial cost of these activities to the state during the period 1999 to 2004 alone to be Rp 36.7 trillion (US \$4.3 million). The involvement of the military and police has continued long after the last tree had fallen; they often have a stake in the oil palm or other plantation that the cleared land is turned to.

Fishing

The Minister of Maritime and Fisheries has stated that Aceh is Indonesia's richest ocean resource, and that the potential income from Aceh's fishing industry is 'fantastic'.⁴⁷ Aceh's coastal waters are rich fishing grounds,

containing many valuable fish species and also shrimp farms. As the seas around Malaysia and Thailand are depleted of fish, foreign boats often encroach on Aceh's waters. Aceh has had a vibrant commercial fishing industry, and many have continued to fish in a traditional way. Before the tsunami, there were an estimated 60,000 traditional fishers in Aceh, working with small boats. When martial law was declared in 2003, many of these small fishing boats were unable to go to sea, afraid of being suspected as GAM and being shot by the Indonesian military. The second reason fishing has decreased under martial law was because the military's demand for a share of the catch 'gratis' increased, so the return for undertaking a potentially dangerous fishing trip was much reduced.

Fishers share similar experiences: they have been forced to sell their catch – or at least part of it – to the military or police at a price below market value. These armed entrepreneurs then normally sell to agents at a vastly inflated price. The reliance on fishing of the Tamiang people in the newly-created district of Aceh Tamiang in the east of the province makes this small community of only 25,000 particularly vulnerable to such economic exploitation.⁴⁸ Most of the Tamiang use traditional fishing methods and small boats, one fisher explained:

*'During martial law we are banned [from] fishing at night, so we have to go during the day [...]. If we do not [come] back in the afternoon, the troops will stop and search us so we have decided not to go to sea. The operational cost for [a] boat is very high if we can't stay out to fish for two or three days. We also have to report to the military posts before we go fishing, to sign their book and often we have to leave our identity card. We have to pay a fee for registration, around Rp 30,000, and on the return journey when we sign the book again we must give fish.'*⁴⁹

Unable to earn enough money from the traditional economy, some Tamiang relocated to Banda Aceh and other large towns in search of work.

At sea, the Indonesian navy often boards vessels for 'inspection'. A fisherman from Lampulo, Banda Aceh told the following story:

*'The Navy signalled they wanted to board our boat for inspection, so we had no choice but to allow them to. They seized all our fish and siphoned off our fuel. They had been tailing us all day, so they knew we had good fish on board. We tried to get to land, but the fuel ran out before then and we drifted for five hours. Another fishing boat from our village [Lampulo] saw our boat in trouble and helped us ashore.'*⁵⁰

In addition, many fishers say they have been paying the local police or military a regular amount to 'protect' their boats. In Lampulo the amount has been between Rp 50,000 and Rp 100,00 every two weeks. But in Idi Rayeuk [east Aceh] where the fishing boats are larger, it was as much as Rp 1 million.⁵¹

Coffee

Coffee from central Aceh is famous for its quality, yet it has not yet been useful to the local farmers. The problem lies in the pattern of trade, as most coffee has been sold to agents locally who then sell to exporters in Medan. The farmers themselves have had little bargaining power; the price determined by the agents is usually Rp 4,000–5,000 (US 47–58 cents) per kilo. For Arabica coffee that price could be as high as Rp 8,000.

The pattern of farming coffee in central Aceh has allowed the military and militia to take over some coffee plantations. Gayonese farmers usually live at a distance from their farms and visit them only occasionally, living in (often shared) farming shacks. This has left the small plantations open to appropriation by other parties.

In Aceh, the Gayonese and others who farm the valuable coffee crop are particularly vulnerable to the military's profiteering. Many Gayonese have refused to sell coffee at below market rates to the military or their agents. The consequences have almost always been severe. A local woman explained the high price paid by farmers in the central Aceh villages of Pondok Gajah and Sidodadi when they try to resist this method of trading:

*Many of the men were taken away and shot by the military when they tried to negotiate the price of the coffee. We were told Rp 2,000 a kilo was the maximum they would pay. But on the market, we could get Rp 5,000. They killed our men, and then they burned our houses. My husband was killed that day, so now I farm the coffee. The military don't come any more, they send the militia who pay Rp 2,500 per kilo.*⁵²

The profits from all this business activity has given the military the resources it needs to organize its proxy armies in Aceh. For example, in March 2003 in central Aceh, several thousand people – militia and villagers – attacked the offices of the Cessation of Hostilities Agreement (CoHA) team based in Takengon to monitor the implementation of the agreement.⁵³ Local sources said that the militia group Commando Jihad (one of the military's proxies) was responsible for the attack. A local teacher who attended the 'rally' under duress said that hundreds of Gayonese from his village were forced to attend by the militia, and on the way there the military gave them placards with messages such as 'End GAM extortion'.

Commando Jihad has been financed by profits from coffee, and often pays villagers to attend demonstrations. The leader of that group is Misriadi (alias Adi Jan), a well-known local coffee agent. Misriadi has employed coffee collectors to buy directly from the farmers and sells at a profit.⁵⁴ While Misriadi, along with a local civil servant, Suyatiman, have been responsible for the logistics of the group, district military command 0106, and Kostrad (Army Strategic Command) 431/SSP has directed the military-style operations. In such cases, culpability for the crimes committed by the militia in relation to business rest with the Indonesian military, who finance and encourage these armed groups.⁵⁵

In some areas of central Aceh, the military-backed militia has driven the locals off the plantations altogether. These plantations then have a dual use: they serve as militia training camps and the militia also takes over production, making it a source of revenue for both military and militia.

Travel fines

Travelling in Aceh is expensive as illegal tolls and fines are collected at almost every military and police checkpoint. For trucks carrying valuable logs, the 'tolls' have always been higher – unless of course the contents of the truck belong to an arm of the security forces. In the upper Kluet River valley in south Aceh, the local Kluet people took to blocking the main road in order to stop the military and police transporting their logs without giving a share to the local community. The Kluet, who speak their own language and number only 25,000, are reliant on rice farming and patchouli. However, the price of patchouli has plummeted, leaving them vulnerable to exploitation by the security forces. Local sources told how both the police and military have worked with companies who hold local logging concessions, but the logging encroached into the vast virgin forests that border the areas where the Kluet live.

Such is the poverty among this group that village heads have charged fees for road use, to register chainsaws, and for use of the land that is viewed as the property of the local community. Such payments are called 'development fees'. In the village of Menggamat the people surrounded a truck carrying logs that belonged to the local police because the development fee had not been paid. The driver had no money to pay so the truck was 'detained' until an officer from the local police post arrived to pay the Rp 150,000 fee, and a further Rp 50,000 by way of an apology.⁵⁶

The impact of martial law on military business

Martial law disrupted some of the 'for-profit' activities described above; and continued under the subsequent

civil emergency. The protection business, especially at ExxonMobil, continued to flourish under martial law, but the drugs economy, illegal fishing, logging and the trade in wildlife became problematic. In some areas, local people previously 'employed' to farm marijuana and cut trees, facilitate logging and catch birds and other wildlife previously trafficked, have been too afraid to leave their villages. In some areas, fishers have been reluctant to go out to sea: afraid of putting themselves at risk of piracy, which increased in the months leading up to the tsunami, or of having their catch looted by the Indonesian navy or other sectors of the security forces. The supply of weapons to GAM from the security forces has also been disrupted. The traditional supply line became fractured, as some commanders feared being caught and disciplined. It also became more difficult for ordinary soldiers to 'lose' their weapons and ammunition, as a system of checking and reporting armed clashes came into force.

A second reason for the downturn in some sectors of military business can be attributed to the fact that a small minority of the new military deployed in Aceh have frowned upon these extra-military activities. Some even tried to put an end to such practices with a view to restoring at least some semblance of order and professionalism. Interviews with several of these officers in both the military and police seem to indicate that most of these 'new' arrivals in Aceh have eventually joined the local (unformed) business community:

I have been in Aceh four months. At first I didn't join in the business deals but then I saw all my colleagues were saving money to take home from here [Aceh]. The corruption in here (police headquarters) won't stop if I don't participate – so why shouldn't my family benefit too? The first time I asked a prisoner for money, I only asked for Rp 2 juta, I was too scared to ask for more. That man seemed very happy to pay me to hide some evidence against him, and in fact it was very cheap. Now I usually ask for minimum Rp 5 million, but it depends on how much evidence I have to hide. Some months I can double my salary from these contributions.⁵⁷

Martial law has squeezed profits in some sectors, but it has also presented new opportunities for profit. For example, the new local red and white identity card (KTP),⁵⁸ restrictions on food, more road tolls, increasing arrests – leading to treason and/or terrorism charges – have served to heighten the climate of fear.

The introduction of the new KTP cards in Aceh has given the military and police a new avenue for profit. The scheme was a response to allegations that, in some areas, GAM had taken KTPs from residents. The martial

law authorities have been tasked with issuing the new cards. The rationale being to separate the civilians from members of GAM: assuming that GAM members would not apply for a new KTP, anyone found to be without one would be arrested and charged. Officially there is no fee for these cards, but in reality they cost between Rp 50,000 and Rp 300,000 – in some cases even more. Zainuddin told how easy it was for him to 'buy' his KTP:

I am a member of GAM from Kreung Geukuh in north Aceh. The local military and police suspect I am with GAM so it wasn't possible for me to go to the office to apply for a KTP in person. There is an agent in the village; I don't want to tell his name because he helps many people like me – members of GAM. I paid the agent Rp 300,000. The agent kept a little for himself but most of the money went to Pak Din, the Vice Koramil (Sub-district military command). I needed my KTP because I had to leave Aceh, the military were looking for me.⁵⁹

Some policies have been announced by Jakarta in good faith, but have had disastrous consequences for the local people. One such example was when the government proudly announced that it would provide military escorts for public transportation, principally buses and trucks.⁶⁰ For bus and truck drivers, this new policy was often seen as an improvement as the 'fee' for the escort was negotiable. They would then pay only nominal amounts at each checkpoint. Media reports quote drivers saying that from Lhokseumawe in the north to Langsa in the east, the fee has usually been somewhere between Rp 300,000 and 600,000 per truck, and at each checkpoint, only a few thousand Rupees. Sometimes as many as 30 trucks were escorted in one convoy.⁶¹

The government said: 'The distribution of staple food is relatively smooth, therefore the food prices remain normal.'⁶² In many places in Aceh however, this has simply not been true. A traveller returning home for the annual Idul Fitri holiday reported:

There are more or less 50 police and military checkpoints from Medan to Tapaktuan [south Aceh]. At each checkpoint the bus driver gave money – sometimes as much as Rp 60,000. Now I understand why the bus fare is almost double (Rp 90,000) what it used to be, and why the price of food in the market in my village is much higher. The villagers in this area are much poorer because of all this extortion.⁶³

The policy of temporarily removing villagers to camps in a bid to separate civilians from GAM has also presented

new opportunities for business. An example is given in a report by Amnesty International: an elderly (and sick) Acehese man from Juli in Bireun District told how in August 2003 the military ordered all the villagers to leave or be considered GAM. They were given 24 hours' notice to leave and allowed to take only one small bag – after three months in a camp he, and other residents from the same village were allowed to return. His father's house had been damaged, animals killed and valuables looted.⁶⁴ Follow-up investigations in this area gathered data from eyewitnesses who reported that military and militia looted the houses and killed or stole the animals.

The appropriation of land and businesses by the military and police has also increased in some areas. For example, in Keude Bieng, Lhok'nga (near Banda Aceh), the local military mounted a hostile takeover of the caves where valuable swallows' nests are found. In the past, the owner of the caves paid the local villagers Rp 200,000 a day to make the long journey by foot to collect the nests. In May 2003, a sign appeared at the entrance to the area 'The property of Primkopad' (a military-run foundation). The military then paid the villagers only Rp 50,000 a day to collect the nests – they had no choice and they dare not complain.⁶⁵ The owner was arrested, accused of giving money to GAM. The bribe he paid to the local prosecutors and judge bought him seven and a half months in cell number five, block B of Banda Aceh's prison. The owner was then freed, but the caves remain under the control of the local military.⁶⁶

A second example of how martial law has facilitated further land-grabbing can be found in the Simpang Kramat area of north Aceh. A large area of rubber, cocoa and palm oil was taken over by military from local Kodim 0103. The previous owners, state company PTPN V and PT Satya Agung, abandoned the area in 1999 as the conflict worsened. In May 2003 when the Kodim decided to revive the business, local people from surrounding villages were offered work, paid according to the weight of crop they returned each day.

Two months before martial law ended, the Kodim turned the business over to several contractors who were then responsible for managing the plantations. The only job left for the military was to collect the weekly 'security fee'. In an interview, Hasballah, one of the contractors, was reluctant to reveal how much he has paid to the military each week. He did however complain that it is 'too much'. Transportation costs have been high, according to

Hasballah, with every military and police post between the plantation and Medan where the produce goes for sale demanding Rp 50,000. He said that the low profits have resulted in many of the contractors leaving the business. Hasballah paid his workers a monthly salary of Rp 300,000. Local people report that this is one of few job opportunities in the area, and that around half of those who work there are women.⁶⁷

Financing GAM

The Indonesian government and its security forces have accused GAM of funding its separatist campaign through widespread extortion in Aceh. While there is no doubt that what GAM prefers to call 'tax collection' has taken place, pro-Jakarta elites in Aceh have sought to exaggerate this. During the DOM period (1989–98), the independent commission on violence in Aceh found that more than 90 per cent of abuses were committed by TNI and the police.⁶⁸ It is probable that this figure has fallen following the expansion of GAM in the late 1990s, but the problem of coercion by the security forces continues to outweigh that by GAM.

In response to allegations that GAM has extorted money from the local people, the GAM Prime Minister Malik Mahmud said:

*'Of course we must have money to survive: money for food, medicines, for shelter, and yes, for weapons too. Our members in Aceh are authorized to request help from the local people, and most give voluntarily. Sometimes we have to remind people of their obligation to the movement. But all reports of ill behaviour and extortion are investigated by us, and if the accused is found guilty, they are punished.'*⁶⁹

In general, much of GAM's funding has come from contributions from local businesses, Acehese expatriates, from some plantations it runs as businesses and from the local people in the towns and villages of Aceh. However, after the Acehese economy slid into recession, GAM's income also suffered.

A survey of 1,500 villagers over a three-year period (1999–2002), found that extortion by the military and the police in Aceh was a much greater source of poverty and fear than the occasional requests by GAM for food, transport or money.⁷⁰

The war before the tsunami

This chapter explores Aceh's war between the Indonesian military, the police and GAM, and the search for peace before the tsunami.

History

The war in Aceh has sometimes been mistakenly understood as being based on religion, but in fact it is a war for independence. The people of Aceh have been marginalized, dissent has been crushed by force and, despite the abundance of natural resources, the province ranks as the second poorest in Indonesia.⁷¹ Anger at the injustices perpetrated by the Indonesian security forces has rallied more supporters to the cause of the independence movement.

Since 1976, 15,000 people have been killed in Aceh and thousands more have disappeared or been tortured by the Indonesian military and police. Thousands of others have continued to be detained in the prisons and police stations of Aceh.

The effect of the war has been that everyone in Aceh has been suspected by the Indonesian military (TNI) and police as a potential member of GAM, and therefore a legitimate target.

Since 1976, there have been the following military operations:

- 1989–98: Jaring Merah Operation I–VIII, commonly referred to as DOM (Daerah Operasi Militer)
- 1998–9: Wibawa Operation I–II
- 1999–2000: Sadar Rencong Operation I–III
- 2000–1: Cinta Meunasah Operation I–II
- 2001–2: Law and Order Rehabilitation Operation I–II
- 19 May 2003–19 May 2004: Integrated Operation I and II – martial law
- 19 May 2004–present: civil emergency.

The conflict

The conflict in Aceh has become as much about family and friends who have suffered violent death, or who have disappeared, been tortured, raped and harassed by the military and police, as about economic grievances.

Imagine what it is like to lie in your bed at night, wondering whether the military or police will come in the middle of the night. Every day I live in fear but the nights are the worst. I try not to show it to my wife – she is already traumatized by the eight years I spent

in prison. She always thinks they will come back again – to take me, this time perhaps forever.

Why don't we move from here? Well, my wife wants to be close to her parents who are so old now, and my two youngest children don't want to leave. I sent my older children to live with relatives in Jakarta, it is safer for them there but I miss them so very much. We talk on the phone, but even that is not safe. If someone is listening my wife can't even tell them something as simple as that the police came to the neighbour's house yesterday and took all her gold, her radio and four chickens. It's true by the way, the police did this yesterday...not even a simple truth can be told.⁷²

The government has argued that crimes committed by the military or police have been perpetrated by rogue elements of the military who are punished in military courts. There have been a few show trials involving low-ranking officers who have received light sentences for abuses they were often ordered to carry out by their commanding officers; the latter rarely – if ever – face trial.

Women

In most areas of violent conflict, women are used to break societies and weaken the resolve of rebel groups. In Aceh's predominately Islamic society, rape or the threat of rape or sexual assault carries a stigma that is felt by the woman and her family for years to come.⁷³ Incidents of rape or sexual assault have often gone unreported in Aceh, first, because of the stigma attached and, second, because of fear of reprisals.

In 2002, reports of the military forcing women to strip in public began to emerge from around Aceh: women have increasingly become the instrument by which the military and police (especially Brimob – the elite mobile police unit) have attempted to destroy the social fabric of society.⁷⁴

As the military have swept through an area looking for suspected sympathizers and members of GAM, the men have fled to the forests and mountains. Sometimes they do not return. The women have been left alone, more vulnerable to harassment and intimidation by the security forces or the militia. In some villages, only women, children, the sick and the elderly remain. Many reports suggest that bribery, extortion and looting have been more common in these areas, where the women feel less able to resist.

In an investigation of atrocities during the period of DOM, the Aceh team of the National Human Rights Commission (Komnas HAM) found that 120 women were raped, 3,000 women had been widowed and 20,000 children had lost their fathers due to the conflict between 1989 and 1998. The government does not publish data on the number of households headed by women in Aceh, and no NGO has conducted a comprehensive survey. From informal surveys it has been estimated that as many as 50 per cent of Acehnese households have a woman as the main income-earner and provider.

The physical and mental stress caused by the conflict is reflected in data from the local Department of Health (2004): 51 per cent of the population of Aceh suffers psychological and physical 'disability' due to the conflict. Depression accounts for 25.7 per cent of this, and 18.4 per cent is due to trauma and panic. It further states that a majority of psychological trauma is suffered by women.

Faridah's case

'My name is Faridah, I think I am around 40 to 46 years old. I am here alone with my three children and parents. Last year, my husband heard that the Brimob would be coming to the village to look for GAM. Together with some neighbours, he ran away to the mountains. They all said they would be back when Brimob had gone, but only a few have returned. Nobody can tell me what happened to my husband. A neighbour says the group split into two when the military were near their hiding place, and in fact not one from the second group has returned. So now I must provide for the family. My neighbours help me to work in the rice field, then I must help them too. I never sell the rice, it is only enough for us to eat and some left over to exchange for other things we need, like for example some plastic to cover the roof of the chicken shed when the rains come. In the afternoons I sell pisang goreng [fried banana] near the market. Some of the market traders there know of my situation and sometimes give me fruit or vegetables to take home.

*My parents are already old, but they try to help keep the house clean. They need me, and my children need me. This is my destiny and I must accept that.'*⁷⁵

After martial law in 2003, the targeting of the wives, daughters and sisters of members of GAM soldiers became widespread. In a report on Aceh, Amnesty International stated that:

'torture, including rape and other forms of sexual abuse of women and girls, had been committed by members of the security forces as a form of intimidat-

*tion and as punishment for their, or their relatives', alleged involvement with or support of armed opposition groups [in this case GAM].'*⁷⁶

There have also been many reports of women and children being used as human shields by the military when under attack by GAM.⁷⁷

In the first month of martial law, military personnel raped four women in a village in north Aceh. The case received widespread publicity at a time when the Indonesian government had declared that the Acehnese were the 'brothers and sisters' of other Indonesians. In the face of mounting public debate and criticism, Aceh martial law administrator Major-General Endang Suwarya issued an apology for the conduct of the three soldiers: 'To the victims and their families, I personally and on behalf of the institution apologize for the conduct of the soldiers of the Indonesian Military.'⁷⁸

Three low-ranking military officers were charged with rape, found guilty, and sentenced to jail terms ranging from 2½ to 3½ years.⁷⁹ While this was applauded by many, the sentences were all well below the possible maximum of 12 years.

Sexual abuse against women has not only taken the form of violent attacks. In zones of conflict, an active sex industry has often emerged to 'entertain' the troops deployed there. While prostitution is not a thriving business in Aceh's pious Islamic society, it has existed for many years. In Banda Aceh and Lhokseumawe, prostitution has become more prevalent since the massive deployment of troops at the beginning of martial law. The local police have seen the opportunity to provide the 'services' these military might want on their tour of duty in Aceh. In Lhokseumawe, Brimob has run this business in the small empty shops around the now abandoned Cunda Plaza shopping mall, which it has used as its headquarters. Some of the women who have worked there are Acehnese, but most are from Medan, just across the border in north Sumatra. Local residents say the majority of customers have been the military and police who pay the uniformed (Brimob) managers between Rp 25,000–100,000 per 'session'.⁸⁰

Seeking a solution?

In 1999, a group of Acehnese intellectuals and politicians met to discuss the political future of the province. A majority supported holding a referendum on the future status of Aceh. At the same time, a coalition of student organizations came together to form the Information Centre for an Aceh Referendum (SIRA), buoyed up by Wahid's mention of the possibility of a referendum on Acehnese self-determination.

Wahid's idea was quickly quashed by his colleagues in government, who feared a potential second East Timor. Nonetheless, SIRA and others mobilized a pro-referendum rally in November 1999, which attracted more than 1 million people. A second, smaller, rally took place one year later, but a military crackdown, which resulted in many deaths and arrests, has been successful in keeping people away from the political gathering. The process of the recent militarization of Aceh can be traced quite clearly from this time.

In the late 1990s, the ordinary people of Aceh united with the armed movement (GAM) to provide logistical and other support. This has resulted in a stronger and better-equipped armed faction. A popular civil society movement also began to emerge.

In early 2000 peace talks were initiated between the government and GAM, and facilitated by the HDC. There was no involvement of civil society in the formal talks, as GAM viewed itself as the legitimate representative of the people of Aceh. Eight male representatives from civil society and one woman were delegated to attend the final signing ceremony of the Cessation of Hostilities Agreement (CoHA) in Geneva. No women were involved in the formal peace process.

There began a chequered peace process with a history of agreements reached and lost. At times it has appeared there has been little political will on the part of the Indonesian government to reach any meaningful settlement, and GAM has been cautious and distrustful of the government's intentions.

The first agreement was the 10 May 2000 Humanitarian Pause. Initially signed for a three-month period, it was then extended and lasted until the beginning of the following year. However, the Humanitarian Pause was 'not fully accepted by the security forces' and violations took place.⁸¹ The number of atrocities actually increased during this period.

In April 2001, President Wahid signed a decree implementing a comprehensive approach to the problems in Aceh, which, in theory at least, de-emphasized the security solution, which was only one of six component parts.⁸² Wahid was impeached in July 2001, many believe due to his wide-ranging agenda for military reform.

One of the first things Megawati did as President was to sign the new special autonomy legislation No. 18 of 2001, proposed by Habibie and passed by Parliament during Wahid's administration. Among other things, these laws gave Aceh 70 per cent of revenue from natural resources, and even more from oil and gas. Aceh was also renamed Nanggroe Aceh Darussalam (NAD). However this legislation has had some negative effects. The increase in revenue to the local government not only increased corruption, it has also led to the military pressing local

government for a share of the windfalls.⁸³ In her first speech to the nation as Indonesian President on 16 August 2001, Megawati offered: 'deep apologies to our brothers [*sic*] [in Aceh and West Papua] who have long suffered as a result of inappropriate national policies'. That day, 48 bodies of civilians were unearthed in a mass grave in the village of Lhong in western Aceh.

Despite Megawati's official apology for past excesses, and her signing of the special autonomy legislation,⁸⁴ it soon became apparent that the military and hardline political elites retained effective control over policy. The peace process has continued but progress towards identifying common ground between the two sides has remained elusive. There was: 'neither a credible GAM renunciation of independence, for example, nor a concrete proposal from Jakarta to improve Aceh's autonomy deal ...'.⁸⁵

Through the good offices of those involved in the process and diplomats from various embassies in Jakarta, the CoHA was signed in Geneva on 9 December 2002, but the environment has remained hostile to peace. Two feared branches of the military – Kostrad and Kopassus – were deployed to Aceh and by late November they had adopted an offensive posture. However, both the Indonesian government and GAM declared their intentions to uphold the agreement. The level of hostilities initially decreased, leading to an improvement in conditions for the civilian population. But the number of violations of the CoHA soon increased on both sides.

Groups of militia, generally thought to be recruited, armed and trained by the local military, have become more visible in the conflict. The body responsible for monitoring violations of the CoHA, the Joint Security Committee (JSC), has suffered increasing attacks on both its personnel and infrastructure, carried out by unknown groups. Several of these incidents have been reported by local people as being carried out by military-backed militia.⁸⁶

In what seemed an obvious attempt to undermine the agreement, the Indonesian government issued an ultimatum that GAM renounce its political goal of independence as a precondition for continuing the dialogue.

On 18 May 2003, as five of the negotiating team waited at the airport in Banda Aceh for a flight to Tokyo to attend the peace talks, they were detained and prevented from travelling. Protests by the Japanese, the HDC and the USA secured their brief release, but, as the talks in Tokyo that had proceeded without them finally broke down, they were arrested again and taken into custody. All were charged with treason and terrorism. Over several months, reports of beatings and intimidation during numerous official and unofficial interrogation sessions leaked from the police station. In October 2003, the five were found guilty on both charges and sentenced to between 12 and 16 years.

As the talks were officially declared to have broken down, President Megawati stated that martial law would be imposed and signed Presidential Decree No. 28 of 2003, which stated that the conflict in Aceh that

*'disturbed the wholeness of the unitary state of the Republic of Indonesia...cannot be allowed to drag on and must be stopped as quickly as possible.'*⁸⁷

Since the tsunami

At 8 a.m. on 26 December 2005, an earthquake measuring 8.9 on the Richter scale occurred in the Indian Ocean, just 150 km from Aceh. The tremors were followed by a large tsunami.

In Aceh, the waves travelled 7 km inland in some places, first hitting the west coast, then the main town of Banda Aceh and the north-east coast. Houses, shops and schools were devastated; cars and trucks were seen surfing the waves, while ships churned about in the waters, eventually finding moorings in or on top of buildings. Among the floating debris, and trapped in buildings and cars were more than a quarter of a million people who are now counted as dead or missing.

When the waters finally receded, the land where government buildings, hospitals and schools, prisons and businesses once stood was completely flat – in some cases not even floor tiles remain. In some places the coastline of Aceh has been redrawn, the sea engulfing parts of land where houses once stood. In other areas, small pieces of land have appeared where before there was only sea.

Towns and villages in the affected areas were wiped from the map, local economies and livelihoods were decimated, local fishing and farming capacities lost – food insecurity became a problem. A shortage of clean drinking water, medical assistance and medicines, and a lack of sanitation all threatened disease. Tens of thousands of dead bodies littered the streets. The local economy, administration and infrastructure suffered damage that is impossible to evaluate, and people suffered unimaginably.

Over the next few days, as the scale of the disaster in Sri Lanka, Thailand, India and elsewhere was becoming apparent, news of the situation in Aceh remained sparse. In Jakarta there were heated discussions between hardline elements of the military – who wanted Aceh to remain closed and were arguing that the Indonesians themselves could deal with the disaster – and those in government who quickly realized that international logistical and other assistance was needed and that a foreign presence in Aceh was inevitable.

Foreign Minister Hassan Wirajuda said that Indonesia and GAM separatists had reached ‘a gentlemen’s agreement’ not to pursue armed contact, and to ensure that help reached those in need. He told the BBC:

‘It is not a ceasefire in the sense of a formal agreement...but this is a practical way to allow both sides, particularly our troops, to help the victims.’

Along the main road between Banda Aceh and Medan, the military and police posts where arrests, intimidation, harassment and extortion had occurred regularly now lay largely empty – the military personnel having been redeployed to assist in the relief effort. Their immediate tasks were rescue, sheltering and feeding those who survived, and clearing rubble to ensure supply lines were open for relief efforts. Teams of volunteers came from all over Indonesia to assist in clearing the tens of thousands of bodies in a race against time to prevent the spread of disease from corpses that lay in the rubble, in the rivers and the sea.

Within a few weeks of the tsunami though, there were concerns that the Indonesian military’s ‘old ways’ were returning. The two most badly hit areas are Banda Aceh and the city of Meulaboh on the remote west coast. In Banda Aceh, the military were seen to behave in a cooperative and professional way. But in the area of Meulaboh, where ‘80 percent of the city has been destroyed’,⁸⁸ there have been reports that local military commanders were resentful and unhappy with the foreign presence. Landing by helicopter to deliver aid in the Calang (on the west coast of Aceh), the coordinator for an international NGO related:

‘I got out of the helicopter first and was surrounded by about 20 military with guns raised. I guess it was the commander who shouted: “Get out of here, take one more step and I will have you shot. Get out, you are not needed. Out!”’⁸⁹

That was the third delivery of the day, but the first sign of trouble. Feeling afraid and vulnerable, the aid workers made a decision to abandon their two other scheduled stops and return to Banda Aceh.

The military

Before the tsunami, authority lay, in theory, with the civilian governor and the police. However no decisions could be made without authorization from the military. The day before the tsunami, Aceh was closed to foreigners, and only the World Health Organization (WHO), the International Committee of the Red Cross (ICRC) and the United Nations Development Programme (UNDP) were allowed to assist with humanitarian needs. Restrictions imposed during martial law remained in place.

Once the tsunami had struck, mechanisms for the national (Indonesian) response were established and oper-

ationalized within the framework of the ongoing civil emergency. The relief effort was simply integrated into the existing military operation consisting of programmes: security, economic, humanitarian operations, restoring law and so on.⁹⁰

Emergency relief efforts are being coordinated by the National Coordinating Board for Disaster Management (Bakornas), under the chair of the Vice-President. In terms of the day-to-day oversight of the relief effort, the TNI has been given the mandate to ensure smooth running and coordination. Major General Bambang Darmono, commander of operations during martial law and civil emergency, explained: 'I am responsible to the Coordinating Minister of Social Affairs. This activity is under my control and responsibility.'⁹¹

The government has asked the UN and UNDP to support Bakornas in coordinating donor support for rehabilitation and reconstruction. On 10 January, a joint centre was established by the UN and the Indonesian government to set priorities for the management and coordination of disaster relief.

The provincial government ground to a halt as government offices, military and police offices, the judicial system, and prisons were destroyed or damaged. And in many government departments, including the police investigations unit, all documents were destroyed, wiping out all the traces of the thousands of cases brought against largely innocent civilians during martial law. Voting lists, land title deeds and other personal records were also lost in the disaster.

The emergency relief effort has been made more difficult by the fact that the tsunami rendered the 300 km road, which passes through Banda Aceh, Lhok Nga, Teunom, Calang and Meulaboh, useless for trucks. The area around the west coast city of Meulaboh was completely cut off, emergency relief efforts had to rely on helicopters or ships.

In Aceh, more than 1,150 schools, 5,800 km (3,600 miles) of road and 490 bridges have been destroyed, and more than one-third of the 4,312 villages have no functioning government.

No one will ever know the true number of those who lost their lives on 26 December 2005. Many families have not registered the missing:

*'Why should I report my parents, brothers and sisters, aunts and uncles, cousins, nephews, nieces and all almost 300 members of my family missing? They are not missing – they are dead.'*⁹²

Most of those buried in the lime-coated mass graves scattered throughout the affected areas in Aceh have not been identified. By the third week after the tsunami, the teams

collecting bodies from the debris no longer even attempted to identify the victims:

*'In most cases there is no hope of identifying the body, since most are naked and so have no ID card. Our teams just wrap the body in plastic and leave it at the side of the road. Later, a truck will collect the bodies to be taken to one of the many mass graves.'*⁹³

Throughout January, around 1,500 bodies were being found each day in the wreckage of Banda Aceh, or in the city's rivers. By mid-February, that number had fallen to around 1,000 and, by early March, fewer than 200 bodies a day were being found. Probably most of the more than 100,000 who remain missing will never be found.

The total number of displaced people (IDPs) in Aceh is 403,428 scattered in 50 locations.⁹⁴ *Poskos* (local emergency distribution and support centres) have been set up all over Aceh to deal with the logistics of distributing aid to such a large number of people. These *poskos* are run by local NGOs, students groups, community-based organizations; the TNI and police also have several *poskos*. These centres not only supply food, water and medical assistance, many also operate an informal tracing system – trying to connect survivors, and give information about the dead who could be identified and those still missing. For several weeks after the events of 26 December, smaller earthquakes were almost a daily occurrence; buildings shook and electricity supplies were cut.

Impact of tsunami

The areas most badly affected by the tsunami were Aceh Jaya, where damage is 85 per cent, Aceh Besar (80 per cent), Banda Aceh (75 per cent) and West Aceh (60 per cent). Of the 14 districts affected by the tsunami, Simeulu was closest to the epicentre; 93 per cent of the island's population are coastal dwellers. More than one week after the tsunami, the first relief agencies reached the island. Instead of finding tens of thousands dead, as had been expected, relief workers found that of the island's 76,629 population, seven had died and one was missing. The Australian government's overseas aid agency, Ausaid, reported:

*'Given the fact that Simeulu was closest to the heart of the quake, we expected to find the situation much worse – it's a miracle that many more were not swept away.'*⁹⁵

The number of internally displaced persons in camps on the island is 18,009.⁹⁶ The World Food Programme (WFP) has facilitated food distributions for 18,300 bene-

ficiaries in Simeulu. The main town of Sinabang was largely untouched by the tsunami, but beyond this area, buildings in the coastal villages have been 80–90 per cent destroyed, and almost all of the coastal businesses have vanished.⁹⁷ So why were the casualties so few in Simeulu?

The answer lies in the oral histories of older generations. In 1907, a huge tsunami killed thousands of people on the island. Everyone in Simeulu knows that when a substantial earthquake is felt, or when the sea recedes, they should run from Simeulu's narrow coastline and take refuge in the hills. This is exactly what happened on 26 December, saving tens of thousands of lives.

Despite relief supplies being delivered to Simeulu by the local government and international donors, the island's remote location has left the people somewhat neglected in terms of strategic assistance. Two months after the tsunami, Awaluddin Kahar chair of the Association of the Simeulu Community in west Sumatra, complains that some remote villages are neglected by both local and central government; the people continue to live in makeshift shelters with insufficient clothes, food and medicines.

*'Yes, the number of people dead in Simeulu is not so high if we compare to elsewhere in Aceh. That is why we have been patient in asking help. But now it's already two months, and people are cold here in the rain, they are becoming sick because of lack of food and shelter. We want to rebuild our houses and go back to our livelihoods.'*⁹⁸

In the fishing communities of Simeulu, this is no easy task: preliminary reports state that 320 non-motorized boats were lost, 215 longtails, and four large commercial fishing boats.⁹⁹ Significant assistance is needed to help the people of the remote (and partly forgotten) island of Simeulu to build their homes and livelihoods.

The indigenous people of Aceh Tamiang were spared the worst of the tsunami, suffering limited loss of houses and businesses along the coast. But the fishing communities of Tamiang lost many boats and 700 hectares of fish farms were destroyed. Warehouses were destroyed, and many fishers have suffered trauma and are not yet ready to return to the sea. Throughout Aceh, most members of the fishing communities were inshore fishers. This explains the large number of 'canoes' and smaller craft, as opposed to boats with an inboard motor that can fish further offshore.

Most affected areas are home to fishing communities. Data from the local branch of the Maritime and Fishery Ministry reported more than 14,000 fishers were killed in the disaster throughout Aceh, while 6,000 of 8,000 fishing boats were either destroyed or lost.

The Gayo people in the centre of Aceh offered logistic and moral support to the thousands of people who fled to the mountains fearing another tsunami. Many Gayonese who had settled on coastal areas returned home, and thousands of other indigenous peoples were welcomed by the local people. As time passed and food grew short locally, volunteers travelled with the trucks taking coffee to Medan from the local coffee cooperatives, and brought back food and medicines and tents for the displaced people in central Aceh.

Opening the door

There are several indications of the tensions in Jakarta between the military and political hardliners and the moderates regarding opening the province to 'outsiders'. Initial resistance softened into statements about a limited timeframe for access by foreign military forces and others. It was reported widely in the media that Vice-President Yusuf Kalla stated that all foreign military troops and individuals should leave by 26 March – a policy quickly denied by the President. As the scale of the devastation became known, it was increasingly obvious that relief workers should be allowed to stay as long as possible. The only option left to the government hardliners has been to restrict movement: foreigners, including aid workers, are no longer allowed to travel outside Banda Aceh or Meulaboh without prior permission of the military. Chief of the military General Endriartono Sutarto says this is for the security of individuals and the security of the aid materials, some of which, he says, have been stolen by GAM.

While some aid has gone missing, with both the military and GAM accusing each other of theft, it seems clear that the real reason for this policy, which hinders the relief effort, is that the military wants to retain overall control of as much of Aceh as possible. Moreover, there seems to be little evidence to suggest that GAM is stealing aid. But there is anecdotal evidence that the military continues to flex its muscles in areas where there are few foreigners to witness any 'misbehaviour'.

Response

It took three days – the 28 December – before the Indonesian government finally requested that the UN and others help with the relief effort. A grateful but nervous Indonesian government, military and police watched as thousands of aid workers entered Aceh, including foreign military forces and government officials. The province that had remained closed for so long was finally open. Suddenly, Aceh was 'overrun' by foreign military. The aircraft carrier USS *Abraham Lincoln* was leading US military relief efforts, and provided a base and transport

from which other agencies were able to undertake assessments of the devastated west coast. It was the helicopters from the *Abraham Lincoln* that first reached the desperate survivors on the devastated west coast.

The people

In theory, the promise of such substantial financial support, should make the reconstruction of Aceh's infrastructure relatively easy. The difficult task ahead is rebuilding livelihoods and communities. A WHO initial assessment estimates that up to 50 per cent of the affected population may be experiencing significant psychological distress and 5 to 10 per cent may develop a diagnosable stress-related psychiatric disorder as a result of the disaster in Aceh.

There seems to be a general consensus that the more than 400,000 displaced people must be moved from tents and makeshift camps into barrack housing. The Indonesian government, together with the UN and other international and national NGOs, favour what many Acehnese view as 'inappropriate' housing, even on a temporary basis. The government announced 24 initial locations and said each barrack will consist of 12 or more units of 4–5 m for a family of five.¹⁰⁰ Equipped with one common kitchen, 2–2.5 m, four or six bathrooms and four toilets. The aim is that up to 150,000 tsunami survivors should live in these temporary barracks for up to two years while other housing is being built. By the end of February, 142 of the 397 completed barracks are occupied. The government has increased the number of planned barracks to 997.¹⁰¹

Many international actors involved in the relief effort have assisted with barrack housing even though significant numbers of the displaced population have spoken out against them, saying they are inappropriate and that they would rather stay with the local community in houses until they can rebuild their own house.

*'The problem is that if we don't move to the barracks when they are ready, the government has said we won't get any more relief aid. So, how should I feed my family? We have no choice, we must go to the barrack.'*¹⁰²

Even the UNHCR assisted in the construction of the barracks. It seems that a broad coalition has created a 'solution' to the housing crisis, which very few – if any – of those who live in Aceh want.

By mid-February, in Banda Aceh and Aceh Besar, some of those who lost their homes in the tsunami were being moved – under military escort – to what will be their new home for the next two years. Chief of the Barrack Development Unit for Acehnese IDPs, Totok Pri,

said that the relocation would continue for one month, as several hundred blocks of barracks became available for more than 9,000 families.¹⁰³ The National Relief Coordination Agency for Aceh expects that this operation will continue for the next month.

Many who live in Aceh are afraid that this 'corralling' of people into small areas is a legacy of the recent past when such tactics were used as a method of control. A journalist with the local newspaper *Serambi* reflected that:

*'It was only one year ago, during martial law, that the military moved entire villages to search for GAM. The people are still traumatized because that often led to beatings, arrests and even death. Also, when the villagers came home, the houses would often be empty – everything had been looted.'*¹⁰⁴

The military's prominent role in transporting the Acehnese to the new sites, and in camp management and aid distribution has created fear among the displaced population:

*'I won't move into the barrack housing because I don't want to live there, and I'm afraid if I move in then the government will never help me have another house. I'll stay in the camp. Thanks, but we don't want those houses in Aceh.'*¹⁰⁵

It is vitally important to ensure the rights of the local people are protected and that they themselves are driving both the planning process and implementation of the rehabilitation and reconstruction of Aceh. But it wasn't until 1 March 2005 that the Public Consultation Process on the Government Blueprint on Reconstruction for Aceh was opened. Over nine days, 10 thematic groups were involved in the process; groups of civil society groups, academics and others were asked for comments to help formulate a plan for the reconstruction of the province. A local journalist commented:

*'It is a pity that this consultation process didn't begin before barrack housing initiative was planned. I'm sure if it had been there would be no such houses in Aceh today.'*¹⁰⁶

Poverty will be one of the worst legacies of the tsunami. In an effort to speed up the clearing of debris and bodies, and to give people some work, thousands of survivors have been recruited for between Rp 30,000 and 40,000 per day (US \$3–4) to clean up government buildings, schools and hospitals, and residential areas. The UNDP, USAID and NGOs such as Oxfam and Mercy are among the organizations that have implemented these schemes.

The impact of tsunami on military business

The military and police also suffered many losses as the waves crashed into police stations, military posts and barracks housing hundreds of troops were swept away or damaged. An estimated 612 personnel were confirmed dead or missing by *Autara* on 3 March 2005.

As well as military and police 'business' activities being disrupted in the worst-hit areas, the security checkpoints that lined the roads, extorting money from almost all who passed by, lay in ruins or were empty, some of their former inhabitants deployed elsewhere to assist in the clean-up operation. While in the devastated coastal areas of west Aceh, Aceh Besar, Banda Aceh, the north-east and others, those who lived and worked in the checkpoints also became victims of the tsunami.

In the first weeks, as many as 80 per cent of the military in Aceh were deployed to west Aceh supporting the massive clean-up operation – collecting bodies, rebuilding water and sanitation facilities and constructing bridges, road and houses. Some pre-tsunami 'business' opportunities are simply no longer available to them, such as their involvement in the lucrative fishing industry, which has all but gone.

As time has passed however, evidence that profiteering is very much back on the agenda of the military has begun to surface. A member of staff with an international agency said:

As the days passed we could see the military become much braver to ask for paperwork, and on a few occasions we were denied access to certain areas around Meulaboh "for our own safety". On one occasion, the military said a fee had been imposed for

that stretch of road – to help with repairs. We were naïve, we paid Rp 750,000.'¹⁰⁷

Reports from the Leuser area tells of continuing illegal logging:

*'There are rumours here [south-east Aceh] that the rate of logging will increase to take advantage of the increasing demand for timber as reconstruction of houses and boats gains momentum. The local military has asked for new recruits who are prepared to work long hours to log quickly.'*¹⁰⁸

While there is little evidence of large-scale, organized theft of aid, there is some anecdotal evidence to suggest that the military is profiting from the relief effort. New Zealand's Foreign Minister Phil Goff has asked New Zealand's embassy in Jakarta to investigate allegations made by *Newsweek* magazine that the Indonesian military has been accepting bribes to allow people to fly out of Aceh on refugee flights.¹⁰⁹ *Newsweek* published a story saying that half the people who flew on a Royal New Zealand Air Force flight from Aceh to Jakarta in January had paid up to US \$80 to the Indonesian military whose job it was to screen the passengers for refugees who were in most need.

Former Coordinating Minister for the Economy, Kwik Gian Gie, said that in infrastructure and development projects relating to the tsunami, it is 'safe to assume a 40 per cent mark-up'.¹¹⁰ Susilo has given a guarantee that all efforts will be made to ensure a high level of transparency and accountability in the expenditure of the millions of dollars aid money that is pouring into Indonesia,¹¹¹ but as of mid-February, no auditor has been given access to the aid channelled to Aceh. There is, however, a plan that the Supreme Audit Agency (BPK) will begin an audit in April.

The international community and Indonesia

Improved relations

There are now greater opportunities than there have been for 30 years for the international community to influence the Indonesian military and for international pressure to be applied to observe the cooperative, collaborative and non-violent way in which other military forces operate.

These lines of communication already exist, partly due to the attacks of 11 September 2001 in the USA, which brought significant changes to the global geopolitical landscape. Governments scrambled to secure promises of cooperation and to foster trust with strategic partners.

To suggest that pre-11 September Indonesia was a pariah state would be an overstatement, but its government was treated with caution by many Western states concerned with its undemocratic systems and the gross human rights abuses generally accepted to be perpetrated by its military and police. International reaction to the years of violence, especially atrocities in East Timor, varied from statements of condemnation to restrictive engagement. Sanctions by the USA were the toughest: access to the multi-million dollar International Military Education and Training (IMET) programme was restricted, and a partial arms embargo banning lethal weapons sales to Indonesia was imposed by Washington.

The fear that rippled through governments worldwide after the 11 September 2001 attacks was heightened by subsequent terrorist attacks, several of which took place in Indonesia, and changed the way foreign governments viewed relations with the Jakarta administration. Bombs such as those on 12 October 2002 on the island of Bali that killed 202 people, including 28 British and 88 Australian nationals; the Marriott hotel bombing in Jakarta on the 5 August 2003 that killed 11 people; and the bomb outside the Australian Embassy in Jakarta on 9 September 2004 that killed nine; serve as reminders to foreign governments that Indonesia, and the region as a whole, are vulnerable to destabilization by such events.

Indonesia's growing preoccupation with its internal problems in recent years was beginning to be viewed more sympathetically by a nervous international community. Indonesia was coming to be seen as a hotbed of potential Islamic extremism. According to some, Indonesian intelligence knew as early as 1998 that Al-Qaeda, Jemaah Islamiya (JI) and other groups had begun to spread their ideas and organize in Indonesia.¹¹² In the wake of the JI 'millennium bombings' at 30 churches across Indonesia

on 24 December 2000, and rumours of a training camp for new recruits, Indonesia was suspected of being a home to terrorist cells that were able to organize and gain strength while planning their next attack that could (potentially) take place anywhere in the wider region. In the aftermath of these attacks, the Indonesian security forces allowed foreign police and intelligence officers to assist their investigations: the British and Australian police helped in the successful Bali bomb investigation and, together with the USA and others, have given counter-terrorism training. The Indonesian security forces now receive substantial financial and technical assistance to help them combat terrorism.

Before the tsunami, relations with Indonesia had become a significant consideration in the foreign policy of several governments in recent years and so its requests for international bilateral assistance for its security forces to defend the country and the region against security risks, including the ever-present threat of further terrorist attacks, were being more favourably regarded.

The focus of such assistance has been on intelligence and information sharing, police cooperation and training, diplomatic coordination, border controls, money laundering, people trafficking, and fighting illicit trafficking in small arms and light weapons. In February 2004, ministers and representatives from a number of countries, including the UK, met in Bali for a conference on counter-terrorism. The main outcome was the launch of the Jakarta Centre for Law Enforcement Cooperation (JCLEC). The Centre will be jointly run by Australia and Indonesia, and will give training, professional guidance and operational support to the region in combating transnational crime, with a special focus on counter-terrorism.

Indonesia is Australia's nearest neighbour. Motivated by the fear of: flows of illegal migrants and the potential flow of refugees, terrorist attacks in Australia or on national interests in Indonesia and the need for economic stability in the region, the present administration of John Howard has made strenuous efforts to build bridges with Jakarta. However, popular revulsion at attempts to resume military ties with the Indonesian army's elite unit, Kopasus, generally held responsible for much of the trouble in East Timor and elsewhere in Indonesia, ensured that such initiatives failed. So most engagement involved technical assistance and training for the police, and the judicial and financial sectors.

Before the tsunami, many senators in Washington continued to take a hardline stance against engagement with the Indonesian military because of the gross human rights abuses in East Timor, and the lack of political will in Indonesia to punish those indicted for crimes against humanity and other charges, such as General Wiranto. Many Western governments also condemned this inaction. The shooting of two US teachers at Freeport McMoRan's gold and copper mining operations in West Papua – thought to be linked to the military – reinforced the strong US Congress stance opposing the normalization of military-to-military relations. However, on 6 August 2004, a dangerous legal precedent for military impunity was set when an Indonesian appeals court announced that it was throwing out the convictions of a general and three other military officers for abuses in East Timor in 1999. More than a dozen military and government officials who faced charges related to these events have been acquitted. The US State Department said it was 'profoundly' disappointed with the trials. It is likely that no security officers charged with human rights violations in East Timor will serve time.

In the aftermath of the 11 September attacks, then President Megawati seized the opportunity to repair the damaged relationship between the two countries. She was the first foreign leader to visit the White House after 11 September. Presidents Bush and Megawati issued a joint statement declaring 'a new era of bilateral relations between Indonesia and the United States', and a comprehensive programme on political, diplomatic, security, economic and social issues for bilateral cooperation was outlined.

Britain has also had a special interest in helping create a secure environment conducive to investment. Before the tsunami, it was the second biggest foreign investor in Indonesia. Through the Department for International Development (DfID), the British government made it clear that Britain had a strong interest in seeing Indonesia develop into a healthy, transparent and stable democracy, in order to strengthen the Association of Southeast Asian Nations (ASEAN) and to bring stability to South-East Asia as a whole. The USA, Australia and other countries shared this interest.

Japan also had interests in Indonesia. It was the country's biggest inward foreign investor and largest donor. The economic, territorial and social security of Indonesia is of vital importance to Japan – not only are foreign investment interests at stake, but Indonesia supplies 80 per cent of Japan's natural gas. Japan also has significant oil interests in Aceh. The Mitsui Oil Company oilfield holds a 70 per cent joint venture stake with Medco Energy International in the Malacca Straits where there have been plans to invest US \$33 million.

Assistance concerns

The promise of aid and investment to fund the rebuilding of Aceh has been welcomed.

On 6 January, the UN Secretary-General launched an appeal and requested US \$977 million for immediate relief in the region, \$371 million of which was for Indonesia. At a donor meeting in Geneva on 11 January, 77 per cent of this amount was pledged, paralleling the incredible public generosity apparent in response to appeals throughout the world.

The 25 EU nations have earmarked US \$420 million in emergency aid since the disaster, and the EU head office has already promised another \$455 million in reconstruction aid. Contributions from the member states are expected to add to that figure. Other initiatives include a plan by the EU Fisheries Commission to donate European fishing boats that are due to be scrapped (and must be between five and 20 years old) as part of the downsizing of the EU's fishing fleet. This is just one example of 'inappropriate aid' being given to tsunami-affected countries. Some members of the European Parliament have reminded the Commission that many (if not most) local fishers prefer to use small non-motorized boats, so financial aid would be more appropriate.¹¹³

In a statement released by the White House on 9 February, President Bush said:

'I will seek \$950 million as part of the supplemental appropriations request to support the areas recovering from the tsunami and to cover the costs of relief efforts to date... We will use these resources to provide assistance to work with the affected nations on rebuilding vital infrastructure that re-energizes economies and strengthens societies.'

In the same statement, it was announced that through the Agency for International Development (USAID), the USA

*'will provide approximately \$450 million in additional grant assistance to help continue to support the people of Aceh and North Sumatra as they rebuild. These new, additional funds are in addition to more than \$100 million already provided by USAID and the Department of Defence for humanitarian assistance and supplies.'*¹¹⁴

This contribution puts the US at the top of the list of international donors. On 12 January, the Paris Club of creditors announced that:

'Considering the exceptional scale and the devastating effects of this catastrophe... [the Paris Club] will not

expect debt payments from affected countries that request such forbearance until the World Bank and the IMF have made a full assessment of their reconstruction and financing needs.’¹¹⁵

Australia announced on 5 January 2005, a \$1 billion contribution to a newly formed Australia–Indonesia Partnership for Reconstruction and Development (AIPRD). Prime Minister Howard said the funds – available over five years – would prioritize the tsunami-hit areas but would also benefit other areas of Indonesia. Of this \$1 billion, \$500 million would be grant assistance and the other \$500 million would be interest-free loans for ‘the reconstruction and rehabilitation of major infrastructure in the first instance’.

There have been discussions about how to address the debt owed by Indonesia to the IMF. However, there is a wealth of evidence that suggests development packages need to be linked to reform.

Between 1972 and 2000, the World Bank and IMF together disbursed a total of US \$232 billion to Indonesia and helped to underwrite Suharto’s regime. Transparency International has estimated Suharto embezzled as much as US \$35 billion in state funds during his three decades in power.¹¹⁶

But in the same way that the Indonesian authorities have shown a lack of political will to deal with KKN, so too have the World Bank, IMF, the Asian Development Bank (ADB) and other multilateral and bilateral donors. Strong rumours and circumstantial evidence of corruption on the part of President Suharto and his cronies was ignored by the international community. International actors were at a loss over what action to take that would not damage their own interests.

‘It is very difficult to know what the appropriate response is. We are in a very difficult position, trying to balance the interests of the Fund, while at the same time taking the Indonesian government to task for bad practice. The Indonesians have made a commitment to eradicate KKN. We decided to allow them to set their own timetable for progress towards achieving this. To be frank, I feel uncomfortable with this. But Fund policy is not decided by me.’¹¹⁷

In May 2001, an extensive report on ADB-funded projects in Indonesia by the Environmental Defence Fund (EDF) concluded that 70 per cent of ADB initiatives

failed to achieve lasting economic or social benefit for the people. It also stated that significant amounts of money had been lost to corruption. Yet, the ADB has stated: ‘poverty alleviation has become ADB’s overarching objective and all activities of ADB will be geared to achieving this goal’.¹¹⁸ Given that corruption creates and exacerbates poverty, it was paradoxical that the Bank’s only response to the findings of the EDF report was one of denial.

The IMF has also recognized long-standing problems of corruption, maladministration and ‘seriously’ deficient governance in both public and private sectors in Indonesia.¹¹⁹ However, in March 2003, the final year of the IMF programme, the scheduled \$469 million tranche of its bail-out package was disbursed following reports that Indonesia had made good progress instituting economic reforms.¹²⁰ Indeed, the IMF’s Letter of Intent, signed by the Indonesian government, committed it to increasing transparency and accountability in off-budget funding of government departments, including the military and police. In fact, efforts to improve transparency and eradicate corruption have failed. In 2004, Indonesia was ranked the fifth most corrupt nation by Transparency International.¹²¹

In 2003 Indonesia graduated from the IMF’s 1997–8 financial crisis rescue programme but still owed \$10 billion to the international lender. In 2003, the Consultative Group on Indonesia (CGI) made up of major donors, disbursed funds totalling US \$3 billion, and made a loan and aid commitment of US \$6.8 billion for 2004. By 2003, Indonesia’s debt to GDP ratio had decreased to 65.5 per cent from a high of 146.3 per cent in 1998 (Bank Indonesia figures). While this was a significant improvement, debt remained a debilitating burden on a fragile economy.

Such a heavy debt burden perpetuated the vicious cycle of debt, repayment and poverty, and restricted the Indonesian government’s ability to assign its own policy priorities based on its assessment of national needs. Pressure from donors in the past to meet the needs of the international community, usually by encouraging export-oriented policies, contributed to the uneven development experience of the Indonesian people.

Moreover, as illustrated in this report, the presence of foreign investors has often contributed to conflict and human suffering as they pursue ever larger profits. As the case of ExxonMobil illustrates, the Indonesian military, deployed by the government and paid for by the company, has wreaked havoc on vulnerable local populations in the name of foreign investment and profit.

Conclusion

Tragically, the devastation caused by the tsunami of 26 December 2004 has presented an opportunity for change. Before the tsunami, Indonesia's country profile in recent years had been one of increasing internal security threats, slower than expected growth, foreign investment flight, growing unemployment and countless other domestic problems. Furthermore, in the last few years it has become more difficult to engage with Indonesia as the government has shown an increasing tendency to close its doors to outside 'interference'. Statements such as that by State Minister of National Development Planning/Bappenas Kwik Kian Gie, urging Susilo's new government to pay its debts to the IMF and sever all ties, and accusing the Fund of behaving like a 'bossy supervisor' had become more common.¹²²

That Indonesia now needs assistance to rebuild Aceh is undeniable. The international community recognizes the need for change within the Indonesian security forces, and sees an opportunity to encourage a culture of professionalism. On the other hand, the donor community must seek to ensure that assistance given will not be turned to alternative uses.

'Democracy' and 'reform' continue to be buzzwords in Indonesia today, but the tone of optimism of the past has been replaced by one of disappointment or delusion.

In recent years, the relatively new Security Sector Reform (SSR) discourse presented a framework for governments to engage in a non-lethal way with 'problematic' states and their security forces.¹²³ It advocated a move away from traditional military-to-military/police cooperation to a more holistic view, including the financial sector and the judiciary as part of the broader security picture. But to apply a generic SSR agenda is flawed in Indonesia; because much of the debate rests on the premise that all government policy is based on a desire for democratization, civilian control of the security forces, a clear division between internal and external security functions, independence of the judiciary and a strong civil society role. As various peace initiatives have been in process and agreements signed, some actors, including DfID, have turned their attention too quickly to issues of reconciliation, post-conflict reconstruction and humanitarian assistance.

During the previous peace process in Aceh, that resulted in the (now defunct) CoHA, several interested parties came together to address protection of their interests. The EU, the USA, the World Bank, and Japan openly sup-

ported the continuation of peace talks in Aceh. This group co-sponsored a Preparatory Meeting on Peace and Reconstruction, attended by representatives of several foreign governments and international organizations. The aim was to encourage the signing of the agreement, and to secure pledges of support for the implementation of the agreement and for post-conflict reconstruction and development in Aceh. In reality, this conference was a foreign policy tool for those who were willing to 'give a little' in the hope of a high return on their investment.

This report has presented clear evidence that the 'for-profit' activities of the military and police in Aceh are a disincentive for peace in the province. It is to these activities, that the international community needs to focus upon when planning aid and development. Rather than giving assistance, for example, to effect reform of judicial mechanisms and processes, donors should impose a condition that the legal mechanisms should be reformed and evaluated using current cases involving misconduct of the security forces. While some might resist imposing such conditions on aid, areas in which conditions could be applied could be identified by the Indonesians themselves, based on policy priorities such as punishing those who bring the military and police into disrepute.

In a somewhat vain attempt to 'help' the Indonesian government to pursue and complete the hundreds of investigations of human rights abuses that are outstanding relating not only to East Timor but to many other areas, including Aceh, Australia and the UK have given advice and training to help Indonesia draft legislation, and to reform its legal mechanisms and processes. Training and technical assistance has been given to several bodies, including the Indonesian Human Rights Commission, and even to Supreme Court Judges. However there is little evidence to suggest that such training has had a positive impact. Indeed, a British police officer involved in a programme of training and technical assistance to Indonesia explained:

*'It's a mindset of opportunism that begins in the Police Academy. If you want to pass an exam, pay a little. If you want a higher mark, pay a little more. In this way, it seems corruption is part of the cadet curriculum.'*¹²⁴

With regard to the peace process in Aceh, informal contacts between GAM and the Finland-based Crisis

Management Initiative (CMI), the facilitator in the current negotiations, were underway before the tsunami, but were given a new urgency as the scale of the disaster in Aceh became clear. The talks in January were the first time in almost two years that the two sides had come together. This in itself was a positive sign.

A second round of peace talks ended on 25 February with no formal agreement, but both sides committed to further discussion. The self-proclaimed Prime Minister in waiting, Malik Mahmud, was quoted in various media as saying that GAM might indeed be prepared to compromise on its demand for independence, and would be willing to settle for 'self-government'. As headlines such as 'Aceh rebels drop demand for independence' spread through the international media, disappointment and incredulity were expressed by many Acehnese groups who had not been forewarned of this change of tactics and felt 'betrayed' by the GAM. In response to this, GAM issued a statement saying:

*'There have been some misquotations about GAM dropping its claim for independence. To be clear, GAM has not given up its claim for independence for Aceh.'*¹²⁵

The outcome of future rounds of talks remains unpredictable, but there does appear to be some political goodwill on both sides, indicating a measure of commitment to reaching a peaceful solution that has been less evident in past negotiations. The third round of talks will

take place in mid-April, but already one major sticking point is clear: GAM cannot easily renounce the demand for independence. One participant in an Aceh email discussion list voiced what is in the minds of many local people: 'GAM cannot abandon independence. It will be a betrayal of the thousands of people who have died for our cause.' The Indonesian Vice-President Jusuf Kalla has pointed out that it is unclear exactly what the new GAM buzzword of 'self-rule' means.¹²⁶

As previously mentioned, during joint relief work after the tsunami, members of the US military were 'suitably impressed' with the way the Indonesian military worked to clear bodies and rubble, and to deliver food.¹²⁷ This experience of a military whose 'public' behaviour has recently been quite different from that of pre-tsunami days was undoubtedly instrumental in the USA's recent decision to lift the restrictions on military-to-military training, and the USA has announced that Indonesia has satisfied legislative conditions for restarting its full International Military Education Training (IMET).

The Indonesian government is asking for financial, technical and other support for the medium term: 'we expect that the full reconstruction, and therefore recovery will be a process taking at least five years'.¹²⁸ The Minister of General Service, Joko Kirmanto, said that the total cost of reconstructing Aceh and North Sumatra will reach Rp 7,695 trillion. At least Rp 1,648 trillion is required in the first year.¹²⁹ The world's assistance is needed – the international community must shape this assistance to bring lasting improvements to the long-suffering Acehnese.

Recommendations

To the Indonesian government

- International standards on minority rights should be fully understood and immediately applied in Aceh, based on the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities (UNDM).
- The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) should be applied in full and Indonesia should report to the Committee on the Elimination of Racial Discrimination on its application in Aceh.

Responding to the tsunami

- The civil emergency should be immediately replaced with a declaration of a humanitarian emergency.
- The rights of minority groups should be integral to the relief, rehabilitation and reconstruction.
- The government must ensure that communities are not forced to change patterns of livelihoods that have been in place for generations. Fishing and farming communities must be allowed to return to the area of their choice – even if that falls within the coastal exclusion zone. The role of government and other agencies should be only as advisers and facilitators.
- The government must continue to give access to international teams to assist in the rehabilitation and reconstruction of lives and livelihoods as requested by the people of Aceh.

Ensuring a sustainable peace based on justice and minority rights

- Key experts on ensuring promoting peace through the protection of human and minority rights should be invited to Aceh for their advice, starting with the UN Special Rapporteur on Violence Against Women and the UN Special Adviser on the Prevention of Genocide.
- All further political processes, including peace negotiations, should have fair representation to reflect the ethnic, religious and gender composition of Aceh.
- Independent investigations into human rights abuses should be permitted and supported.
- Members of the government should cease making derogatory comments against NGOs.

Ending the military economy

- The government should establish an independent team to investigate the extent to which the military and police are involved in illegal economic activities in Aceh and elsewhere in Indonesia.
- The new law TNI 34/2004 should be expanded to immediately prohibit all economic activities by the military, including semi-legal activities, and should also detail punishment for violators. Any further moves to bring profit-making ventures under the Ministry of Defence should be prevented.
- The official defence budget should be public, transparent and accountable.
- Small business entrepreneurship should be encouraged to replace 'services' currently provided by the military.
- Compensation should be provided for those military officers who stand to lose from the ending of military business. This compensation should be a combination of financial assistance and professionalization. For example, a system of promotion by merit should be applied. The military pension scheme should be increased in scope and value.

To those involved in providing financial assistance in Indonesia, including relief work and those involved in supporting the peace process in particular to the USA, Netherlands, UK, Japan, Australia and Finland, the EU and the World Bank

- At a minimum, those working on peace and other assistance to Aceh should be familiar with the following:
 - All the minorities in Aceh, including their size, location, and history.
 - The history of the conflict in the region.
 - Basic standards of minority rights as they apply in Indonesia (including the UNDM and ICERD).¹³⁰
 - Applying minority rights to ensure a lasting peace.
- A team to monitor the situation of minority groups at danger of assimilation due to the war and economic destruction, such as the Tamiang, should be set up.
- A full and representative participation of all communities in decisions on aid and in peace negotiations, should be ensured.
- Traditional land ownership should be fully protected, particularly in areas affected by the tsunami.

- The recommendations set out above to the Indonesian government should be implemented, through persuading the government and also giving direct financial and technical assistance, e.g. in ensuring that the military economy ends and is replaced by civilian government and small business.
- At a minimum, a fully open and accountable defence budget is necessary before other assistance is given to the government.
- Unrestricted access to the territory of Aceh and its people must be assured for those working on peace and other assistance.
- Independent investigations into human rights abuses should take place immediately.
- Military aid should be specifically tied to progress on professionalization and the ending of the military's economic activities.
- Counter-terrorism training and the supply of weapons to special units of the Indonesian police should be stopped until credible assurance from the authorities and the Acehnese is received that such weapons will not be used against the civilian population.

Relevant international instruments

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities (Adopted by General Assembly Resolution 47/135 of 18 December 1992)

Article 1

1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.
2. States shall adopt appropriate legislative and other measures to achieve those ends.

Article 2

1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.
2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.

...

Article 3

1. Persons belonging to minorities may exercise their rights, including those set forth in the present Declaration, individually as well as in community with other members of their group, without any discrimination.

...

Article 4

...

5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

Article 5

1. National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.
2. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

International Covenant on Civil and Political Rights, 16 December 1966

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

Article 20

...

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

International Covenant on Economic, Social and Cultural Rights (Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966)

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

International Labour Organisation, No. 169 Indigenous and Tribal Peoples Convention, 1989

Article 7

1. The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.
2. The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans for the overall economic development of areas they inhabit. Special projects for development of the areas in question shall also be so designed as to promote such improvement.
3. Governments shall ensure that, whenever appropriate, studies are carried out, in co-operation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities. The results of these studies shall be considered as fundamental criteria for the implementation of these activities.
4. Governments shall take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit.

Article 13

1. In applying the provisions of this Part of the Convention governments shall respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship.
2. The use of the term lands in Articles 15 and 16 shall include the concept of territories, which covers the total environment of the areas which the peoples concerned occupy or otherwise use.

Article 14

1. The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.
2. Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.
3. Adequate procedures shall be established within the national legal system to resolve land claims by the peoples concerned.

Article 15

1. The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.
2. In cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programmes for the exploration or exploitation of such resources pertaining to their lands. The peoples con-

cerned shall wherever possible participate in the benefits of such activities, and shall receive fair compensation for any damages which they may sustain as a result of such activities.

Article 16

1. Subject to the following paragraphs of this Article, the peoples concerned shall not be removed from the lands which they occupy.
2. Where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned.
3. Whenever possible, these peoples shall have the right to return to their traditional lands, as soon as the grounds for relocation cease to exist.
4. When such return is not possible, as determined by agreement or, in the absence of such agreement, through appropriate procedures, these peoples shall be provided in all possible cases with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees.
5. Persons thus relocated shall be fully compensated for any resulting loss or injury.

Notes

- 1 Indonesian Ministry of Social Affairs, 21 February 2005.
- 2 Informal discussions with several members of the US military, Medan, 23 January 2005.
- 3 For further reading on Indonesian politics see: Siegel, J., *The Rope of God*, Berkeley, University of California Press, 1969; Siapno, J.A., *The Politics of Islam, Gender and Nation-state in Aceh, Indonesia: A Historical Analysis of Power Co-optation and Resistance*, PhD thesis, University of California, Berkeley; Robinson, G., 'Rawan is as Rawan does: the origins of disorder in New Order Aceh', *New Order*, vol. 66, pp. 127–56; Kell, T., *The Roots of the Acehnese Rebellion, 1989–1992*, Publication No. 74, Ithaca, NY, Cornell Modern Indonesia Project; various reports by Amnesty International, Human Rights Watch and Tapol; articles on Aceh from the magazine *Inside Indonesia* can be found at http://www.aceh-eye.org/data_files/english_format/analysis/analysis_inside-indonesia_data-eng/analysis_inside-indonesia-eng.html.
- 4 Kell, *op. cit.*, p. 13.
- 5 *Time* magazine ran a story on 24 May 1999 in which it reported that Suharto and his family had accumulated US \$15 billion during his time as president. Suharto sued *Time* in a US \$27 million defamation case. The former president lost.
- 6 Prior to the May 1999 separation of the police from the military, the armed forces were called Angkatan Bersenjata Republik Indonesia (ABRI).
- 7 Formerly the Henri Dunant Centre.
- 8 Speech by President Megawati Sukarnoputri at the 58th Session of the UN General Assembly, New York, 23 September 2003.
- 9 Military Information Team from the Restoring Security Operations Unit, *Tim Operasi Informasi, Operasi Pemulihan Keamanan (OPSLIHKAM)*, 16 September, 2004.
- 10 *Jakarta Post*, 10 June 2004.
- 11 Interview, 12 October 2004.
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- 13 Total territorial area claimed is 5.2m sq. km, 60 per cent of which is sea.
- 14 World Bank, *World Bank Development Report 2005: A Better Investment Climate for Everyone*. Data for 2002 is used as later statistics are not available.
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- 17 BPS Aceh statistics, August 2003.
- 18 The district of Gayo Lues was established under Law No. 4 of 2002, comprising 57 per cent from south-east Aceh. Bener Mariah was established from Central Aceh on 18 December 2003.
- 19 Planning and Development Bureau, Central Aceh, August 2003.
- 20 Kell, *op. cit.*, p. 16.
- 21 McCulloch, L., 'Greed: The Silent Force of the Conflict in Aceh', paper presented at the Asian Studies Association of Australia 2003, p. 94.
- 22 *Jakarta Post*, 13 March 2003.
- 23 *Jakarta*, July 2000.
- 24 *Media Indonesia*, 'TNI Butuh Anggaran Rp 46 trillion' [TNI needs a budget of Rp 46 trillion], 26 October 2004.
- 25 New TNI Law 34 of 2004.
- 26 McCulloch, *op. cit.*
- 27 Interview, December 2003.
- 28 Human Rights Watch, *Aceh at War: Torture, Ill Treatment, and Unfair Trial*, September 2004.
- 29 Cut Nur, along with all the other prisoners, was killed when the tsunami of 26 December 2004 swept the prison away.
- 30 Interview with lawyer from the Indonesian Legal Aid Foundation (YLBHI), Banda Aceh, August 2004.
- 31 Interview, Simpang Kramet, north Aceh, July 2004.
- 32 Interview with prisoner, Banda Aceh prison, July 2004.
- 33 Idris, 15 years, Lampulo, February 2002.
- 34 Interview, Bireuen, January 2002.
- 35 Interview, July 2003.
- 36 Confidential interview, Takengon, January 2002.
- 37 Former employee of ExxonMobil who was, for a time, directly responsible for the negotiations and 'payments' made to local military. A precondition of him agreeing to be interviewed was that his identity remains undisclosed. Interview took place in USA, April 2002.
- 38 Kontras, *Exxon Mobil Involved in Human Rights Abuses*, November 2001. The number of military guarding these facilities increased to around 5,000 by February 2002.
- 39 The Kontras report alleges that ExxonMobil pays a sum of Rp 5 billion per month. This is denied by the company.
- 40 Law No. 22 of 1997, *Narkotika*, includes marijuana in the definition of 'narcotics'. The law states that 'To import, to export, to produce, to grow, to store, to distribute and to use narcotic without strict control, is a crime...'
- 41 McCulloch, *op. cit.*, p. 18.
- 42 Interview, Banda Aceh, April 2002.
- 43 Interview, August, 2004.
- 44 As witness by the author in Simeulu, December–January 2002.
- 45 Many interviews with local villagers uncovered strong anecdotal evidence that PT Panto Teungku Abadi was paying significant sums of money to the local police while neglecting to pay the local villagers for road access.
- 46 As witnessed by the author.
- 47 Infocom (Information and Communications Department), Nanggroe Aceh Darussalam, *PAD Aceh Masuk dari Sektor Perikanan Rp 201.5 trillion* [Original income in Aceh from fisheries is Rp 201.5 trillion], 8 September 2004.
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- 49 Interview, Aceh Tamiang, 27 September, 2003.
- 50 Interview with local fisherman, Lampulo, November 2001. This man was so afraid of telling his story that he travelled to another district of Aceh to be interviewed. There are many similar stories from others whose identity must also remain unknown.
- 51 Interview with fisherman, Banda Aceh, November 2000.
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- 56 Personal observation.
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- 58 Red and white are the colours of the Indonesian flag.

- 59 Interview, Kuala Lumpur, 28 October 2004.
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- 65 Local villager who now collects nests for the military.
- 66 Interview with prison staff, October 2004.
- 67 All information about PTPN V and PT Satya Agung comes from a local journalist.
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- 72 Interview with 'Nurdin', September 2003.
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working to secure the rights of minorities and indigenous peoples

minority
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group
international

Aceh: Then and Now

Aceh hit the international headlines at the end of December 2004, due to a huge earthquake and tsunami that killed thousands, injured many more and wreaked havoc in this northern province of Sumatra, Indonesia. International aid has poured in and international teams are working alongside Acehnese and Indonesian teams. However, so much remains to be done.

What is not so well known is that before the tsunami, Aceh was in the midst of a conflict that has killed 15,000 civilians since 1976. The conflict is between the Indonesian forces and the Gerakan Aceh Merdeka (GAM, the Free Aceh Movement). *Aceh: Then and Now's* author Lesley McCulloch argues that the conflict has benefited the Indonesian military and police, who have run a large number of businesses – including illegal logging, gun running and drug operations – in Aceh. The author demonstrates that the Indonesian military and police have also been responsible for numerous violations of human rights in the province and seem to have acted with virtual impunity.

The people of Aceh are a minority within Indonesia, and within the province there are many ethnic groups and minority communities. Many of these groups have their own language and distinct cultural traits.

The tsunami has opened Aceh up to outside involvement and scrutiny. This could represent an opportunity for change in Aceh, with regards to the police and military's violations of human rights and, just possibly, an opportunity for progress towards an end to the conflict.

Aceh and all of its peoples desperately need assistance in the relief and reconstruction work for the short and longer term. Its peoples also need help to ensure that the abuses and violations of the past are not allowed to take root in the present and future. *Aceh: Then and Now* ends with a series of recommendations calling on the Indonesian government and international donors to take action.